

Asbestos risks

Manville tries to pass the buck*Washington*

MANVILLE Corporation, the asbestos producer that last summer filed for bankruptcy in a pre-emptive bid to shield itself from thousands of liability suits, last week took another step to cut its losses by suing the federal government to recover \$1 million it has already had to pay out to wartime shipyard workers who suffered health damage from asbestos exposure.

The unusual lawsuit accuses the government of failing to enforce its own safety standards at shipyards during the Second World War and of breaching an implied contract to indemnify Manville against liability claims.

Roughly half of the 20,000 claims already filed against Manville involve shipyard workers; if Manville's suit succeeds, it could ultimately shift tens of thousands of millions of dollars in claims onto the government. Manville had settled some 3,000 of these claims before its bankruptcy declaration effectively prevented further settlements.

The lawsuit against the government relies heavily on documents — some only recently declassified — which show that the Navy and the Maritime Commission were aware of excess asbestos exposure among shipyard workers. A 1941 memorandum from the naval commander in charge of preventive medicine stated, for instance, "We are having a considerable amount of work done in asbestos and from my observations I am certain we are not protecting the men as we should. This is a matter of official report from several of our Navy Yards." Other health inspections at the time found as much as five times the limit for asbestos dust then recommended by the US Public Health Service (5 million particles per cubic foot) and reported a continuing failure to improve ventilation and dust collection.

Manville is hoping to broaden the government's liability to include not only Navy Yards but private shipyards as well; the government, Manville says, "effectively assumed control over the shipbuilding industry" by issuing mandatory contracts and orders that swelled shipyard employment from the pre-war level of 168,000 to a peak of 1.5 million. During that time, 6,000 merchant ships were built and the naval fleet was expanded sixfold. Asbestos was used extensively in all the ships to provide lightweight fireproofing and insulation.

The government has recognized workers' compensation claims from employees of government-owned shipyards, but not private yards. A number of recipients of these minimal compensation payments have also sued Manville successfully for more substantial compensation.

Although Manville's suit has brought to light apparently damning evidence of government neglect, that evidence alone is

not a sufficient ground for its case. The government as a rule is immune from liability for its policy decisions; the Court of Claims, where the suit was filed, accepts only cases that claim breach of contract by the government. Manville is thus claiming that because it was compelled by law to accept government contracts and give them first priority as part of the war effort, the government assumed an implied contract to hold the company harmless for the consequences. Moreover, the government, Manville says, effectively took control of the asbestos industry by importing asbestos fibre and directing its allocation to processors.

Assistant Attorney General Paul McGrath last week issued a stinging rebuttal to that claim. "Manville, as a publicly owned corporation, was in the business for

the profit of its shareholders and was not a public service organization", he said.

According to evidence produced in the course of many of the successful liability claims against Manville, the company deliberately kept secret from workers and the public information on the dangers of asbestos. The Public Health Service standard addressed only asbestosis, the emphysema-like condition that affects those chronically exposed to asbestos fibres. None of the government documents referred to by Manville suggests that the government knew of the more serious carcinogenic effects of asbestos. Yet according to plaintiffs in the liability cases, Manville was aware as early as the 1930s that its own workers were developing lung cancer from asbestos exposure. Depositions obtained from former Manville employees acknowledged a deliberate, so-called "hush-hush policy" among Manville's management at that time.

Stephen Budiansky

Polish salt-mines

Zlotys for church conservation

THE Polish Government has raised the price of edible salt to between 11 zloty and 17 zloty per kilo (depending on type and packaging). The increase is not directly related to the current economic crisis but rather to the need to establish a national fund for one of the country's leading historical and artistic treasures — the salt mine at Wieliczka, near Krakow.

Salt has been mined at Wieliczka since the thirteenth century, and its production still accounts for 40 per cent of Poland's output. The major part of the mine — which in all has more than 200 km of galleries on nine levels and a maximum depth of 330 m — has become a tourist

attraction, which takes the visitor through grottoes showing legendary and historical scenes, a museum of early mining equipment, the horse-drawn imperial tramcar used for the visit of the Austrian emperor Franz Josef to the mine and even a full-sized church, all carved out of the rock. In 1978, the excavation was listed by Unesco in its world cultural heritage file.

Salt-bearing strata — known as "green salt" in Poland — are not, however, the most durable medium for sculpture, and for some years, the state of the carvings has been causing considerable concern. An expert team from the Krakow Mining and Metallurgical Academy (AGH) put forward a number of proposals for averting further damage but little if anything seems to have been done to implement them.

A conservation programme was formally inaugurated in 1960 but it was not until 1979 that the Mining Committee of the Polish Academy of Sciences produced a detailed report on the state of the excavations. This led to no fewer than eight government resolutions but still no action. By last August, the Party daily *Trybuna Ludu* admitted that it would no longer be feasible to save more than the grottoes of exceptional historical and artistic interest, and that even that would require three years for "technical preparations" and at least 20 years for the conservation work.

Faced with the total lack of "means, technicians and institutional support", two public-interest groups, one in Krakow and one in Warsaw, last summer launched an appeal fund. How much money they managed to raise is unknown; the new salt-surcharge, however, suggests that the Polish Government is at last prepared to give some practical support to the scheme.

Vera Rich

Canadian MRC*Washington*

CANADIAN medical researchers are breathing more easily now that the government has restored cuts in the Medical Research Council (MRC)'s budget that had been called "disastrous" by prominent members of the research community there (see *Nature* 16 June, p.561).

Just before the start of the fiscal year on 1 July, the government granted MRC an additional \$50 million over two years beyond the \$117 million already approved. The extra money enabled MRC to award an additional 221 research grants, 43 fellowships, and 61 grants that had been deferred for as long as two years. The supplement effectively brought the award rates for grants and fellowships up to the level of past years. In addition, MRC was able to award two new biotechnology training grants, "recognizing Canada's urgent need for qualified investigators in this area," the council said.

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