

October, 1968. In the complaint it is stated in part; "In the operation of its aforesaid plant in Manville, New Jersey, did knowingly, or with reason to know, caused asbestos dust and fumes to be admitted into the atmosphere and become airborne, constituting a continual invasion of the surrounding area and locality, including the resident areas of the community, so as to constitute an absolute nuisance." It further states; "During all the time mentioned herein, the decedent was obliged to inhale and absorb into her body system, the atmosphere polluted by the asbestos fumes and particles created by the Defendants as aforesaid and in 1966 became ill therefrom and required hospitalization and surgery, and ultimately died from the aforesaid exposure on June 12, 1967, from Mesothelioma caused by the aforesaid asbestos air pollution of the Defendant." One further quote from the complaint is as follows: "The Defendant knew and had reason to know of the high degree of risk of health to others and the residents in the surrounding area of the plant, including the decedent, as to the asbestos air pollution and thereby became strictly liable for the decedent's ultimate injury and death."

We understand there is another similar complaint alleging wrongful death from Mesothelioma but no services have yet been made. However, the newspapers have been playing up the problem of contaminated air in the area.

In the Fetchko case it is felt we have no chance of winning when it is litigated since it is evident that Johns-Manville had contaminated both air and water in the past. In fact a Johns-Manville attorney stated, "Confidentially Johns-Manville has been contaminating the 'Hell' out of both the air and the water for quite some time." It is apparent Johns-Manville is concerned and frightened over the implications.

We have had several discussions with Johns-Manville on this problem, both here in the home office and at their plant in Manville. Our insured is actively working to establish guide lines and to control the exposure. We have been informed by the management of Johns-Manville that they are aware of the possible hazards to humans posed by some of their products and are actively engaged in seeking means to reduce the exposure. They have set up a Health Task Force Team headed by Mr. Burnett, Vice President of Johns-Manville and comprised of representatives from the Environmental Control, Medical, Legal and Public Relations Departments. The purpose of this group is to determine what hazards are associated with any of their products and what corrective action or protection is necessary. In addition, the insured provides grants to universities and research teams to determine the effects of exposure to asbestos and mineral fiber dust on humans and the corrective action necessary to prevent associated diseases.

In addition, Doctor Selikoff has been designated program director for the Insulation Industry Hygiene Research Program. He will utilize the Environmental Sciences Laboratory of Mt. Sinai School of Medicine and will direct the investigation of exposure to insulation workers in the construction industry which will be financed by the 20,000 member International Association of Heat and Frost Insulators and Asbestos Workers and by Johns-Manville Corporation. Also, consultation and technical assistance will be provided by the Bureau of Occupational Safety and Health of the U.S. Public Health Service.

Engineering controls have been instituted at the production plants to reduce and contain asbestos from air and water. While these controls may be highly efficient, they can never hold back 100% of the contaminants. Much effort has been spent to control the exposure to insulation workers but this is an impossible task to police in the field. Workers are drawn from labor pools for short duration jobs and are not under the direct control of the contractor. They are not receptive to using