Manville Internal Correspondence

To Rodger Wilson 2-20 Date 2/21/84

From Nancy Stead 2-17

Copies K. Page (w/encs.), W. Russell (Heller, Ehrman), File/Chrono

Subject **MEDICAL TESTIMONY BY VORWALD AND LANZA ON WHETHER TO MOVE PERSONNEL FROM DUSTY ENVIRONMENTS, 1950**

Enclosed are excerpts from testimony given by Dr's. Vorwald and Lanza on December 1, 1950, in a worker's compensation hearing entitled Haines v. J-M. The original plaintiff had been a worker at Manville plant for 9 years. He alleged permanent total disability due to asbestosis.

The transcript of the hearing and the file from which it came are being produced in the insurance litigation.

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Enclosures

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LEGAL DEPARTMENT

to known concentration of asbestos dust.

Q All right. A Now, that does not involve the same amount of men. I mean, you cannot identify them as asbestos workers, because there are perhaps a good many thousands of men who are working in asbestos industries who are not exposed to asbestos fibres.

Q All right. Now, let me ask you this: Have you ever, in your duties, come across a case in which you felt there was asbestosis, would you then order the man removed from further exposure? A Not necessarily, because that would depend on the man's age, and the ability of that man to do other kinds of work. I say that for this reason--

Q I am not talking about the human factor, I am talking about purely the pathological factor?

A Well, I was going to come to that, because we know that certain individuals, from a medical standpoint, get worse when they are removed from their occupation.

Q You mean mentally worse or worse physically?

A If people are ill, of course, we reflect upon their immediate return. But I do think we must exercise extreme caution before we discharge a man from industry by reason of the fibres that he has in his lungs. If I had a man about the age of forty, and if I saw

that after two or three years in a particular occupation exposed to dust, that he was developing pulmonary changes, I would advise him to get some other form of employment. If, on the other hand, he were over forty I would be extremely cautious, because he has worked for a good many years at his trade. The disease is not a rapidly progressing one, and we know by experience that, barring pulmonary disability, that this man is able, by reason of his taking precautions in his trade, is able to do a good day's work, and he wants to do it. There are many men like that.

Q Well, doctor, if a man is exposed to all the elements that cause the disease and continues to work at the plant, wouldn't the continued exposure be detrimental to him. A No, it may not because he belongs to that class that is not going to develop disease as rapidly as others. Again we know, going back to this individual virus where the man responds, he is not the type that fails to respond, that is not the type that is highly resistant, but in turn he is not the type again after the age of forty working at a certain occupation for a number of years, he is not extremely susceptible.

Q Well, doc tor, in your research, have you found

it is common practice that when a man with a case of pneumonoconiosis or a case of asbestosis, or any other form of pneumonoconiotic disease, that when that fact becomes known the general practice is to remove him from further exposure? A No, it is not, common practice. In our whole study of iron ore you will see thousands of men, and we don't advise removing the men from exposure to free crystalline silica because they have silicosis.

Q Well, wouldn't it hurt them if they continued?

A No.

Q Well, if the very thing that caused the thing is not removed, doesn't it make it worse, isn't that so?

A Not necessarily. We watch them. If he is getting worse then we do something about it.

Q By getting worse, do you mean these roentgenological changes or do you mean clinical findings and complaints? A Clinical findings and complaints.

Q So if a man comes to a point where he gets very tired every day, begins to cough more frequently, supposing that were so, you would take the fellow away, wouldn't you? A He comes to us, and if his complaints are justifiable and he wants to be changed. If he asks to be changed we might do so, we might advise

that he be continued, we usually accommodate i instance. The man don't wish to be changed.

Q Doctor, among the things, among the various different types of association, you said you followed some organization of compensation medicine?

A Yes.

Q What organization is that? A That is an association for compensation medicine, New York City.

Q And you represent whom? A I represent no one, I am a member.

Q Oh, I see. A Of the associatio

Q Who is your sponsor, doctor? A I don't have any sponsor.

Q Well, is it sponsoring of big industry?

A No, no.

MR. WILSON: I think that is all.

MR. HALL: Thank you, doctor.

(Witness excused.)

MR. HALL: Dr. Lanza, please.

D R. A N T H O N Y J. L A N Z A, called as a witness on behalf of the Respondent, being first duly sworn, testified as follows:

Q And why do you say that, sir? A Because there is absolutely no evidence of it.

Q You mean nothing in the x-ray films?

A Nothing on the x-ray films, yes.

Q Did he have any other disease of the lung that is shown by these films? A Nothing in his lung.

Q You also heard this morning, I think, my hypothetical question to Dr. Pendergrass, reading from the records of the testimony of Dr. Applebaum as to his interpretation of exhibit P-2, do you agree or disagree with that opinion? A I disagree.

Q Why do you say that, sir? A Because there is no evidence in the x-ray film to support the statement.

MR. HALL: You may cross-examine.

CROSS-EXAMINATION:

BY MR. WILSON:

Q Then I take it, doctor, you mean by that, that is your opinion as to the fact that there is no such evidence to support that statement?

A That is right, and based upon many years of experience

Q Of course. Doctor, did you not advise, in the

course of your writings that known silicotics or those suffering from pneumonoconiotic disease be removed from exposure? A I think before I answer that question--

Q I just asked you that question, if you don't mind, Dr. Lanza. A What?

Q I just asked you a simple question, and I think that can be answered yes or no. A I can't answer yes or no, because it depends on circumstances.

Q Well, doctor, I stated, did you not, in your writings make the statement that known silicotics or other people suffering from pneumonoconiotic diseases, I didn't say the exact nature of this disease, should be removed from further exposure? A I don't think so, not a categorial statement of that kind.

Q Well, qualifiedly, would you make that statement? A Qualifiedly? Yes.

Q What are the qualifications? A We have made many studies at the plant--

Q At what? A The plant.

Q Yes. A Industrial plants including asbestos plants. Now, in the given cases, I mean, of asbestosis fibre which involves exposure to asbestos dust, you have got people working there, and they may have varied degrees of asbestosis, but if