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Home Office Headquarters
May 25, 1933

Mr. [illegible] Merrill

Home Insulation Dust Cases

You have received copy of Mr. Brown's letter to me of May 22nd under the above subject.

Will you please issue specific instructions to our own subsidiary companies as outlined by Mr. Brown and at the same time prepare a letter along the lines that he has suggested to be sent to the approved Home Insulation Contractors. Please clear this with Mr. Brown before sending out.

P. A. Andrews

CC: Mr. V. Brown - Stamford

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General Headquarters
May 22, 1933

Mr. P. A. Andrews,
8th Floor.

Re: Home Insulation Dust Cases

The two actions brought against Home Insulation Company Incorporated of New Jersey by former employees resulted in decisions favorable to the defendant.

Mr. Hughes of Manville attended the trial of these actions and made notes thereon.

In order to escape the charge of negligence in possible future cases of similar character the following steps should be taken in each case where the Sales Corporation or any of its subsidiaries may be engaged in applying home insulation:

(1) A mask of standard recognized make suited for the particular type of dust condition should be provided each employee as each job is commenced. The masks should be numbered and loaned to the employee at the commencement of each job. In each such case the employee should sign a receipt for his mask and these receipts should be carefully preserved.

(2) In every case where work is done indoors, the employees in addition to wearing their masks should see that the windows are kept open and they should be advised as to the desirability of having as much ventilation as possible.

(3) The Home Insulation Contractors should post notices on each job advising or warning the employees that long exposure to the dust might cause them injury and recommending the use of the masks provided by the company when engaging upon or performing any phase of their work where excessive dust is encountered.

I think that all of our Approved Home Insulation Contractors should be advised as to the steps we are taking in this particular with the recommendation that they safeguard themselves in like manner. However, at the same time we make these recommendations we should expressly disclaim any liability so far as the Approved Contractor is concerned in the event he gets into difficulties. Our

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attitude should be that these New Jersey cases reveal the possibility of claims being made against the contractor for negligence in failing to provide proper safeguards against dust; that long continued exposure to the dust may actually cause injury to the lungs of the workers; and that consequently the workers should be advised of this danger and provided by the employer with appliances in the way of dust masks and with instructions as to how and when they should be used.

VANDIVER BROWN
Legal Department

VB:I

Copies to: Mr. E. H. Voorhees
Mr. S. A. Williams
Mr. H. B. Sherrill