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Mr. Blaine Baltimore Claim 3/20/62

W.E.Shoemaker/ml Upper Darby Eng.

REC'D MAR 21 1962

S. P. Knopp
Vs: Leroy Insulating Company
OD Cancer-Asbestosis

The following information was available to me in the Baltimore Claim File, reviewed for advice to Mr. Wray. The deceased started to work for the risk March 18th, 1957, left their employment on July 7th, 1961 and died on August 11th, 1961. Nowhere could I find the age of the deceased - the file was in the office of Attorney Porth. The deceased was a foreman for our risk and for fifteen years prior to our insured's employment had been a foreman for the Standard Insulation Company, Baltimore. There was no information as to the operations of the Standard Insulation Company, nor did our lawyer know at the time of my call. A medical report by Sylvia Sussman, M. D. stated that the insured had been known to smoke two packs of cigarettes per day for the last twenty years. Other evidence in a statement from the deceased's sister said that he had had quite a cough for years. The above physician gave a final diagnosis, "Carcinoma of the lung with matastases disease to lymph nodes and liver. Pneumoconcosis of the lung -".

I am attaching photostat of letter by Russell S. Fisher, M.D., Chief Medical Examiner, City of Baltimore sent to Attorney Porth on February 3rd.

Mr. Blaine asked that I talk with Attorney Porth regarding possible defense of such a claim. Mr. Porth showed me the products said to be applied by this risk and the marjority of them were of a synthetic nature, such as PVC or rock wool. The only two asbestos products were corrugated pipe covering made of paper plus what appeared to be magnesia sectional piping, both of which products only contain from ten to fifteen per cent asbestos.

I concurred with Mr. Porth that the references referred to by Doctor Fisher are certainly in existence although Huper sees cancer as arising from almost everything, is not respected by his colleagues even though he has been a physician in the National Institute of Health.

However, there were doubts in my mind as to what competent person had made a diagnosis of asbestosis. There is no asbestos industry to speak of in Baltimore although natur-

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ally, they do have highly qualified physicians. The Doctor Fisher inquestion is a professor of Forensic Medicine both at the University of Maryland and Johns Hopkins. While he is no doubt highly qualified in the field of legal medicine, in the last paragraph of his letter it surprised me to see him settling for deciding Mr. Blaine's case for him - I thought the man was asked for medical advice and not for legal advice.

Therefore, I suggested to you ~~that~~ Doctor Kenneth W. Smith, Medical Director, Johns-Manville Corporation, 22 East Fortieth Street, New York 16, N. Y., whom I have met on several occasions. At the request of Mr. Blaine, I phoned Doctor Smith this morning and he supplied the following information.

(1) Doctor Smith would suggest that the tissues and slides be examined for other toxic materials. He suggested that a section of the lung be made for such an examination - I could not tell him from the information I had whether such a section was in existence.

(2) Medical authorities should be unable to pin down asbestos exposure as the sole cause of the cancer which is said to have killed the man - no one knows the actual cause of cancer. This is the reason for identifying other materials in the available tissues. The matter of heavy smoking should be built up although no evidence may remain in the lungs of the effects of smoking.

(3) Doctor Smith cannot testify in defense of such cases - he says he has tried it and has always had his testimony discounted as being in the employ of a large asbestos producer.

(4) He suggested for expert medical testimony the use of A. J. Lanza, M. D., New York University Medical Center, 550 First Avenue, New York 16, N. Y. Doctor Lanza is one of the pioneers in Industrial Health, retired as Medical Director for the Metropolitan Life Insurance Company. Doctor Smith advises that Doctor Lanza has just completed a study in an asbestos brake lining plant in Manheim, Pa. in order to determine the incidence of cancer among asbestos exposed workers. I believe you can rest assured that Doctor Lanza must not have found much cancer in this plant or Doctor Smith would not be recommending him. Doctor Lanza is an international figure in the Industrial Health Field.

Doctor Smith offered the following information on their own experience with asbestos and cancer. In New Jersey they operate plants employing some 5,000 employees exposed to asbestos and in the last ten years the employee group have reported sixteen cases of cancer. This is the same ratio

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of development of cancer as would be expected among the population who have not been exposed to asbestos. Of particular interest is the fact that among 500 asbestos textile workers, no cases of cancer have developed - all the cancer has been elsewhere. The reason this is of particular interest is that the major exposure to asbestos dust, at least in my experience, has always been in the textile end of the business.

He said that where a claim for lung cancer among the above cases did arise, they have only paid for it on the basis of the employee showing evidence of advanced stages of asbestosis - mainly because of what they feel to be their moral responsibility although, of course, with the selfish reason of making a quiet settlement rather than having the case recorded in the law journals.

Please understand that I have no fixed opinions about this case, particularly as there seemd to be very limited information available when I was in Baltimore. However, it did appear important to me that a doctor having previous experience in the asbestos trades be given a look at the lung x-rays as well as the tissue material. Years ago all the large mutual casualty companies issued the following statement by their committee on occupational disease in regard to control of claims in foundries, "It is recommended that x-ray interpretations be made only by physicians who are qualified to interpret x-rays and who have training and wide experience in the diagnosis of silicosis, tuberculosis and other respiratory ailments." Asbestosis is an even more rare disease than silicosis. It is true that there may be asbestos particles in the tissues examined by the doctor but I have no doubt but what such bodies could be found in the lungs of our engineers serving a large asbestos producer in the Philadelphia area. In years back when considerable quantities of asbestos were handled, they employed as many as 1,000 people and so far, in spite of the development of a number of asbestosclaims, we also have had no claims for cancer arising from such exposure as yet.

Industrial Hygienist

cc: Mr. Wray, Baltimore
Mr. Skinner, Home Office Engineering