JOHNS-MANVILLE CORPORATION

TWENTY-TWO EAST FORTIETH STREET

NEW YORK 16, N.Y.

EXECUTIVE OFFICES

January 14, 1948

Dr. Arthur J. Vorwald
The Saranac Laboratory
Saranac Lake, New York

Dear Dr. Vorwald: Re:

Mr. Dominic Bertogliat, who had been with Johns-Manville for more than twenty-one years and who was one of the superintendents at our Waukegan, Illinois, plant, left the Company on October 31, 1947, after a rather long period of poor health. He went up into Wisconsin to help his father-in-law run a store, and died on December 23.

His wife wrote a letter to our Waukegan plant under date of December 29, in which she said that a post-mortem examination performed at the Lesaba Clinic in Hibbing, Minnesota, revealed that the cause of death was "of an occupational nature, specifically asbestos infiltration." A copy of her letter is attached.

Mr. Bertogliat was examined by our local plant physician on several occasions, as well as by other doctors. One such examination was by Dr. Ernest E. Irons, 122 South Michigan Avenue, Chicago 3, and I am sending you attached a copy of his letter of January 9, 1948, to Dr. C. F. Tenney, of New York.

Mr. Jackson and I discussed this subject yesterday with Dr. Lanza, who feels, as we do, that this should be referred to you. Dr. Lanza feels that you will be interested in it.

Our Waukegan plant is sending to us X-rays and full data on past examinations. Mr. Jackson will be in touch with you and will send you this information as soon as it reaches us.

Dr. S. L. Keller, our plant physician at Waukegan, is to get in touch with the Hibbing Clinic in connection with specimens and data that may be obtained from them. You may wish to write to Dr. Keller, c/o of Johns-Manville Products Corporation, Waukegan, Illinois, in connection with this case. If you do so, will you please send a copy of your letter to us here and to Mr. C. R. Wikel, plant manager at Waukegan.

I know that you will require data of previous physical examinations and information on Mr. Bertogliat's work record with us, and I am sure that Mr. Jackson will supply you with this information.

This man was a valued employee and that is the reason for seeing that he had a number of examinations by leading men in the medical field. Information which resulted from those examinations showed no indication of an occupational disease and we are, frankly, shocked and amazed to receive the information on the findings of the Hibbing Clinic.

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If when you have received all the information from us you would like any additional data, please let us know.

Yours sincerely,

J. P. Woodard

Enclosures

Copy to: Dr. A. J. Lanza, Metropolitan
Mr. Vandiver Brown
Mr. H. K. Jackson

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December 29, 1947

C O P Y

Mr. Emmett Day
Industrial Relations Manager
Johns-Manville Corp.
Waukegan, Illinois

Dear Emmett:

In my profound grief over Dom's sudden death on December 23, 1947, I find I must report that the post-mortem examination revealed that the cause of death was definitely of an occupational nature, specifically asbestos infiltration.

A complete pathological report may be obtained from Dr. L. W. Johnsrud and Dr. R. S. Derifield, both of the Mesaba Clinic in Hibbing, Minnesota.

In as much as I have been informed that the company is liable, may I have your advice as to the proper procedure to take in filing a claim of this nature.

Sincerely,

(signed)
Rose Bertogliat

Keewatin, Minnesota
Box 1317

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December 29, 1947

C O P Y

Mr. Emmett Day
Industrial Relations Manager
Johns-Manville Corp.
Wankegan, Illinois

Dear Emmett,

In my profound grief over Dom's sudden death on December 23, 1947, I find I must report that the post-mortem examination revealed that the cause of death was definitely of an occupational nature, specifically asbestos infiltration.

A complete pathological report may be obtained from Dr. L. U. Johnsrud and Dr. E. S. Derifield, both of the Mesaba Clinic in Hibbing, Minnesota.

In as much as I have been informed that the company is liable, may I have your advice as to the proper procedure to take in filing a claim of this nature.

Sincerely

/s/
Rose Bertogliat

Keewatin, Minnesota
Box 1317

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August 19, 1948

Mr. H. M. Jackson
Safety Engineer
Johns-Manville Corporation
22 East 40th Street
New York 16, N. Y.

Re: Dominic Bertogliat
F-48-415

Dear Mr. Jackson:

We have forwarded our report concerning the above case to Doctor Berdez, Pathologist, St. Mary's Hospital, 429 East Third Street, Duluth 5, Minnesota. As you will recall from previous correspondence, he made the material available to us for study and requested a copy of the report concerning our findings and interpretation.

Although individual susceptibility has been mentioned often to explain the variable incidence of pulmonary damage in a group of employees similarly exposed to harmful dusts, nevertheless we have never been able to demonstrate the existence of natural or hereditary factors which might account for such variability. Experimentally, different animals of the same species react essentially the same to similar exposures.

In contradistinction, however, there are acquired factors which play a significant role. The major one of these is of the respiratory system. Whether active or healed, it may alter the anatomy and physiology of that system thereby allowing greater ingress of the harmful agent into the lung permitting excessive pulmonary retention and stimulating inflammatory reaction. In addition, there are other seemingly important factors, including previous dust exposure, which may modify the reaction to other dust inhaled in subsequent unrelated exposures. Thus, the bituminous coal miner and the hematite miner react differently to silica than do those without previous exposure to dust. Age and general health might also be maintained as acquired predisposing factors.

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In general, it is most difficult to evaluate the role of individual susceptibility as a determinant of the pulmonary condition resulting from exposure to a dust. It is clearly established that the mineralogic composition, the particle size, the atmospheric concentration and the duration of exposure are of prime importance in the etiology of any pulmonary damage resulting from the inhalation of dust.

In consequence of the above, I can see no other alternative than to anticipate others with similar exposures to be similarly affected, but I expect also that individual susceptibility will effect some selection.

Sincerely yours

Arthur J. Vorwald, M. D.
Director

AJV:bw

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Johns-Manville

CORPORATION

JM

Telephone: LExington 2-7600

22 East 40th S
New York 16,

August 13, 1948

Arthur J. Vorwald, M. D.
The Saranac Laboratory
7 Church Street
Saranac Lake, New York

Re: Dominic Bertogliat
F 48-415

Dear Dr. Vorwald:

Appropriate steps have been taken at Waukegan toward the settlement of this case.

As you can readily understand, I am particularly concerned that the type of exposure to which Mr. Bertogliat was subjected should produce the evident results. To our way of thinking, although he had worked in the general area for a number of years, the degree of exposure was relatively slight. That is, he was subjected not to a concentrated exposure of any particular part of the process but rather only to that of the general atmosphere. Since there are numerous others who also have this type of exposure, I would appreciate your opinion as to whether Mr. Bertogliat might have had some individual susceptibility to the asbestos irritation and/or whether we should anticipate others with similar exposures to be similarly affected.

Very truly yours,

H. W. Jackson
Safety Engineer

HWJ:JLC

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August 2, 1948

Mr. H. M. Jackson
Safety Engineer
Johns Manville Corporation
22 East 40th Street
New York 16, N.Y.

Re: Dominic Bertogliat
F-48-415

Dear Mr. Jackson:

In acknowledging your letter of July 23, we would appreciate knowing when appropriate steps have been taken. I am sure that you recognize my obligation to Doctor Perdez to forward my findings to him. Thus far, I have merely returned the slide.

With kindest regards,

Sincerely yours,

Arthur J. Vorwald, M.D.
Director

AJV:LB

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Johns-Manville
CORPORATION

Telephone: LExington 2-7600

22 East 40th Street
New York 16, N. Y.

July 28, 1948

Arthur J. Vorwald, M. D.
The Saranac Laboratory
7 Church Street
Saranac Lake, New York

Re: Dominic Bertogliat
PH8-415

Dear Dr. Vorwald:

I was out of town for several days so I have just had opportunity to read your letter of July 20. We appreciate your efforts in obtaining the tissue specimens and are, as you can understand, disturbed by the findings.

Because of the personal relationships involved in handling this case at the Waukegan plant, it would be desirable for us if your report to Dr. Berdez could be delayed for a time. I could advise you when the appropriate steps have been taken at Waukegan. I do not believe the delay would be more than two or three weeks.

We appreciate your interest and opinion.

Very truly yours,

H. L. Jackson
Safety Engineer

HLJ:JLC

CRMC-Motley1000-Subj-000759

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July 20, 19

Mr. H. M. Jackson
Safety Engineer
Johns-Manville Corporation
22 East 40th Street
New York 16, New York

Re: Dominic Berto
P-48-415

Dear Mr. Jackson:

After much effort, we have finally obtained t
apropos the case of Dominic Bertogliat. This was
to us by Dr. C. Berdes, Pathologist, St. Mary's Ho
Duluth, Minnesota, who performed the autopsy.

A copy of the report disclosing my findings i
herewith. You will note that the case is one of m
advanced asbestosis. Eventually I will be obliged
a copy of this report to Doctor Berdes.

Should you have any comment, please advise.

With kindest regards,

Sincerely yours,

Arthur J. Vorwald, M.
Director

AJV:LB
Enc.

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Johns-Manville
CORPORATION

Telephone: LExington 2-7600

22 East 40th Street
New York 16, N. Y.

July 16, 1948

P-H8-H15

Arthur J. Vorwald, M. D.
The Saranac Laboratory
7 Church Street
Saranac Lake, New York

Re: Dominic
Bertogliat

Dear Dr. Vorwald:

Your lack of optomism concerning your letter from Dr. Derifield in reply to your letter of June 14 apparently is justified.

I would appreciate your comments as to the ethics involved if we were to request from the widow the name of the individual or individuals who expressed themselves as believing that the cause of death was "industrial asbestos infiltration". Since the autopsy made no mention of the presence or absence of such, we feel it would be advisable to know the source of that opinion referred to in her original letter of claim to us.

Very truly yours,

H. M. Jackson
Safety Engineer

HMJ:JLC

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Enc.

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June 3, 1948

Mr. H. M. Jackson
Safety Engineer
Johns-Manville Corporation
22 East 40th Street
New York 16, N.Y.

Re: Dominic Bertogliat

Dear Mr. Jackson:

Your letter of June 1 has arrived in Doctor Vorwald's absence. He is expected in the Laboratory next Monday, at which time it will be brought to his attention.

Sincerely yours,

(Mrs.) Lillian R. Blinn
Executive Secretary to
Arthur J. Vorwald, M.D.
Director

LB

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Johns-Manville
CORPORATION

JM

22 East 40th Street
New York 16, N.Y.

Tel. LExington 2-7600

June 1, 1948

Arthur J. Vorwald, M. D.
Director of Research
Saranac Laboratory
7 Church Street
Saranac Lake, New York

Re: Dominic Bertogliat

Dear Dr. Vorwald:

It is indeed unfortunate that the tissue taken at the autopsy was discarded. It would have been beneficial for all concerned, I believe, to have had further study of the specimens at Saranac.

You will note from the attached letter copy, that someone had evidentally informed Mrs. Bertogliat that the post mortem revealed "asbestos infiltration". I would assume that the source of this information was the same as the report forwarded to you. However, as you have pointed out, there is nothing recorded concerning the character of the emphysema.

Would it be in order to inquire of Dr. Derifield and/or Dr. Berdez whether or not there were any findings or observations beyond those recorded in the autopsy report. If further opinion could be obtained regarding the absence or presence of pneumoconiosis, it would assist us greatly in processing the case.

Very truly yours,

H. M. Jackson
Safety Engineer

HMJ:JLC
Attachment

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W-23

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May 20, 1948

Mr. E. N. Jackson
Safety Director
Johns-Manville Corporation
22 East 40th Street
New York 16, N.Y.

Re: Dominic Bertogliat

Dear Mr. Jackson:

We are returning herewith by registered mail your file and x-ray films on Mr. Bertogliat. Doctor Vorwald reported on this case under date of March 12.

Sincerely yours,

(Mrs.) Lillian R. Blinn
Executive Secretary to -
Arthur J. Vorwald, M.D.

LB
Encs.

CRMC-Motley1000-Subj-000766

April 30, 1948

Mr. E. M. Jackson
Safety Director
Johns-Manville Corporation
22 East 40th Street
New York 16, N.Y.

Re: Dominic Bertogliat

Dear Mr. Jackson:

With further reference to my letter of March 12 regarding Mr. Bertogliat, we have today received from the Mesaba Clinic, Hibbing, Minnesota, a copy of the autopsy report.

The report is only an account of the gross findings signed by George Berdez, M.D., who, I assume, performed the post-mortem examination. The anatomical diagnosis which he made discloses bullous emphysema of the lungs, bronchiectasis, hypertrophy and dilatation of the right ventricle of the heart and edema and congestion of the lungs. Nothing is recorded apropos the character of the emphysema and there is no statement regarding the presence or absence of pneumoconiosis, either silicosis or asbestosis. Tuberculosis is not mentioned as a complicating factor.

A letter from Randall S. Derifield, M.D., of the Mesaba Clinic, dated April 26, enclosing the autopsy report, stated that the tissue taken at autopsy has been discarded. This is most unfortunate since we are now in no position to verify the gross observations.

In consequence of the above, we are unable to analyze the etiological basis for the roentgenographic shadows which have been reported heretofore (my letter of March 12). We would be glad to follow any suggestions which you might care to make.

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RDB 11/13/79

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Mr. H. M. Jackson
Johns-Manville Corporation April 29, 1948

Re: Dominic Bertogliat

We are retaining the chest roentgenograms pending the arrival of Mr. Woodard and Mr. Brown, who plan to visit us here at the Laboratory next week. It may be that they will wish to discuss this particular case.

Sincerely yours,

Arthur J. Vorwald, M.D.
Director of Research
The Edward L. Trudeau Foundation

AJV:LB

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April 24, 1948

Mr. H. M. Jackson
Safety Director
Johns-Manville Corporation
22 East 40th Street
New York 16, New York

Re: Dominic Bertogliat

Dear Mr. Jackson:

We have not as yet been successful in obtaining the autopsy findings or any tissue of Dominic Bertogliat. Doctor Bowen of the Mesaba Clinic at Hibbing, Minnesota, advised under date of March 15 that he had written to Dr. G. B. Berdez, autopsy surgeon, to send this material to us and that if we didn't receive the information promptly he would be glad to make further effort in our behalf. Several days ago we again called on Doctor Bowen for any help he might be able to give us.

As soon as we are in receipt of the above material, Doctor Vorwald will again communicate with you.

Sincerely yours,

(Mrs.) Lillian R. Blinn
Executive Secretary to -
Arthur J. Vorwald, M.D.

LB

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Johns-Manville
CORPORATION

Telephone: LExington 2-7600

22 East 40th Street
New York 16, N.Y.

April 22, 1948

Mr. E. L. Jackson
Arthur J. Vorwald, M. D.
Director, The Saranac Laboratory
Saranac Lake, New York

Re: Dominic Bertogliat

Dear Dr. Vorwald:

Have you been successful in obtaining the information you needed from the Kesaba Clinic? Please do not hesitate to let me know if there is anything else I can do to help.

Very truly yours,

E. L. Jackson
Safety Director

ELJ:JLC

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March 12, 1948

Mr. H. K. Jackson, Safety Engineer
Johns-Manville Corporation
22 East 40th Street
New York 16, N.Y.

Re: Dominic Bertogliat

Dear Mr. Jackson:

We have reviewed the reports and chest roentgenograms apropos the reference case which were submitted to us under your letter of February 16 and previously, also, by Mr. Woodard in his letter of January 14.

In summary, the case is one which has been employed by the Johns-Manville Corporation from May 4, 1926, to October 31, 1927, a total of 21 years, 5 months, 27 days. Although the occupational history identifies the general type of work engaged in by Mr. Bertogliat during this span of employment, nevertheless it is impossible to determine specific exposures to asbestos dust that were involved. In any event, the series of chest roentgenograms taken over a period of 3 years, 3 months and 15 days during his employment as superintendent of the Pipe Department, and later of the Asbestos Shingle Department, fail to give evidence of pulmonary asbestosis.

The degree of exaggeration of linear markings is compatible with the deposition in the lung of inhaled dust having no biological significance. I concur with Doctor Robert's comments and would interpret the roentgenographic shadows noted as due to tuberculosis. In addition, there is also an appreciable distortion of the broncho-vascular markings presumably the result of pulmonary fibrosis in consequence of the infectious disease process within the lung. Such distortion commonly accompanies tuberculosis and terminates often in bronchiectasis. The presence of the latter, however, cannot be verified from the chest roentgenograms examined.

The interpretation above is supported by many points of the medical record submitted to us. Of most significance is the sputum examination reported as positive for "clumps of acid-fast bacilli" on April 24, 1945. This is a common

CRMC-Motley1000-Subj-000771

Mr. H. M. Jackson
Johns-Manville Corporation

March 12, 1948

Re: Dominic Bertogliat

terminology and we assume that the "acid-fast bacilli" were tubercle bacilli. Their occurrence in clumps would lead one to believe that the tuberculous process at the time was a very active one. Usually, a relatively quiescent disease or one of minimal extent give rise to isolated, single bacilli which very often are most difficult to find in sputum preparations.

There are other points of the clinical record which are significant, namely: "recurrent cold or night sweats; productive cough; a dyspnoea and general malaise and some fever with colds; suppression of breath sounds in both apices and entire left chest; occasional soft ronchi throughout, especially the right base; tuberculin test positive." These findings are recorded as reported by the Lake County Tuberculosis Sanatorium on July 31, 1944. Other points in the record, however, would not support a diagnosis of tuberculosis. But neither do they support one of pulmonary asbestosis. In final analysis, it is my impression that the case is one of pulmonary tuberculosis with possibility of an associated bronchiectasis.

I have written to the Mesaba Clinic in Hibbing requesting a copy of the autopsy findings together with some pulmonary tissue from the case. A copy of this letter is enclosed for your information. We will retain your file until we have had an opportunity to review the tissue.

Sincerely yours,

Arthur J. Vorwald, M.D.
Director of Research
The Edward L. Trudeau Foundation

AJV:LB

CC: Mr. J. P. Woodard
Dr. S. L. Keller
Mr. C. R. Nikal

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JOHNS-MANVILLE
CORPORATION

JM

22 EAST 40TH STREET
NEW YORK 16, N.Y.

TEL. LEXINGTON 2-7600

February 16, 1948

Dr. Arthur J. Vorwald
Saranac Laboratory
Saranac Lake, New York

Re: Dominic Bertogliat

Dear Dr. Vorwald:

Attached is our file on the Dominic Bertogliat case including a letter of report from Dr. R. S. Derifield of Mesate Clinic. In this you will note that he indicated that the microscopic sections have not as yet been reported and merely makes reference to the autopsy by Dr. Berdez. I rather think you will desire more complete information and since you indicated that you had contacts at the Hibing Clinic, it might be well for you to contact them directly for the additional information needed. The films which you saw on your recent visit here have been forwarded under separate cover.

Although he acted as Mr. Bertogliat's personal physician as well as the factory doctor, Dr. Keller reports that there was no consultation with Mr. Bertogliat from September 9, 1945 to the time he left the company on October 31, 1947.

If there is any further information we can supply, we will be glad to do so. We would appreciate your comments and opinion following the study of this case.

Very truly yours,

H. M. Jackson
Safety Engineer

HMJ:MC
Attachment

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