PERSONAL & CONFIDENTIAL

Mr. J. E. Begert, Mgr.
MANVILLE FACTORY.

Manville Factory
August 7, 1940

Re: Smutko vs Johns-Manville Corp.

In reply to Mr. Vandiver Brown's letter of July 30th, I submit the following answers to the questions in the order listed:-

1. It has been a factory rule since 1935 that in certain departments respirators are to be worn by employees at all times. However, this rule has not been rigidly enforced.

2. The N.J. Department of Labor has inspected our Plant periodically, averaging about once per year, but no report is made by the Department of Labor approving or criticising the conditions that may exist in the Plant. This has been done verbally. These inspections were made by Mr. John Roach and Mr. J. Felton.

3. During the period of Smutko's employment, a mechanized ventilating system was installed and was in use during his employment.

4. It is not possible to get the history of Smutko's family in view of the fact that they spent only a short time in the United States.

5. Our records show that ventilation was provided on March 31, 1937. In discussing this with Mr. Binder, we can assume that the dust count was the same from the date of installation of the artificial ventilation at the Crusher until the first dust count was made after the installation. However, Mr. Binder says it is perfectly natural that there would be a slight variation in the dust count from day to day because of climatic conditions, and also due to various types of fibres used. Two samples were taken of Arizona Fibre on June 23rd at the time the equipment was installed on #4 Crusher and both revealed that there were 2.6 million particles of dust per cu. ft. of air, and on C and G.Fibres, samples taken revealed 1.6 million particles.

6. According to the Supervisor of the Department, Smutko was never warned of any dust danger; It was not the policy of the Company to call things of this nature to the attention of our employees.

It is true that the head of the department at Glen Gardner Sanitarium agreed with Dr. Fritts and Miss Meirs that this was not a case of Asbestosis. In fact, Dr. English went so far as to say that he had never seen a case of Asbestosis from Johns-Manville. The name of the Doctor who prepared the admittance record of Smutko was Dr. Landry. Dr. English stated that it would not be possible to change the record at Glen Gardner unless the X-ray were sent to some authority such as Dr. Gardner at Saranac, and he advised that we make such a move.

Dr. English promised Miss Meirs on Monday, August 5th, that he would write a letter stating that in his opinion Smutko did not have Asbestosis but a case of pulmonary tuberculosis. As soon as this letter is received, I shall forward it to you. Miss Meirs is at present on her vacation and I had hopes that this letter would be received Tuesday or Wednesday.

In discussing this matter with Dr. Fritts, he was at a loss to name any competent physician in northern New Jersey who might be qualified to diagnose lung disorders. The only suggestio that he made was Dr. McConnell of Metropolitan or Dr. Gardner of Saranac.

C. W. Hite,
Ind.Rel.Mgr.

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