General Headquarters
February 8, 1939.

Mr. A. R. Fisher,
11th floor, GH

NEW JERSEY LEGISLATION -
OCCUPATIONAL DISEASES.

I hand you herewith one copy each of Assembly Bill No. 63, introduced on January 23rd by Mr. Ward, and of Assembly Bill No.31, introduced on the same date by Mr. Ferster, both of which have been referred to the Committee on Insurance.

Both bills would add pneumoconiosis to the list of compensable occupational diseases in New Jersey. The second would change the New Jersey law to make it one of the "all inclusive" types, so much abhorred by insurance companies and employers. The present statute in New Jersey is of the type which makes only listed occupational diseases compensable and the Ward bill would not change it in this particular.

Substantially similar bills have been introduced at practically every session of the Legislature during the past four or five years and we have looked upon them as objectionable from our point of view. On the last occasion when the Company's policy was formulated in regard to proposed changes in the New Jersey law which would make dust diseases compensable it was decided that we were opposed to any such changes. If that policy still guides us, then these two bills are objectionable not only because they would make dust diseases compensable but also because they are badly designed for that purpose.

In other words, even if our policy has changed on the general proposition we would still find bills such as these objectionable for the following reasons, among others:

(a) By specifying "pneumoconiosis", dust disease caused by asbestos is placed on the same footing as dust diseases caused by free silica, although the latter is conceded by all to be a far more serious menace;

(b) The machinery for determining the existence of the usual types of occupational diseases and the extent of injury or incapacity resulting therefrom is not adequate to deal with similar problems in connection with dust diseases, where diagnosis requires the use of X-rays of the lungs, which present manifold difficulties of interpretation and where dis-

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ability, except for a few disputed objective symptoms, must be determined by the testimony of the alleged victim;

(c) Since the onset of the disease is gradual over a greater or lesser number of years, provision should be made for dividing responsibility between several employers, all of whom contributed in some measure to the disability. Subsidiary to this aspect is the question of "accrued liability" as of the effective date of the Act.

It has long been my opinion that properly formulated occupational disease legislation covering dust diseases was desirable from the employers' point of view and I was not in agreement with the position taken by the Company at the last time the question was discussed and a policy formulated. If a bill were to be introduced in New Jersey which would make dust disease compensable and provide the minimum safeguards to prevent fraudulent or unjustified claims, I believe it would be well for us to re-examine our policy. However, there is no question in my mind whatsoever as to the undesirability of bills of the type attached.

In this connection candor forces me to admit I may have been wrong on the earlier occasions when I advocated our joining in the effort to make these diseases compensable. It is an impressive fact that nearly ten years have elapsed since a claim has been made by a Manville employee. However, I am keeping my fingers crossed.

Vandiver Brown.

VB:y

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