Johns-Manville

TWENTY-TWO EAST FORTIETH STREET
NEW YORK, N.Y.

January 22, 1935

Mr. M. F. Judd, Secretary,
Raybestos-Manhattan, Inc.,
Bridgeport, Conn.

Re: Mellon Institute of Industrial Research
Symposium on Dust Problems

Dear Mr. Judd:

As I indicated to you over the telephone this afternoon, I am enclosing a copy of a memorandum I prepared for Mr. Lewis H. Brown regarding my trip to Pittsburgh last Tuesday, January 15th, to attend the Symposium on Dust Problems held under the auspices of the Mellon Institute of Industrial Research.

Very truly yours,

Vandiver Brown
Attorney

VB:T
Enclosure

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Raybestos

MEMORANDUM RE:- MELLON INSTITUTE OF INDUSTRIAL
RESEARCH SYMPOSIUM ON DUST
PITTSBURGH - JAN. 15, 1935

On or about December 12, 1934 the Mellon Institute of Industrial Research addressed letters to some 65 industries having industrial disease problems inviting them to attend a meeting to be held under the auspices of the Institute on the 15th day of January. One of these invitations was received by the Asbestos Institute and, although the Asbestos Institute did not accept and was not officially represented, Johns-Manville Corporation requested and obtained permission to send a representative. The invitations expressly stated that "attendance at this meeting need entail no obligation".

Johns-Manville was represented at the meeting by the writer of this memorandum. Approximately 250 people were present representing over 50 industries which had accepted the invitation of the Mellon Institute. The Mellon Institute was greatly surprised at the remarkable response and it is my opinion that one cannot find a better indication of the serious nature of the problems it was the purpose of the meeting to discuss.

I was able to ascertain that the Mellon Institute had been prompted to call the meeting by representatives of the sand and glass and the refractories industries. Representatives of these industries conferred with Mr. E. R. Weidlein, Director of the Institute, and after advising him of the nature of their problem, of its wide-spread character and numerous remedial aspects, suggested the need of some form of concerted action on the part of those industries presently or potentially involved. I understand that Mr. F. W. Sherwood, Vice-President of Owens-Illinois Glass Company and Mr. Peyer Hitchins, President of the American Refractories Institute, were the persons who presented the situation to the Mellon Institute. Mr. Weidlein, on behalf of the Institute, agreed to cooperate to the extent of calling the meeting and having the representatives spend a day in Pittsburgh as the guests of the Institute. There was some preliminary discussion as to the possibility of using the Mellon Institute as a clearing house for information and research upon aspects of the problem common to all industries but definite commitments were postponed until after the holding of the meeting.

An impressive list of experts specializing upon various aspects of the dust problem attended the meeting and

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delivered addresses. Among these were Mr. A. C. Firth, a lawyer associated with Williams, Eversman and Morgan, Toledo, Ohio, attorneys for Owens-Illinois Glass Company; Dr. Eugene P. Pendergrass of the X-ray Laboratory, University Hospital, Philadelphia; Dr. A. J. Lanza, Assistant Medical Director of the Metropolitan Life Insurance Company; Dr. R. R. Sayers, Medical Officer in Charge of U. S. Public Health Service; Professor Philip A. Drinker of the School of Public Health, Harvard University; Mr. F. Robertson Jones, General Manager, Association of Casualty and Surety Executives; and Mr. Donald E. Cummings, Assistant Director, Saranac Laboratory for Study of Tuberculosis.

The addresses delivered by these specialists, togeth with the open discussion that followed them, revealed, among othe things, the very menacing character of the problem, its complex nature, the uncertainties attending most of its aspects and the necessity of some form of united action by the afflicted industri

It was recognized that some aspects of the problem were peculiar to special industries but it was equally evident that other aspects were common to all. For example, only two forms of dust, namely, free silica and asbestos, are definitely known to produce disabling fibrosis of the lung. Even in the case of these dusts the problems resulting therefrom are quite different since the fibrosis resulting from silica is of a much more serious character than that resulting from asbestos in that the former predisposes to tuberculosis and is much more likely to have a fatal termination. On the other hand (and this illustrate one of the most serious aspects of the problem that is common to all dust producing industries) the fact that no other dust is known to produce disability has not prevented entirely groundless claims aggregating millions and even hundreds of millions of dollars being brought against industries which have no silica or asbestos dust hazard. For example, Dr. Lanza pointed out that no one had ever maintained that gypsum dust was harmful and yet, nevertheless, the gypsum industry had suits pending against it covering claims in excess of four million dollars.

It appeared that among the problems common to all industries were the following:

(1) The menace of ambulance chasing lawyers in combination with unscrupulous doctors. The uncertainties surrounding diagnosis of any of the various forms of pneumonoconiosis are so many that a question of fact is presented in every case. Expert testimony can be produced by both plaintiff and defendant and it is for the jury to decide whose experts are

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correct in their interpretations. In making this decision, the jury is not likely to favor the opinion of the experts produced by the employer.

(2) The desirability of making various dust diseases compensable under properly drawn workmen's compensation laws. One of the speakers stated that "the strongest bulwark against future disaster for industry is the enactment of properly drawn occupational disease legislation". Such legislation would (a) eliminate the jury and empower a Medical Board to pass upon the existence of the disease and the extent of the disability; (b) eliminate the shyster lawyer and the quack doctor since fees would be strictly limited by the law; and (c) permit the correcting of initial mistakes in the making of awards by providing for hearings to reduce or eliminate awards if proof could be adduced that the claimant was not disabled or that the extent of his disability had been overestimated.

(3) Problems of ventilation, dust collecting and elimination, and respiratory devices.

(4) The establishing of standards (a) for dust counting and particle size determination, (b) for the taking of X-rays for diagnostic use, and (c) for the interpretation of the markings on the films so produced.

At the close of the discussion a Mr. Kurtz, Vice-President of American Refractories Corporation, made a motion that Mr. William P. Yant, Chairman of the meeting appoint a nominating committee who would nominate a group of individuals to serve as a committee for the formulation of ways and means to bring about effective cooperation of some character between the various industries for meeting and combating those phases of the dust problem common to all. This motion was carried and a Nominating Committee appointed which retired and upon returning presented to the meeting the names of seven individuals to act as such Committee. No other names having been placed in nomination, the following were elected to act as the Committee and report back to the various industries and groups represented at the meeting or to whom the invitation had been originally extended:

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Vandiver Brown representing Asbestos, Cork and Non-Metallic

Dr. B. D. Saklatwalla representing Chemical, Abrasives, Alloys and Non-Ferrous Metals

E. O. Jones representing Foundries

A. W. Sherwood representing Glass Sand, Ground Sand and Glass Manufacture

A. J. Gentholts representing Iron, Steel and Ores

A. J. R. Curtis representing Lime, Limestone, Cement and Gypsum

Roger A. Hitchins representing Refractories, Ceramics and Clay

I explained to the other members of the Committee that I had been sent to the meeting solely as an observer and had no authority from Johns-Manville Corporation to accept membership on the Committee and certainly none from the Asbestos Industry as a whole. I was urged, however, to meet with the Committee and agreed to do so on the condition that I might withdraw if approval of my serving in that capacity should not be forthcoming. I pointed out that members of the Asbestos Industry did not care to be associated in the minds of the public or of employees with those industries whose problem was silicosis and that for this reason I felt there might be some opposition to having a representative of the Asbestos Industry working with them. I did indicate, however, that I realized numerous aspects of our problem were the same and that if cooperation could be worked out without an undue amount of publicity, Johns-Manville Corporation and perhaps the Asbestos Industry as a whole, would in all likelihood be willing to cooperate. It was the opinion of the Committee that this condition would not present any insuperable difficulty.

Mr. Roger Hitchins, President of American Refractories Institute, was made Chairman of the Committee which held a meeting Tuesday evening after the close of the Symposium. Mr. Hitchins was designated to meet with Mr. Waidlein of the Mellon Institute and ask him to make a proposal in definite and concrete form as to the manner in which the Mellon Institute might be able to assist the various industries for a fee of $25,000. When this proposal has been received and approved by the members of the Committee, it will be submitted to the various industries with the recommendation that it be accepted and that the various industries or individual corporations agree to stand pro rata for a proportionate amount of the fee not in excess of a definite specified sum.

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I gathered that the proposal which would be made by the Mellon Institute would include, among others, the following:

(a) The compiling of a comprehensive bibliography of all books, treatises and publications dealing with any aspect of the dust problem; and the evaluation thereof.

(b) The compiling, digesting and correlating of data and information from various subscribing industries relative to their particular experiences.

(c) The drafting of approved workmen's compensation legislation covering pneumonoconiosis.

(d) The digesting of the laws of the various states which might affect the operations of industries presenting a dust hazard.

(e) The outlining of problems requiring research or the establishment of fixed standards and the prevention of duplication of effort and expense along these lines.

The interest with which the discussions were followed and the enthusiasm which greeted the proposal for unified effort lead me to believe that the necessary support will be found for some sort of program along the above lines.

VANDIVER BROWN
January 18, 1935

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