
Commentary; The Cruel Saga of Asbestos Disease

Paul Brodeur. Los Angeles Times. Los Angeles, Calif.: Feb 18, 2005. pg. B.15

Full Text (1067 words)

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The renowned epidemiologist Dr. Irving J. Selikoff was known to say that studying asbestos disease was like throwing a rock into a pond and seeing how far the ripples extended outward.

In pioneering studies conducted in the 1960s, Selikoff demonstrated the horrific extent of asbestos lung disease in heavily exposed asbestos insulators. He then showed that asbestos disease was also striking less-exposed workers who toiled alongside the insulators in shipyards and on building construction sites. Other scientists found that the wives and children of asbestos workers were dying through exposure to the relatively small amounts of asbestos dust their husbands and fathers were bringing home on their work clothes.

Is it any wonder that during the 1970s and 1980s, tens of thousands of diseased asbestos workers brought product liability lawsuits against the manufacturers of asbestos insulation, which had failed to warn them of the hazard of inhaling asbestos fibers given off by the products? Or that most of these plaintiffs received compensation when they were able to prove that asbestos manufacturers had not only known for decades that asbestos could cause fatal lung disease but also had withheld this knowledge from them?

Since then, several hundred thousand lawsuits have been brought by construction workers, factory workers, refinery workers, brake mechanics and other members of the labor force who have either developed asbestos disease or whose chest X-rays show evidence of lung changes caused by their exposure. Asbestos diseases include asbestosis -- a scarring of the lungs -- lung cancer and mesothelioma, an always-fatal tumor.

Today, however, President Bush would have you believe that the justice system is being misused and that the economy is being held back by "frivolous asbestos claims." He and the Republicans in Congress are trying to convince the American people that there is no asbestos public health crisis, merely an asbestos litigation crisis, by pointing out that about 70 companies have filed for bankruptcy protection because of asbestos lawsuits, and that about \$70 billion has already been paid out in claims and related costs.

What the president and the Republicans fail to appreciate is how far the ripples of asbestos disease have spread. For example, in the small town of Libby, Mont., where W.R. Grace & Co. mined asbestos-contaminated vermiculite, hundreds of the company's employees have died of asbestos disease, as well as many residents who never worked for Grace but were merely exposed to asbestos fibers in wind-swept dust coming from the mine. Grace not only knew about the asbestos hazard in Libby and did

nothing to about it but also had been assessed punitive damages for outrageous and reckless misconduct in prior asbestos litigation. This did not deter Tennessee Sen. Bill Frist, the Republican majority leader in the Senate, from describing Grace as a "reputable" company driven unfairly into bankruptcy.

Since then, members of a grand jury in Missoula, Mont., have seen things somewhat differently. Earlier this month, they indicted seven current and former Grace officials for knowingly putting their workers and the public in danger.

As it happens, the ripples extend far beyond the outskirts of the town. More than 700 mills across the nation have processed millions of tons of asbestos-contaminated vermiculite mined in Libby. Government evaluators believe it to be "most likely" that many of these mills have released hazardous levels of asbestos dust into the environment.

Moreover, it is estimated that as many as 35 million American homes contain Zonolite insulation -- a Grace product manufactured from asbestos-contaminated vermiculite. Yet when the Environmental Protection Agency first proposed to issue a nationwide alert regarding the Zonolite hazard, it was rejected by Bush's Office of Management and Budget.

The fall of the World Trade Center on Sept. 11, 2001, resulted in a vast toxic cloud that contained a whole range of pollutants, including hundreds of tons of asbestos insulation and thousands of tons of asbestos-containing floor tiles. When the EPA proposed to alert the citizens of Lower Manhattan to the obvious health hazard, it was overruled by the White House Council on Environmental Quality, which apparently wished to avoid any action that might impede the reopening of Wall Street. Instead, then-EPA Administrator Christie Whitman announced that the air in Lower Manhattan was "safe to breathe" - a claim subsequently disputed by the agency's inspector general.

Today, asbestos and other toxic substances still contaminate apartment buildings and offices throughout Lower Manhattan, and medical experts have found that more than half of the workers who toiled at ground zero have developed persistent upper and lower respiratory tract symptoms.

The fact that millions of homes, office buildings and manufacturing plants throughout the nation contain significant amounts of asbestos insulation means that whenever these edifices are renovated or demolished, the possibility exists for widespread contamination of the surrounding environment with deadly asbestos fibers.

Asbestos disease will be disabling and killing people for decades to come. Indeed, the Environmental Working Group -- a research group in Washington -- estimates that at least 10,000 people in the United States will die each year of asbestos disease over the next 20 years.

Suffice it to say that Bush's attempt to convince us that this public health crisis should be viewed as a litigation crisis is a cruel hoax. So is the \$140-billion asbestos compensation fund with which the Republicans in Congress, industry and its insurers propose to satisfy all asbestos claims present and

future, while depriving claimants of their constitutional right to a jury trial. The fact is, the \$140 billion was not arrived at through consideration of how many people may develop asbestos disease, or how much compensation they may deserve, but by asking industry and its insurers how much they would be willing to pay to eliminate their liability. Because no one knows how many asbestos victims will bring claims, whether the trust fund has any chance of remaining solvent is questionable.

Instead of extending a helping hand to companies that behaved with gross negligence, we should remember the plight of hundreds of thousands of past victims of asbestos disease and consider the suffering and economic burden of hundreds of thousands of their fellow citizens who will develop asbestos disease in the years to come.

As for Congress, it should set about to devise a truly fair asbestos compensation act.

Credit: Paul Brodeur, a staff writer at the New Yorker for many years, is the author of four books on asbestos disease.

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