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May 18, 1960

A. L. Fisk, Jr.

Cavanagh vs. Niagara Asbestos Co.

You have asked me to comment on the letter written by Mr. R. C. Braun of the above company to our Buffalo Office. You might wish to paraphrase and use the following thoughts in your reply to him.

> "For many years, we have recognized the fact that prolonged inhalation of asbestos fibres in sufficient quantities could cause pulmonary damage in certain individuals. In order to prevent pulmonary disease and subsequent disability to our employees, as well as financial loss in the form of workmen's compensation, we have instituted a thorough medical and hygiene program. Before hiring a person we require a thorough physical examination and chest x-ray to make certain that there is no pre-existing disease. Annually thereafter we repeat these examinations and x-rays on all people exposed to asbestos fibre. In our working areas we have a vigorous program of proper material handling methods to minimize the creation of dust, exhaust ventilation hoods and other devices which remove dust at the source of creation, and where this is not completely satisfactory we require the employees to wear respirators approved by the U. S. Bureau of Mines for pneumoconiosis-producing dusts. Wherever this program has been instituted and implemented we have created no new cases of asbestosis for many years."

Mr. Braun has asked what can be done to remedy the inequity of assessing the final employer with total liability for workmen's compensation rather than apportioning the liability of several employers with whom the employee developed his disease. I do not believe this ever will take place. In your files is a letter from Mr. Lovell to Mr. Braun which confirms my opinion.

Your file is returned herewith.

Kenneth W. Smith, M.D.

Attach.

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