Manville

The Asbestos Issue: No Cover-up, No Conspiracy

PLAINTIFF'S EXHIBIT
UC-1548

If the medical-scientific community and the asbestos industry had possessed, 40 years ago, the knowledge available today concerning the risks of excessive exposure to asbestos, the current occupational health tragedy faced by society would not have happened.

Asbestos and health is a highly emotional issue, surrounded by conjecture, sloaganeering and false accusations. Manville Corporation, as one of the larger producers of asbestos, has been the object of many of these erroneous statements. Today, however, fault-finding and recriminations must give way to real efforts to address the overriding concern: how all those suffering from asbestos-related diseases can receive prompt and effective compensation.

Manville continues its long and determined efforts to develop a fair and equitable solution to this problem. A viable answer cannot be reached, however, if the decisions are based on faulty information. Because of the repeated "cover-up" allegations against Manville, it is important that the facts be placed in their proper context so that decisions can be made in an accurate and informed environment.

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Allegations, Facts

Allegation

Asbestos has been a known health hazard since the late 1920s, but Johns-Manville did nothing about it.

Fact

Asbestos was not a clearly identified "known health hazard" in the 1920s. At that time, virtually nothing was known of the effects of asbestos on the human body, especially the type of asbestos used in the United States. Indeed, the term asbestosis was coined in 1927, but was based upon observations of two or three individuals who had been employed in the British textile industry. Johns-Manville voluntarily took the lead to determine if there was an asbestos health problem in the U.S., and if so, how to eliminate it.
(Refer to Appendix A, page 9, for more details.)

Allegation

Johns-Manville knew in the 1930s and 40s that insulation workers were at risk from asbestos exposure.

Fact

No. Studies have continually confirmed that asbestos exposures of insulation workers, who are the subject of most of the present lawsuits, were below the recommended exposure level established by the U.S. Public Health Service in 1938. A 1946 U.S. Navy study showed that insulation work in shipyards was not a hazardous occupation. It was Dr. Selikoff's 1964 study that showed insulation workers were at risk, even though exposures were below the recommended limit.
(Refer to Appendix A, page 9, for more details.)

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Allegation

Johns-Manville knew in the early years that exposure to asbestos causes lung cancer.

Fact

No. Early observations of lung cancer in individuals with asbestos exposure did not suggest any causal relationship. In the mid-1950s, some medical researchers observed an increase in lung cancer among individuals occupationally exposed to asbestos. Subsequent studies in the mid-1960s confirmed that the increased incidence of lung cancer is limited exclusively to those who smoke cigarettes. The relationship, if any, between asbestos and lung cancer, remains a topic of debate even today in the medical profession.

Allegation

Johns-Manville knew in the early years that exposure to asbestos causes mesothelioma.

Fact

No. The association between asbestos and mesothelioma was medically unknown until the early 1960s. This rare and tragic disease has causes other than asbestos. It is difficult to diagnose, and upon panel review, approximately 25 percent of tumors presently diagnosed as mesothelioma turn out to be a different tumor.

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Allegation

Johns-Manville failed to protect its workers from the asbestos health hazard.

Fact

Not true. Johns-Manville has always been concerned with protecting the health and safety of its workers. The company took numerous, voluntary steps to provide employees with safe working environments and to teach proper work practices. These actions predated by years any steps taken by industry, labor or government.
(Refer to Appendix B, page 11, for more details.)

Allegation

Correspondence exists which show that Johns-Manville deliberately tried to conceal knowledge of the dangers of asbestos as far back as 1935.

Fact

No such evidence exists. There are but two letters where parts of sentences are taken entirely out of context to allegedly show a cover-up. This correspondence, along with other documents over the last 50 years, actually show the company's commitment to protect workers from asbestos-related disease.
(Refer to Appendix C, page 13, for more details.)

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Allegation

Although J-M did sponsor studies on the effects of asbestos, it was of little value since the company changed the research findings and controlled their publication.

Fact

Not true. J-M sponsored studies conducted by the foremost medical researchers in public health and by leading medical specialists in lung diseases. The company also engaged the world's top environmental research facility, Saranac Laboratories, to study the biological effects of asbestos. There were no changes in the research findings.

Allegation

It is known that Johns-Manville and Raybestos-Manhattan manipulated medical research in the 1935 Lanza study, for example.

Fact

There is no substance to that charge. Since J-M and R-M sponsored the study, both had the opportunity to review the galley proofs, but no substantive changes were made. The study was published with the same conclusions as were contained in Dr. Lanza's original galleys.

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Allegation

Knowledge of the hazards of asbestos was widespread in the 1930s because insurance companies refused to insure asbestos workers.

Fact

It has been alleged that one insurance company refused health insurance to an asbestos factory worker. Whether or not there is any documentation of this is unknown; however, the fact is that Johns-Manville has always been able to obtain health and life insurance for all its employees, including those working with asbestos.

Allegation

Company policy was to not tell workers when their physical examination showed an asbestos-related disease.

Fact

There is not now and never has been such a policy at Johns-Manville. A company bulletin in 1949 states that it has always been the policy of J-M to review the results of physical examinations with the employee. In the earlier years, the manner of implementation of this policy was within the discretion of the plant physician, a universal practice at the time.

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Allegation

Former J-M plant manager, Wilbur Ruff, has testified that there was a "hush-hush" policy of not telling employees their exam results.

Fact

There never has been such a policy. What is too often ignored is testimony by Mr. Ruff a year later where he admits he did not know what company policy was in that area because he was not close to it. In other testimony, Mr. Ruff acknowledges situations where employees were told of their exam results.

Allegation

Johns-Manville failed to cooperate with medical researchers who wanted employees' x-rays to conduct studies on asbestos workers.

Fact

Exactly the opposite is true. J-M cooperated with prominent medical and scientific researchers, including those at the U.S. Public Health Service, the Saranac Laboratories and Dr. Selikoff at Mt. Sinai Hospital, in order to further medical knowledge and eliminate disease. Not only did the company provide x-rays, but it also helped to fund many studies and medical research projects.

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Allegation

A former J-M medical director, Dr. Kenneth Smith, testified that he recommended caution labels on asbestos-containing products, but the company refused for economic reasons.

Fact

There is no evidence, either in written records or from anyone who worked with Dr. Smith, that confirms he ever made such a recommendation. In a company the size of J-M, it is unlikely that the medical director could have made such a recommendation without communicating it to someone in writing or in person.

Allegation

In the 1950s, Dr. Smith also recommended a study be undertaken by the Asbestos Textile Institute to determine if there was a link between asbestos exposure and lung cancer, but the study was never done.

Fact

While J-M supported such a study, the other members of ATI failed to endorse it. However, the same study was done by the Industrial Hygiene Foundation under the sponsorship of J-M and others in industry. It concluded that there was no causal relationship between asbestos and lung cancer, which was the same conclusion reached by Dr. Cuyler Hammond of the American Cancer Society in his 1954 study. It is now known from the 1964 studies by both Dr. Hammond and Dr. Selikoff that, but for cigarette smoking, there would be no lung cancer associated with asbestos exposure.

The facts presented in the appendices bring further perspective to these issues.

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Appendices

Appendix A

Johns-Manville Initiated the First Medical Research

In the 1930s, medical knowledge on the health effects of asbestos was in its infancy. That knowledge was limited to the fact that asbestos could cause asbestosis among mill and factory workers who handled 100 percent raw asbestos fiber on a constant and continual basis. This awareness came from sporadic asbestosis case reports in the textile mills in England where pure asbestos was woven into cloth.

At that time, Johns-Manville initiated action to expand this knowledge as it applied in the United States. Along with insurance carriers and others in the asbestos industry, J-M underwrote the first major medical work in the U.S. to study asbestos textile factory workers. The study, conducted by Dr. Anthony Lanza, was completed and published by the U.S. Public Health Service in 1935.

In 1938, the Public Health Service did another study of the asbestos textile industry, of which one aspect was to identify a safe level of exposure below which one would not be at risk to asbestosis. This study established a recommended exposure level for asbestos, a standard Johns-Manville followed. Additionally, this standard was followed by the federal and state governments, and remained the operative American standard until the late 1960s.

Throughout this period, there prevailed in the medical and scientific community a belief that if dust levels in the mills and factories could be reduced, the problem of asbestosis would disappear. In 1936, Dr. Lanza wrote that in both England and America:

> ". . . energetic steps have been taken to control the dust hazard in asbestos plants, so that it is probable that further cases of disabling asbestosis will be rare."

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The 1938 study by Dr. Dreesen concluded as follows:

> "It would seem that if the dust concentrations in asbestos factories could be kept below 5 million particles, new cases of asbestosis probably would not appear."

There was no awareness at the time that any disease problem existed beyond asbestosis or that any worker group was at risk other than those in the mills and factories.

The first major study of workers who applied asbestos-containing insulations — with about 15% asbestos content — was published in 1946 by Fleischer-Drinker. This study of shipyard workers, undertaken on behalf of the Navy, ***concluded that asbestos insulation work in the shipyards was not a hazardous occupation.***

During this period, there was no criticism of the 1938 recommended exposure level, or of the Fleischer-Drinker conclusions in American medical literature. In fact, the 1938 recommended exposure standard was reviewed annually by the American Conference of Governmental Industrial Hygienists, and continued to be endorsed by that body until the late 1960s.

It was not until 1964 that knowledge of potential health problems from excessive exposure to asbestos-containing insulations became evident. That year, Dr. Irving Selikoff of Mt. Sinai School of Medicine in New York, reported the results of an epidemiological study of asbestos insulation workers showing that those workers were at an increased risk of disease, even though exposure to asbestos was below the accepted standard. In addition, his studies showed that an increased incidence of lung cancer in asbestos insulation workers is limited almost exclusively to those who smoked cigarettes.

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Appendix B

A History of Voluntary Responsible Actions

Johns-Manville has a long history of voluntary actions to protect the health and safety of asbestos workers. The minutes of a meeting on January 5, 1934, wherein Johns-Manville and Raybestos-Manhattan decided to have Metropolitan Life update the survey on dust conditions in their factories, reflects J-M's concern with providing a safe working environment. Those minutes state:

> "The policy of the two companies concerned is that they desire through the operation of this committee and the resulting investigations to obtain, each for itself, the best possible practice for the elimination of dust and the protection of employees."

This survey was only part of the extensive research on the health effects of asbestos which Johns-Manville supported on an ever-increasing scale since 1929. In total, J-M underwrote more than 30 projects at a cost of several million dollars. Upon completion of all studies, reports of the findings were presented at medical and scientific meetings and were published in medical and scientific literature.

Consistent with the evolving medical knowledge, Johns-Manville undertook immediate and concerted efforts to protect employees by implementing dust control procedures at its facilities. Since appropriate dust control devices were not available, the company invented its own and became a pioneer in the development of improved ventilation and dust-control equipment. J-M made that information available to all of industry free of charge, and much of it is in universal use today.

It is conservatively estimated that between 1930 and 1970 J-M spent $30 million ($125 million in 1983 dollars) for dust control equipment. These were voluntary actions since government mandates to reduce dust levels did not exist during those decades.

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In addition to dust control equipment, J-M took other measures to protect worker health. As early as the 1930s, the company:

- Distributed health and safety handbooks
- Held safety meetings with employees
- Instituted respirator policies
- Conducted employee medical monitoring programs which included x-rays and physical examinations.

Johns-Manville began a voluntary labeling program for asbestos-containing insulations in 1964 upon learning of Dr. Selikoff's findings. J-M was the first company to label these products. This caution labeling program preceded any government requirements by six years, since it was not until 1970 that a federal standard for labeling became effective.

In addition to the warning labels, J-M undertook a variety of other affirmative measures as a result of the Selikoff study:

- Seminars were conducted across the nation for insulation contractors to explain safe handling techniques.
- J-M offered to go into the shipyards to conduct safety seminars for insulation workers, but the Navy refused.
- J-M worked with various associations, the medical community and the union to develop and distribute materials on safe work practices for asbestos.
- Substitute thermal insulation products were developed to eliminate asbestos from those lines.

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Appendix C

No Cover-up; No Conspiracy

Much attention has been focused on some 50-year old correspondence between a Johns-Manville lawyer and the president of Raybestos-Manhattan. By reading only a fragment of a sentence, people can be misled into believing that J-M conspired to manipulate and suppress information concerning asbestos.

The fact is there simply was no cover-up and no conspiracy.

The correspondence at issue was written at a time when the world's body of knowledge concerning possible asbestos-related health problems was in its infancy. It is inconceivable and grossly unfair for anyone to judge these letters separated from the environment in which they were written.

The fact that the health issues addressed in this correspondence are entirely different from those in most of the present litigation has been conveniently ignored by those who make unfounded charges against J-M. Simply stated, these letters had nothing whatsoever to do with asbestos-containing insulation materials or insulation applicators.

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Yet, fragments of sentences taken out of context from two letters are used to allegedly show a cover-up. Taken in full context, the letters actually show the opposite:

> ***Excerpt:*** "We would be just as well off to say nothing about it . . . I think the less said about asbestos, the better off we are."
> ***Full context:*** "As I see it personally, we would be just as well off to say nothing about it ***until our survey is complete.*** I think the less said about asbestos, the better off we are, but at the same time, we cannot lose track of the fact that there have been a number of articles on asbestos dust control and asbestosis in the British trade magazines."

> ***Excerpt:*** "I quite agree with you that our interests are best served by having asbestosis receive the minimum of publicity." But . . .
> ***The letter continues:*** "Even if we should eventually decide to raise no objection to the publication of an article on asbestosis in the magazine in question, I think we should warn the editors to use American data on the subject rather than English. Dr. Lanza has frequently remarked, to me personally and in some of his papers, that the clinical picture presented in North American localities where there is an asbestos dust hazard is considerably milder than that reported in England and South Africa."

These letters were written in October of 1935 — one year after the results of Dr. Lanza's research, which J-M sponsored, was turned over to the U.S. Public Health Service — then published in January of 1935.

Since the latest medical knowledge on asbestos had been made public that January, it is inconceivable that anyone could believe that these letters, written nine months later, are part of a cover-up or a conspiracy to suppress evidence. If those were the motives, why did Johns-Manville bother to do anything at all?

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The entire record makes it abundantly clear that Johns-Manville took prompt and responsible actions. It is clear that J-M went forward with the first medical research done in this country, and continued to voluntarily finance this research which was published for all the world to see, including the unions and the government. The contention that these are the actions of manipulators, supressors or conspirators is hardly logical, fair or understandable.

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