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Senate

By Mr. MONDALE:

S. 3334. A bill to amend the Interstate Commerce Act in order to improve service in the transportation of household goods by motor common carriers. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, every year millions of American families change residences. Some merely move from one apartment to another, or one home to another, in the same city. Others move long distances; many across the country. The moving American turns to the moving company—or more properly the household goods carrier—at a time when his life is often in a state of turmoil, whether by virtue of the move itself or by virtue of a significant change in his job or lifestyle. The American family depends upon the moving company to provide an accurate estimate of charges, perform its service on time, take care to avoid damage in the handling of his goods, and to settle any claims speedily and fairly. Yet, the American family is often greatly disappointed.

In 1963, Consumers Union conducted an extensive survey of the problems consumers encounter when they move. The survey revealed that moving could be a "nightmarish experience." As summarized by the group's publication, Consumer Reports, the survey revealed:

> Companies failed to pick up or deliver belongings on time, causing people to violate leases or forcing them to seek makeshift accommodations. Salesmen grossly underestimated costs, frequently causing unexpected financial crises at the point of delivery. And all too often furniture was damaged or lost in transit, and there were frustrating experiences as customers tried to settle claims.

Consumers Union took followup surveys in 1968 and again in 1973. While conditions had improved somewhat, largely as the result of action taken by the Interstate Commerce Commission, Consumer Reports concluded that the problems uncovered in 1963 "still exist to an alarming degree."

The article "Moving? Still Lots of Potholes Along the Way" which appeared in the May 1973 issue of Consumer Reports provides a comprehensive and enlightening survey of the problems encountered by many Americans who turn to moving companies for help and pay well for that help. I ask unanimous consent that the article be printed in the RECORD following my statement.

From the Consumers Union survey and other sources, including information collected by the ICC, it appears that the consumer encounters many problems when he uses a moving company. First ICC records reveal that the 20 largest carriers underestimated charges in 23 percent of their moves in the last half of 1972. The underestimate not only causes a significant disruption of the consumer's financial planning, it also often forces him to come up with additional cash at the destination of the move in order to claim his goods. Some of the underestimates are legitimate errors; others, however, are undoubtedly the result of so-called low balling—a deliberate low quotation by the estimator used to entice the consumer. The practice is encouraged by commission compensation of salesmen. Whether or not a significant percentage of underestimates are deliberate, the problem of underestimates is widespread and results, according to the president of the National Furniture Warehousemen's Association, in "untold hardship among the public—and ill feeling toward the whole industry."

Most people making a long-distance move plan it to coincide with the expiration of a lease, the commencement of a new job, or other important plans. Therefore, it is important that household goods arrive on time. Even if the move is only across town, a consumer may be greatly inconvenienced by delay. The second major problem arises in the area of timeliness. ICC figures reveal that more than 30 percent of the moves are not on time. While in this, as in other areas, the ICC has rules, they are difficult to enforce and appear ineffectual.

Finally, it is natural to expect that, because of the difficulties involved in transporting household goods, damage will occur. However, the prevalence of damage is shocking. The ICC statistics reveal that damage claims are filed in more than 20 percent of shipments. Filing a claim frequently only represents the beginning of a troublesome process. Many moving companies do not accept repair estimates, delay settlements for lengthy periods of time, and ultimately refuse to settle.

Overall, the moving industry has many problems. An ICC Commissioner has described the situation as having reached "a crisis stage." The Department of Transportation has recently proposed new ICC regulations dealing with many of the problems mentioned above. The ICC has agreed to take some preliminary steps. In my opinion, however, the regulatory mechanism has had ample time to act. It is now up to Congress to do something for those Americans who experience the frustrations of dealing with moving companies—to do something for the American consumer.

I am today, Mr. President, introducing a bill which I am confident will represent an important first step toward rectifying the needs of the American consumer who deals with a household good carrier. The bill amends the Inerstate Commerce Act, 49 U.S.C. 320. By the terms of the bill, all motor common carriers of household goods, as defined in other provisions of the act, are required to keep records during each calendar year of several enumerated items:

First. The number of shipments of household goods carried;

Second. The number of shipments which were picked up later than the time specified in the service order and the percentage of that number to the total number of shipments;

Third. The number of shipments which were delivered within the date and time specified in the service order and the percentage of that number to the total number of shipments;

Fourth. The number of shipments which were both picked up and delivered late and the percentage of that number to the total number of shipments;

Fifth. The number of shipments on which there was an underestimation of 10 percent or more and the percentage of such number to the total number of shipments;

Sixth. The number of shipments on which there was an overestimation of 10 percent or more and the percentage of such number to the total number of shipments;

Seventh. The number of shipments on which there was a damage claim and the percentage of such number to the total number of shipments;

Eighth. The number of claims settled during the year, the average percentage which the settlement was of the claim, and the dollar value of the settlements as a percentage of the dollar value of claims filed;

Ninth. The number and percentage of claims settled prior to the institution of judicial process and prior to the completion of judicial process;

Tenth. The dollar value of claims filed as a percentage of gross revenue and the dollar value of claims paid as a percentage of gross revenue;

Eleventh. The length of time between submission of the claim and settlement;

Twelfth. Any other information the Commission determines will assist it in carrying out the purposes of the bill.

The information must be filed with the ICC quarterly. The information will then be compiled by the Commission and made a matter of public record.

Those carriers authorized by the ICC to transport household goods among all 48 contiguous States are required to provide each customer with a copy of the comparative information supplied to it by the ICC about all carriers with cross-country authority. All other carriers must furnish their customers with the latest information they have filed with the ICC. The ICC will make the comparative information and individual information available in a readable and convenient form.

Providing the consumer with this information is intended to serve two purposes. First, armed with accurate and up-to-date comparative information, the consumer can make an informed choice when deciding which moving company to use. He will be able to compare the performance of the companies with cross-country authority in important aspects of service and pick the one with the record that impresses him the most in the services that are important to him. Second, when the records of these companies are not only exposed to general public scrutiny, but also disseminated in a comparative way, performance will naturally improve. Knowing that its record will be exposed to public view, the moving company will have a strong incentive to do better.

One feature of the bill deserves further explanation. Comparative information is required to be furnished to the consumer by the moving companies with authority to transport household goods among the 48 contiguous States, but other companies need only furnish their customers with their own data. There are three reasons for this distinction. First, the 20 companies with cross-country ICC authority account for approximately 80 percent of the household goods moving business in this country. Surely, requiring comparative information to be provided by them will help a significant portion of the moving public. Second, it

would be administratively impossible to require the ICC to assemble comparative data as to all 2,500 household goods carriers. Finally, most consumers would have no need for such information. Giving the consumer, who uses these smaller companies, information on their own record should serve the purpose of providing the consumer with sufficient information to make an intelligent choice. He would not need information about all 2,500 carriers.

The Commission is given the authority to require further information to be furnished by the carriers. And the carriers are not prevented by the bill from furnishing the ICC or the consumer with additional information by way of explanation of their record. The ICC is required to make the terms of this bill effective through regulation within 6 months of its enactment.

The American public has been subjected to the deplorable performance of some moving companies for long enough. It is time for Congress to take action. I believe that this bill, which will allow the consumer to make an intelligent choice and which will expose the company's records to comparative, public view, represents an important way to deal with the "crisis" in moving company performance.

I ask unanimous consent that the text of my bill and the article from Consumer Reports be printed in the RECORD at this point.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220 of the Interstate Commerce Act (49 U.S.C. 320) is amended by inserting at the end thereof the following:

"(h) (1) The Commission shall require each motor common carrier of household goods to keep records during each calendar year of the following:

"(A) the number of shipments of such goods carried;

"(B) the number of such shipments which were picked up later than the time specified in the order for service and the percentage of such number to the total number of such shipments;

"(C) the number of such shipments which were delivered within the date and time specified in the order for service and the percentage of such number to the total number of such shipments;

"(D) the number of such shipments which were both picked up later than, and not delivered within, the time specified in the order and the percentage of such number to the total number of such shipments;

"(E) the number of such shipments on which there occurred an underestimation of charges of ten percent or more and the percentage of such number to the total number of such shipments;

"(F) the number of such shipments on which there occurred an overestimation of charges of ten percent or more and the percentage of such number to the total number of such shipments;

"(G) the number of such shipments with respect to which a claim for damages was filed and the percentage of such number to the total number of such shipments;

"(H) the number of such claims which were settled during the year, the average percentage which the settled amount was of the claimed amount, the dollar value of claims paid as a percentage of the dollar value of claims filed;

"(I) the number and percentage of such claims settled prior to the institution of judicial process and prior to the completion of judicial process;

"(J) the dollar value of claims filed as a percentage of gross revenue, the dollar value of claims paid as a percentage of gross revenue;

"(K) the length of time between submission of the claim and settlement; and

"(L) such other information as the Commission determines will assist in carrying out the purposes of this subection.

"(2) The Commission shall require that information kept pursuant to paragraph (1) shall be filed with it, in such form as the Commission prescribes, quarterly. Such information for all motor common carriers shall be compiled by the Commission and made available as a matter of public record.

"(3) Such information for all motor common carriers authorized to transport household goods among all 48 of the contiguous States shall be furnished by the Commission to each such carrier, and the Commission shall require each such carrier to give or deliver such information to each prospective shipper of household goods, to obtain a receipt therefor, and to preserve such receipt as part of the records of shipment.

"(4) The Commission shall require each other motor common carrier transporting household goods to give or deliver to each prospective shipper of household goods the information with respect to such carrier last filed with the Commission pursuant to this subsection, to obtain a receipt therefor, and to preserve such receipt as part of the records of shipment.

"(5) The Commission may require the furnishing of such additional information pursuant to paragraphs (3) and (4) as it determines will assist it in carrying out the purposes of this subsection.

"(6) Nothing in this subsection shall prevent a carrier from furnishing as part of the information required pursuant to paragraph (3) or (4) additional accurate information for the purpose of explaining other information furnished."

SEC. 2. Regulations required by the amendment made by this Act shall be prescribed and made effective with respect to actions of motor common carriers written six months of the date of enactment of this provision.

MOVING?—STILL LOTS OF POTHOLES ALONG THE WAY

Ten years ago, when CU conducted its first survey of the problems consumers encounter when they move, a significant percentage of those replying told us how a move could be a nightmarish experience. Companies failed to pick up or deliver belongings on time, causing people to violate leases or forcing them to seek makeshift accommodations. Salesmen grossly underestimated costs, frequently causing unexpected financial crises at the point of delivery. And all too often furniture was damaged or lost in transit, and there were frustrating experiences as customers tried to settle claims.

After our first survey, the Interstate Commerce Commission introduced some mildly consumer-oriented rules and, in 1968, when CU polled its readers again, some improvement was noted. One out of four of our 1968 respondents, however, was seriously dissatisfied with his move. Not too long after our 1968 survey, the ICC and the moving industry did surveys of their own, confirming CU's findings. Then, in 1970, the ICC held a lengthy hearing that resulted in further regulatory changes designed to protect consumers. What has been the result? Here is the opinion of one very knowledgeable observer, Rupert L. Murphy, one of the 11 ICC Commissioners:

"We hoped that the warnings made and regulations promulgated in that proceeding would be a major step towards significant improvements in the moving experience of the public," he said last October at a meeting of the American Movers Conference, a trade group. "But we have now discovered that our job is far from done and that a far greater effort will be required. . . . In fact," he continued, "the Commission is of the opinion that the situation has reached a crisis stage. . . . Complaints continue to be received at an alarming rate. And the number and bitterness of these complaints is, I fear, indicative of the type of service being received by the moving public from many of the household goods carriers."

Indeed, the ICC says it receives from 8,000 to 10,000 letters a year from disgruntled consumers, and such complaints are a steady subject of mail to CU. Public clamor has become so pronounced, in fact, that the ICC has completed special investigations against five carriers—Allied Van Lines, Inc., Aero Mayflower Transit Co., Bekins Van Lines Co., United Van Lines, Inc. and Red Ball Van Lines, of New York—and as of this writing is in the process of investigating four others, North American Van Lines, Inc., Atlas Van Lines, Inc., National Van Lines, Inc. and American Red Ball Transit Co. of Indianapolis.

Furthermore, the Department of Transportation has petitioned the ICC to initiate another rulemaking proceeding to strengthen household-moving regulations again. "As an advocate for the right of the American consumer to safe and dependable moving services," former Transportation Secretary John Volpe wrote to ICC Chairman George Stafford last year, "I feel that every effort should be made to reduce, and hopefully eliminate, unfair and deceptive practices by household goods movers." In light of such evidence that the problems CU uncovered in its surveys in 1963 and 1968 still exist to an alarming degree, we decided this year to forgo a third survey and let the public record speak for itself.

THE GUESSING GAME

Potential problems begin the minute a moving company's salesman walks in your door. Upon request, you must be given an estimated cost of your move by the representative of the moving company who calls on you and checks out your shipment. (Moves paid for by the military and big corporations are often made without estimates; for private moves, estimates are almost always made, even when the customer doesn't request one.)

Most of the cost of getting your belongings from one house to another in an interstate move is based on the weight of your shipment and the distance it must travel. All the big moving companies belong to rate bureaus that, in accordance with ICC regulations, set uniform rates. So among the big companies there is no price competition. That's important to remember, since two widely varying estimates from two companies merely means that one of them—maybe even both—has guessed the weight of your shipment incorrectly. You are obligated to pay on the basis of the actual weight—determined by putting the truck on a scale—no matter what you were told the move would cost.

By the moving companies' own admission, the accuracy of their estimates is not good. Carriers must file quarterly reports with the ICC on the number of estimates that were off by more than 10 per cent. When CU checked those records for the last half of 1972, we found that the 20 biggest carriers underestimated the bill 23 per cent of the time. The chart on page 357 shows the record.

Low guesses can be enormously wide of the mark. "I write to you in hopes of advising others of the pitfalls of moving," Kathie Florsheim told CU in recounting her moving experience. "I moved from Oakland, Calif., to Providence, R.I. . . . The estimate was made on 1000 pounds, and the cost was to be $472.75. The actual weight was 2040 pounds at a cost of $713.55," a money error of 51 per cent.

It used to be that a customer faced with that kind of error had but two choices—either come up with the cash or a certified check (personal checks are rarely accepted) or let the goods be put in storage, incurring storage charges and additional loading, transporting and unloading charges. Fortunately, a 1970 rule change stopped that. Now, you are obligated to pay the driver no more than the amount of the estimate plus 10 per cent at the time of delivery. You then have 15 days, excluding weekends and holidays, to pay the balance. Another ICC rule that enables you to prepare yourself for the unpleasantness of a higher-than-expected bill requires the carrier to notify you of the charge immediately after it determines the weight of your shipment. That's done shortly after the van leaves your home. But to get that service you must ask for it when you place the order and you must provide an address or phone number where you can be contacted between homes.

It's difficult to determine how many gross underestimates are the result of "low-balling"—a deliberate low quotation by the salesman, whose objectives is to entice you into hiring his company. But the practice does exist, resulting in "untold hardship among the public we serve and ill feeling toward the whole industry," as the president of the National Furniture Warehousemen's Association put it recently in that trade group's journal. Many moving companies contend that while low-balling causes some gross underestimates, people who don't show the salesman everything they want to ship cause many more. Many customers don't understand that weight and distance govern most of the cost of the move, and mistakenly think that the estimate is binding. Certainly inexperience on the part of estimators or honest bad guessing accounts for some of the disparties. In fact, the 20 biggest movers in the nation claim that in the last half of 1972, 27 per cent of their salesmen's estimates were *more* than the actual charge. But that's small comfort for the thousands stunned by much higher bills than they expected. The system tends to encourage underestimates, while providing no incentives for accuracy.

One practice of the industry that encourages low-balling is commission-compensation for salesmen; a salesman's income depends on the number of moves he books. The Department of Transportation has suggested that the ICC either require salesmen to be paid fixed salaries with bonuses for accuracy or require that commission-compensation be reduced for underestimates, proportionate to the error. Moving companies might show greater concern about underestimates, the DOT has suggested, if the ICC imposed a ceiling on final charges, limiting them, say, to the estimated cost plus 10 per cent.

HURRY UP AND WAIT

Most people making a long-distance move plan it to coincide with the expiration of a lease, the starting date of school or a new job, and other exigencies of life. So it's important to them that the mover pick up and deliver their goods on time. ICC rules give the mover the option of specifying the exact date of pickup and delivery or specifying a time period, say, a span of three days. The rules also state that as soon as it becomes apparent to the moving company that it cannot honor its commitment, it must notify the shipper of the delay, at the company's expense, by telephone, telegram or in person. The company must give the reason for the delay, the new time of arrival and, in the case of late deliveries, the condition and location of the shipment. Complaints indicate that many carriers not only fail to meet promised dates, but also don't tell customers they'll be tardy. Mr. and Mrs. Donald Weed's experience is typical. The mover picked up their belongings in Amityville, N.Y., late in October, and promised delivery five days later in St. Petersburg, Fla. "We hurried off to St. Petersburg

to satisfy our part of the contract," Mrs. Weed wrote the ICC. When the van didn't show up on time, the Weeds contacted the mover's St. Petersburg agent and were told the van was delayed. No reason was given. Later the Weeds were told the van was in Jacksonville and would arrive on November 6. November 6 came and went and still no van. "When we called again we were told the van had not yet left Amityville," Mrs. Weed wrote the ICC on November 15—two weeks after the promised date. Meanwhile, the Weeds were living in a motel, waiting each day for a van that didn't arrive until November 16. "I was just appalled," Mrs. Weed told CU. "We had enough money, but what about people who might not?"

In 1968, from a statistically designed sampling of bills of lading, the ICC's Bureau of Economics determined that moving companies were late on 32 deliveries out of 100. A similar finding was made in a survey conducted with an ICC questionnaire last year (see box on page 358). Delays sometimes result when a company picks up a partial load (a van can hold furniture from as many as six or seven households), then waits to load or even book shipments to fill the rest of the van. Unrealistically tight scheduling—the opposite kind of pressure on the mover-can also cause delays. One agent told CU that some big national companies, trying to book as many moves as possible, often don't allow enough loading time. The agent added that, in his experience, the customer seldom is to blame for holding up the mover.

Although present ICC rules require movers to serve customers with "reasonable dispatch," they're difficult to enforce. Reasonable dispatch means that a company must honor the dates on the bill of lading except for unavoidable occurrences, such as mechanical breakdowns, accidents and other events beyond the mover's control. The rules also state that "no carrier shall knowingly and wilfully give false or misleading information as to the reasons for delay" and provide penalties for lying. Enforcing such rules requires a detailed check by the ICC of every tardy delivery to see if the carrier is telling the truth, a formidable task. No wonder, then, that in the first seven months of last year, only five fines were imposed for violations of the late pickup and delivery rules.

In CU's judgment, the situation calls for a tougher, self-enforcing regulation that directly affects the carrier's pocketbook when he's tardy. The DOT has suggested a schedule of alternative rates, with the highest rate applicable only if the goods are picked up and delivered on time, and a progressively lower rate for each day the company is late. A simpler alternative would be to make the carrier deduct a set amount—say, $50 for each day he is late. Either reform, in addition to providing the carrier an economic incentive to be on time, would also directly reimburse the customer who must shell out money for meals, motels and lease violations because of late pickups and deliveries. As the regulations stand now, customers faced with such expenses must file a claim with the carrier, and there's no guarantee of reimbursement.

MAKING GOOD ON DAMAGE AND LOSS

Problems over damage and loss are a third major source of consumer complaints to the ICC. In the sampling of bills of lading done by the ICC's Bureau of Economics, claims were filed in 22 per cent of the shipments. CU's last survey and one done for the American Movers Conference turned up even higher percentages. Judging from the tone of letters received by CU and the ICC, nothing seems more exasperating than the experience of having belongings lost or damaged, followed by one's inability to reach an equitable settlement—or any settlement—with the mover. "I write this letter in desperation," Joan M. McGrath told the claims director of one moving company. "When [the driver] opened the truck, I couldn't believe my eyes—everything was helter-skelter." After inspecting her belongings, Miss McGrath filed a claim, mainly for damage to her bedroom furniture. Next, she related, she had problems with the furniture repairman designated by the moving company. Her letter, dated last October 23, was prompted, she said, by her inability to get the repairman even to look at the damaged furniture.

"Since August 7," she wrote, "I have been deprived of the use of my night stand, which sits in the middle of my living room upside down because the leg is broken. Since August 7, I have been unable to use the dresser to my bedroom suite because the drawers will not open. My mattress is filthy with black handprints, which were not on it. . . .

"I have not been unreasonable in my demands in asking only that my relatively small amount of damages be repaired so that I can forget the entire episode," Miss McGrath summed up, pleading for the company to assign a different repairman.

Many claim problems begin when the mover is presented with a repair estimate. One man complained to the ICC that the moving company simply refused to accept the figure its repairman presented. "I cannot understand why, when it is their man and he estimates how much it would take to repair or replace the furniture, that they, from the distance of approximately 1000 miles . . . adjust same to their own whim and fancy," he wrote of his lengthy and exasperating correspondence with employees at the mover's headquarters.

Worse than a low settlement is no settlement. And that was the result for 17 per cent of those who filed claims with the 20 big moving companies in the final half of last year. The chart on page 357 shows the percentage of claims each carrier refused. It also shows the percentage of claims closed in 30 days or less, and the percentage taking more than 120 days to close, which should give you a guide to how fast various companies act on claims. Allied Van Lines settled a larger proportion of claims than any of the other carriers, refusing only 3 per cent. Burnham Van Service Inc. refused the most, 39 per cent. (Be aware, however, that the chart only indicates how easy it might be to get paid *something* on a claim, not necessarily what the claimant thinks is enough.) Burnham closed the most claims within 30 days—78 per cent—and Trans-American Van Service the least, only 13 per cent. Atlas had the most claims still pending after 120 days—27 per cent. Burnham, Fernstrom Storage and Van Co., King Van Lines and Republic Van and Storage Co. had no claims—or nearly none—pending after 120 days.

Many of the damage claims result from accidents that occur while the furniture is being loaded or unloaded, and the frequency of those accidents relates directly to the experience and training of the men who do the job. Many of the helpers are woefully inexperienced. The pay is low, and there's little opportunity for job advancement, so it's tough to find and retain good men. It's not uncommon for a cross-country driver to arrive alone at a destination and have to make do with whatever help he can find. Drivers for one company told a Wall Street Journal reporter that they sometimes hire hitchhikers and derelicts. The reporter learned first-hand what was behind some consumer complaints about damage by concealing his professional identify and hiring on as a helper with a company in Texas. He warned his employer he had no experience, and was told, "Don't worry, we'll teach you." The reporter received no formal training, however, and what he was "taught" he picked up on the job. Soon after his inexperienced start, he burned a table with a cigarette he was smoking and learned that smoking was against the rules. In his efforts to get rid of the cigarette while carrying the table, he crunched the table against an iron railing, scarring a leg.

THE PROBLEM OF LOCAL AGENTS

To a large degree, big, national moving companies use independent, local movers as their agents on a contractual basis. The big carriers have ICC authority to haul shipments interstate, perhaps nationwide, while local agents may have only intrastate rights, or perhaps limited interstate rights. Thus, representing a national concern enables the local companies to book more moves. Last July, the ICC put into effect new rules requiring national carriers to file detailed reports on the working agreements with their agents. One purpose of those reports is to enable the ICC to monitor the quality of the agents' personnel and equipment, and also to enable the ICC to make the national carriers crack down on agents with poor service records. That's a step in the right direction, if the ICC is able to monitor the agent as closely as it says the new rules will enable it to do. It's too early to evaluate the results.

Until poor service records are identified and the service can be upgraded, however, a mechanism for arbitrating disputes over claims settlements is badly needed. When the mover won't pay what the customer feels is just, there's no recourse but the courts. That's too time consuming and too costly for any but the largest of claims. For years, CU has urged that the ICC itself provide an arbitration service. The ICC has maintained that it lacks the authority to do that, but it never sought such authority until last year. Then, in a rulemaking procedure in which it tightened regulations for handling commercial shipping claims, the ICC stated: "We are of the view that the unique and specialized problems related to loss and damage claims arising from transportation in interstate commerce, in the clear absence of other effective remedies, literally cry out for their resolution in innovative and simplified proceedings." The ICC went on to say that "the nationwide facilities, and the oganizational structure of this Commission render it uniquely qualified to determine the facts with respect to claims." It foresaw no major problems in setting up the arbitration service, the ICC stated, as long as Congress would give it additional budget and staff for implementation. CU believes Congress should move quickly to grant the ICC arbitration powers.

The ICC's move toward an arbitration service, its investigations into some big companies, its intended closer scrutiny of local agents, and the tough talk of Commissioner Murphy are all positive signs that the ICC is beginning to move from its traditional role of protecting commercial trucking interests toward watching out for the consumer. Still, there is considerable room for more vigorous action.

Take, for example, the resolution of the Aero Mayflower investigation. Following several weeks of testimony about many kinds of problems, the ICC—even before the hearings were conducted—issued a cease-and-desist order that merely prohibited Aero Mayflower from hauling *office and institutional furniture and equipment* for 15 days. Bekins received the same slap on the wrist, as did Allied, the nation's largest household-goods carrier. (Allied, in an action separate from the investigation, did pay $20,000 in civil penalties for household-goods violations.) The only company so far to receive a fairly stiff ICC penalty is Red Ball of New York, a regional carrier. Red Ball had its authority to haul household goods in New England suspended for 45 days.

Of more than 500 civil penalties handed out to all carriers last year for violations of ICC regulations, less than 30 were for violations of household-goods rules. Nearly all the rest were penalties against commercial haulers for invading the territories of other commercial haulers—such as operating outside the geographical areas granted by the ICC or carrying materials for which approval was lacking. CU wishes the ICC would pursue household-goods violations as vigorously as it does violations of commercial rules.

There is another good opportunity for the ICC to prove its interest in helping consumers. It has in its possession a wealth of information on the quality of service carriers are providing—the same kind of information CU has published in the chart accompanying this report. Why couldn't the ICC itself regularly publish data on late pickups and deliveries, underestimates, loss and damage, settlements of claims and the number of complaints received against each carrier? That would give the public a better basis for choosing a company, while at the same time forcing carriers with poor records to improve or lose business. Certainly there is a regulatory agency precedent for publishing that type of information in the Civil Aeronautics Board's monthly list of complaints against airlines (see CONSUMER REPORTS, August 1972). Such information could even be printed in the booklet of rules the ICC now requires carriers to give customers before they can sign them up for a move.

The best way of all, however, for the ICC to demonstrate it's on the consumer's side would be for it to move expeditiously to

BIG CARRIERS' PERFORMANCE RECORDS

[This chart shows the 20 biggest household-goods movers' performance records in some important consumer areas for the last 6 months of 1972. The information was obtained from reports the companies themselves prepared and submitted to the ICC in accordance with that agency's regulations. Companies are listed alphabetically]

[In percent]

	Claims refused	Claims closed in 30 days or less	Claims taking over 120 days to close	Frequency of underestimates
Aero Mayflower Transit Co.	10	57	13	21
Allied Van Lines	3	43	10	24
American Red Ball Transit Co.	15	27	20	23
Atlas Van Lines	13	15	27	24
Bekins Van Lines	6	64	2	25
Burnham Van Service	39	78	0	35
Fernstrom Storage & Van Co.	17	58	0	24
Global Van Lines	11	38	26	18
Greyhound Van Lines	14	38	15	29
John F. Ivory Storage Co.	12	66	12	22
King Van Lines	8	57	0	15
Lyon Van Lines	11	76	11	29
National Van Lines	20	54	4	35
Neptune World Wide Moving	20	58	3	16
North American Van Lines	28	38	13	23
Republic Van & Storage Co.	31	27	0	23
Trans-American Van Service	34	13	24	8
United Van Lines	13	22	17	21
U.S. Van Lines	17	71	2	21
Wheaton Van Lines	7	42	7	23
Average for all 20 carriers	17	47	10	23

adopt tougher rules along the lines suggested in this report. The peak moving season (June through September) is here again. It has been nearly one year since the DOT asked the ICC to strengthen its rules to protect consumers. Yet a firm decision by the ICC is not at hand. The crisis in household moving Commissioner Murphy has talked about is still with us and will not be resolved unless the ICC takes more positive steps.

IT IS YOUR MOVE

It is possible to choose a moving company at random, put yourself entirely in the driver's hands, and have the whole experience turn out to your total satisfaction. It's possible, too, to watch all the elements carefully at each step along the way, and have a grossly unpleasant experience. Unfortunately, given all the variables involved, there's no way to guarantee satisfaction. Nevertheless, we think the odds are on your side if you arm yourself with as much information as possible. The chart on page 357 will give you some idea about the overall service records of the biggest companies. Be aware, however, that a carrier's overall record does not necessarily reflect the quality of service given by its agent in a specific locale. The agent could be better or worse. Still, lacking other information, it's a good place to start. We also suggest that you check with friends and neighbors who might have had experience with the agent on a local move.

Have a few companies come to your home and give you an estimate. Be suspicious of an estimate that is significantly lower than others. The salesman may be low-balling you to get the job, and, if so, that may signal a company attitude that will be reflected in other problems. Before you sign an order for service, the mover is required to give you an ICC booklet entitled "Summary of Information for Shippers of Household Goods (BOp 103)." It spells out the rules and offers some advice. Read it and keep it handy. We also recommend consulting page 385 of the 1973 CONSUMER REPORTS Buying Guide Issue for additional advice on planning your move and avoiding potential pitfalls.

THE ICC SURVEYS CONSUMERS

Since August 1971, the Interstate Commerce Commission has distributed more than 100,000 copies of a questionnaire to household-goods carriers, asking the carriers, in turn, to give them to their customers. In 1972, only 1310 questionnaires were returned to the ICC.

The small return, plus the lack of any mechanism to insure that the returns are a representative sample, virtually guarantees that the tabulations reflect biases. But which way? Some industry representatives declare that customers with gripes are more likely to take the trouble to fill out such a questionnaire than those who are satisfied. On the other hand, since distribution of the questionnaire was left to the moving companies, it's possible that some companies didn't place them in the hands of customers they knew to be dissatisfied with their service.

As an indicator of how unrepresentative the tabulations are, consider that a fourth of the total response came from customers of one small Ohio firm. That firm, confident of its good record, mailed a copy of the questionnaire to *everyone* it had moved, accompanied by a letter urging that the form be completed. Only a few of that firm's customers expressed dissatisfaction, and those returns skewed the overall results in favor of the industry. We wish that the ICC had planned its survey more carefully, but despite its methodological flaws the tabulations cannot be ignored.

Forty-six per cent said their move was not satisfactory. Sixteen per cent said their shipment was picked up late, and 33 per cent experienced a late delivery. Of some 440 who reported late delivery, 75 per cent said the carrier did not notify them of the reason for the delay or the location of the shipment. Nearly 30 per cent of the 1310 responding said actual charges exceeded estimates by more than 10 per cent, and more than half of the 1310 filed—or intended to file—a claim for loss or damage. Nearly 40 per cent of those making claims said the mover had not acknowledged receipt of the claim in writing; companies are required to do so within 30 days. About 18 per cent of those replying to the ICC questionnaire said the mover had not given them a copy of the ICC booklet, "Summary of Information for Shippers of Household Goods," as required by ICC regulations.

No. 53—Part II

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

Vol. 120 WASHINGTON, THURSDAY, APRIL 11, 1974 No. 53—Part II

Senate

By Mr. MONDALE:

S. 3360. A bill to provide equitable treatment of veterans enrolled in vocational education institutions. Referred to the Committee on Veterans' Affairs.

Mr. MONDALE. Mr. President, I am today introducing legislation designed to remove an inequity in the Federal law dealing with veterans educational benefits. This bill will reform the unfair and unrealistic attendance requirements currently imposed on veterans attending vocational-technical schools.

Under current law, the veteran who is enrolled in a course of study which leads to a standard college degree need only satisfy "the regularly established policies and regulations" of the school in order to qualify for educational benefits. Veterans enrolled in vocational-technical schools, however, are covered by a more stringent attendance requirement. Specifically, they lose benefits "for any day of absence in excess of 30 days in a 12-month period."

In other words, college-degree veterans need only satisfy the basic academic requirements of their institution. Vocational-technical school veterans, on the other hand, are limited to a specific number of absences during the school year.

The current system has two basic inequities. First, the vocational-technical school student is covered by a specific attendance requirement; the college-degree student is not. I believe that this presumes an absence of responsibility on the part of vocational-technical schools and students in such schools that is simply not accurate. There are, of course, some schools who would severely curtail instructional days if the attendance requirement were dropped. However, they are clearly not in the majority. Furthermore, a relaxing of the attendance requirement could be accompanied by a limitation on such conduct.

Second, the 30-day requirement is inequitable because it is unrealistic. Although the current statutory provision does not include weekends or legal holidays and, thanks to Public Law 93-208, does not include "periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation" in the counting, it does include other absences beyond the control of the veteran.

Recently, for instance, I received a letter from a vocational school in Minnesota. Last year, when one subtracted the 11 days the students were out of school because of teachers' meetings, the 10 days for Christmas vacation, and the 2 days from special events, the veterans in this vocational school were only allowed 7 absences for the entire year.

While it is fully apropriate to require veterans who receive benefits to actually attend classes, it does not seem appropriate to impose upon these veterans an attendance requirement which does not take into account factors totally beyond their control.

The bill which I am introducing today will exclude from the 30-day absence limitation: First, weekends or legal holidays established by Federal or State law during which the school is closed; second, days when instruction is unavailable to the veteran by reason of prescheduled vacations or teachers' meetings; third, days when instruction is unavailable by reason of an emergency situation; or, fourth, days when instruction is unavailable because of an Executive order. The bill will specifically require that the institution may not increase the number of such days beyond the level in existence during the 1972–73 school year.

I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3360

A bill to provide equitable treatment of veterans enrolled in vocational education institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1780(a)(2) of title 38, United States Code, is amended to read as follows:

"(2) to any veteran enrolled in a course which does not lead to a standard college degree for any days of absence in excess of thirty days in a twelve-month period, exempting from being counted as absences—

"(A) weekends or legal holidays established by Federal or State law during which the institution is regularly not in session;

"(B) days when instruction is unavailable to the veteran by reason of prescheduled vacations or teacher meetings; except that for purposes of computing such exemption pursuant to clause (B),

"(i) for any institution covered by this subsection which enrolled eligible veterans during the 1972–73 school year, no number of days greater than the number of days during which instruction was unavailable to students enrolled in such institution during the 1972–1973 school year shall be allowed; and

"(ii) for any institution covered by this subsection which did not enroll eligible veterans during the 1972–1973 school year, no number of days greater than the average number of days during which instruction was unavailable to students enrolled in all institutions covered by this subsection which enrolled eligible veterans during the 1972–1973 school year in the State in which such institution is located shall be allowed; or"

"(C) days when instruction is unavailable to the veteran by reason of an emergency situation caused by weather or other conditions; or

"(D) days when instruction is unavailable to the veteran because the school is temporarily closed under an established policy based upon an Executive order of the President; or".

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

Vol. 120 WASHINGTON, TUESDAY, APRIL 23, 1974 No. 55

Senate

THE NEED FOR AN EMERGENCY INTERNATIONAL CONFERENCE ON INFLATION

Mr. MONDALE. Mr. President, I have just returned from a week in Europe where I talked at length with the business, industrial, and political leaders of the major Western European countries. My purpose was to learn what I could about the future unity of Europe and the viability of the Atlantic Alliance. I have returned with the conviction that this unity, that our alliance, and indeed the foundations of Western democratic society, are in great jeopardy.

One year ago today, the Secretary of State made his year of Europe speech in which he sought a new Atlantic Charter. As I set out for Europe, I wanted to know whether that impulse to rebuild our neglected relations with Europe was still operative. I wondered whether we cared any longer about the Atlantic relationship; whether we still supported the goal of a united Europe; or whether we had become lost in bickering and polemics over secondary issues such as the wording of declarations and the protocol of how to consult among the allies.

I am sorry to say that my concerns on these points were all reinforced. The year of Europe has not only failed to reinvigorate the alliance, but even more important, it has diverted our attention from the most significant issue facing the United States, our allies, and indeed the entire non-Communist world.

This issue is inflation. It was the overriding concern of virtually everyone I saw. And this concern was not simply economic or financial. It was not confined to bankers and industrialists. Inflation was the concern of people who are worried that the structure of our democratic societies cannot endure the level of inflation which is now ravaging every democratic country in the world.

All the major industrial nations now suffer from double digit inflation. Our consumer inflation is the worst since World War II, more than 14 percent; Great Britain may approach 16 percent; France has more than 11 percent; Italy 13 percent; Japan a massive 26 percent. We have not had such a period of inflation in the industrialized world since the 1920's. We all know how the inflation that swept the world in the 1920's paved the way for the Great Depression, for the destitution of the middle classes, for tyranny, and, finally, for World War II.

During my visit to Europe it was frequently brought to my attention that no nation has ever experienced inflation of greater than 20 percent and survived as a democratic society. Today, we are all pushing toward that 20 percent breaking point.

There are wide differences over the cause of the current inflation. Some believe it is the traditional problem of too much demand—too many dollars, marks, yen, chasing too few goods. This view leads to traditional prescriptions, reduced national budgets, and tighter monetary policies.

Yet, in many countries such as in the United States, productivity is falling even as inflation accelerates. In my view, this is the clearest indication that we are not faced with a traditional situation, nor can traditional remedies alone be successful.

There may be excess demand in certain countries and fiscal irresponsibility in certain governments. Indeed, we have seen major mismanagement of our economy by this administration. But there is also a profound cost-push dimension to the current worldwide inflation. Oil is an obvious example; food yet another; the overall price of remaining basic commodities last year rose an estimated 70 percent.

A second major point that emerged from my talks in Europe is that no one really knows what to do about this inflation. Some solutions are dangerous—for example, exporting inflation to other countries by imposing export limitations. This can lead to retaliation and even greater international economic instability.

In addition, there are dangers of further international cartels along the lines of OPEC, cartels covering everything from coffee and bananas to bauxite. Indeed, while in Europe, I heard very compelling warnings that OPEC has just begun and that we can expect spectacularly rising prices if OPEC can have its way—even above those we now suffer from. But the most worrisome fact, in my view, is that no concerted effort is being made to deal with the problem of inflation on the scale that is required.

Inflation is an international problem and the solution requires international action. This does not mean that we can blame others for our own shortcomings, nor fail to act where we can. But it does mean that we must enlist the help of our European allies, of Japan, of the other industrialized countries. We must involve the third world of developing nations which are the source of many basic commodities. And we must provide a role for what has become the "fourth world"—those countries that have neither adequate financial resources nor natural resources, and in which inflation is in fact a threat to human life.

We must abandon the notion that we can cope with inflation by ourselves or bilaterally, or with a handful of major powers. There must be a new bargain between the developed countries and the developing countries, and a joint effort among the industrialized nations for solutions to the problems of inflation.

Above all, we must make this issue a central concern of our foreign policy before it devours our Western democratic institutions. We must put aside petty maneuvering with our allies. We must take some time out from the status symbols of international relations—SALT, Middle East, personal diplomacy—and devote real effort to this problem that affects all Americans everyday—the increasing cost of living, and the corresponding decreasing quality of our lives.

The industrialized countries of the world today share not only inflation, but also weak governments. Minority governments in Great Britain and Canada, realinements in Scandanavia, declining popularity for the governments in West Germany and Japan, uncertainty in France, and at home the threat of impeachment. There is clearly widespread disillusion with the democratic process. If we add to this malaise a failure to deal with inflation—which can destroy the economic security upon which democracy is based—then all the superpower arrangements, all the arms control agreements, all the diplomatic maneuvering in the world will not save our way of life, nor insure international peace, nor provide a future that is economically secure and yet free.

As inflation has risen over the last several years, the number of democratic governments has declined. I cannot prove a direct connection but I believe that inflation is the most reactionary

force in the world today—one which eats at the heart of popular support for democracy.

I, therefore, call on this administration to seek urgently a broad international conference on inflation. Just as the United Nations and the North Atlantic Alliance were based on the concept of collective international security, the purpose of this conference would be to hammer out the basis of a new collective economic security. The first task would be to understand causes of the current world inflation. The second task would be to develop the programs and institutions required to deal with it.

I realize that international conferences can be a waste of time. However, I believe that if we take the leadership to raise this issue with other countries, they would not fail to respond. If we carefully consult others and seriously prepare its work, this conference can begin to come to grips with a problem that no longer respects national boundaries. But for such a conference to succeed, it must develop a vision of a new relationship between the developed northern and developing southern halves of our world. Without such a vision and without such an effort, there can be no lasting economic stability. And it has been this stability and the resulting prosperity which has provided the foundation for democratic governments for the last quarter century.

The time for action is now. The problem will not wait. The point at which hyperinflation breaks out, where inflation feeds on itself, may be only a few digits away. Once it strikes, the world may never again be the same.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

Vol. 120 WASHINGTON, WEDNESDAY, MAY 1, 1974 No. 60

Senate

FOLLOW THROUGH

Mr. MONDALE. Mr. President, a number of my colleagues in the Senate recently joined me in sponsoring an amendment to the supplemental appropriations bill to restore $20 million to the follow through program. As one of the most successful programs in the Office of Education, follow through has proven itself a valuable asset for improving, through education, the life chances of low income children. The administration's response has been to announce a nationwide phaseout of follow through beginning next September with complete termination of the program by 1976.

The reaction to the program from parents, program directors, teachers and others connected with follow through has been particularly impressive. They have expressed their concern for the need to retain this program and are dismayed when efforts such as follow through, which are designed to improve opportunities for disadvantaged children, are frustrated by elimination of the programs. Parents unanimously convey a sense of new opportunity in follow through, emphasizing the achievement their children have shown because of the program.

I understand that the Appropriations Committee in markup session just agreed to include in the supplemental appropriations bill the amendment I proposed. I want to thank and commend all the members of the committee for taking this positive step toward restoring $20 million to follow through to allow the program to continue with an entry level grade class next year. And I want to especially thank the chairman of the Labor-HEW Subcommittee, the senior Senator from Washington (Mr MAGNUSON) for the special leadership he provided on this issue, and the humane and sensitive role he has played on behalf of all programs like this one that provide hope and opportunities for American families and their children.

I ask unanimous consent that appropriate background materials and correspondence be printed in the RECORD, including examples of the letters I have received from teachers and parents with children in followthrough program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOLLOW THROUGH

Building on Head Start's Gains: Follow Through was initiated seven years ago to sustain the impact of Head Start, as a response to studies which indicated that Head Start gains were often lost after the children entered elementary school. Follow Through continues through the third grade the same types of comprehensive health, education, and social services that Head Start provides in preschool, with heavy parent involvement.

Legislation Creating Follow Through—The Intent of Congress: An amendment to Title II of the Economic Opportunity Act launched Follow Through. The Senate report accompanying the 1967 amendment stressed that Follow Through was a service program, not a time-limited experiment. The report emphasized that Follow Through "builds on the experience of Head Start which shows that unless a systematic follow through is made with children previously enrolled in Head Start the gains made tend to fade away."

A Comprehensive Program: Follow Through is comprehensive in the services it offers. Instructional programs in the schools are strengthened by new, innovative teaching methods. Aides, drawn from the community, assist the teachers in the classroom as do parent volunteers. The health and nutritional well-being of disadvantaged children is improved by nutritional education and lunches provided through the program. Medical and dental care, social and psychological services are part of Follow Through. Career Development is fostered by Follow Through as low-income parents employed as aides are enabled to earn high school equivalency diplomas and take college level courses leading to degrees in teaching and other fields. Parental participation is another significant aspect of Follow Through. Classes and workshops are provided that help parents work with their children in the classroom or in the home. Parents are involved in decision-making as members of advisory committees, taking part in decisions on all phases of the program.

Administrative Alteration of the Program: Upon Congress' initiation of Follow Through as a comprehensive service program, the administration requested $120 million to operate a large-scale service-type program. However, before legislation was enacted, it became known that OEO would receive less money than had been appropriated, and that Follow Through, as a new program, would receive very little funding. An administrative decision was made, and agreed to by OEO, Department of Health, Education and Welfare, U.S. Office of Education and the Bureau of the Budget, that Follow Through should be an experimental program for the time being, designed to produce information which would be useful when the program was expanded to nationwide proportions.

Despite the alteration in program emphasis, the legislation was not changed and passed the Congress as originally intended. For the first several years, OE referred to Follow Through as "a research and development program in a service setting" and the appropriations justifications called it a pilot program with the objective being to capitalize on the gains made by poor children in Head Start. Since 1971, and despite the wording of the legislative authorization, Follow Through has been officially regarded as solely a research and development program.

Results of Evaluative Studies: National evaluation of Follow Through done by the Stanford Research Institute produced results significantly in favor of the program. The overall impact on pupil development, and on parent and teacher attitudes is positive. The effects of Follow Through become stronger as children progress through the program. Participation in Follow Through produces greater growth in children—both academic and nonacademic—than that displayed by the non-Follow Through comparison groups.

The Phaseout: The Administration has called for a phaseout of the Follow Through program, claiming that its so-called basic purpose as an experiment has been fulfilled, while legislative history indicates this was never intended to be just an experimental program. Follow Through has proven itself too valuable and successful to be eliminated. The phaseout will have an adverse effect on further planned evaluations. The integrity of the remaining classes will be jeopardized as key local administrators and teachers leave the program. The evaluation is being seriously compromised and the phaseout may prove to be self-justifying. Follow Through is in danger of going down as another compensatory education program that somehow turned out a failure.

Maintaining Follow Through at Present Level: There are currently 170 Follow Through projects throughout the nation providing new educational opportunities for more than 80,000 poor children in kindergarten through third grade. To maintain Follow Through with approximately the present number of children in grades K through 3 at the current level of funding will require approximately $60 million annually, $20 million in addition to the present appropriation authorization for next school year.

U.S. SENATE,
Washington, D.C., April 5, 1974.

Hon. WARREN G. MAGNUSON,
Hon. NORRIS COTTON,
Labor-Health, Education & Welfare Appropriations Subcommittee, Senate Office Building, Washington, D.C.

DEAR CHAIRMAN MAGNUSON and SENATOR COTTON: We are writing to you of our intention to introduce an amendment to the Supplemental Appropriations Bill restoring $20 million to the Follow Through Program.

As you know, this program provides special follow up services to Head Start graduates during the first three years of school. At a cost of about $60 million annually, the Federal government has been funding about 180 Follow Thruogh programs across the country for the past several years.

Follow Through has been one of our most successful programs for the education of the disadvantaged and we believe it must continue without reduction. Unless these funds are provided in the Supplemental, no existing program will be able to support an entering class this fall and the program will be phased out over three years.

With warmest personal regards.

Sincerely,

WALTER F. MONDALE,
HARRISON A. WILLIAMS,
HUBERT H. HUMPHREY,
ROBERT TAFT, Jr.,
MARK O. HATFIELD,
JOHN V. TUNNEY,
CLAIBORNE PELL,
ROBERT T. STAFFORD,
GAYLORD NELSON,
JACOB K. JAVITS.

U.S. SENATE,
Washington, D.C., April 23, 1974.

Hon. WARREN G. MAGNUSON, *Chairman,*
Hon NORRIS COTTON,
U.S. Senate, Labor, Health, Education & Welfare Subcommittee, Senate Appropriations Committee, Washington, D.C.

DEAR CHAIRMAN MAGNUSON and SENATOR COTTON: On April 5th I wrote to you with Senators Humphrey, Taft, Williams, Hatfield, Tunney, Nelson, Javits, Pell and Stafford, indicating our hope that the Subcommittee would include in the supplemental appropriations bill for 1974, $20 million to be restored to the Follow Through program for the current fiscal year.

Since that time, a number of other Senators have asked to be associated with this effort. Specifically, Senators Cook, McGovern, Ribicoff, McGee, Clark, Hart, Fulbright, Randolph, Stevenson, and Brooke would like to be recorded as cosponsors of this measure.

Thank you very much for your consideration.

Sincerely,

WALTER F. MONDALE,
Chairman, Subcommittee on Children & Youth.

COSPONSORS OF MONDALE AMENDMENT

As of this time the following Senators have expressed their sponsorship of this measure: BROCK, BROOKE, CLARK, COOK, FULBRIGHT, HART, HATFIELD, HUGHES, HUMPHREY, JAVITS, MCGEE, MCGOVERN, MCINTYRE, NELSEN, PELL, RANDOLPH, RIBICOFF, STAFFORD, STEVENSON, TAFT, TUNNEY, and WILLIAMS.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

Vol. 120 WASHINGTON, THURSDAY, MAY 2, 1974 No. 61

Senate

SUPPLEMENTAL APPROPRIATIONS FOR BILINGUAL EDUCATION

Mr. MONDALE. Mr. President, I am most pleased that the Committee on Appropriations has included in H.R. 14013, the supplemental appropriations bill, the request submitted by myself and the Senator from New Jersey (Mr. CASE), together with 16 cosponsors, for a $20 million increase in the bilingual education program conducted under title VII of the Elementary and Secondary Education Act.

I wish to express my special thanks to the Senators who joined in this effort—Mr. BENTSEN, Mr. CRANSTON, Mr. DOLE, Mr. DOMENICI, Mr. GRAVEL, Mr. HUMPHREY, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. STAFFORD, Mr. STEVENSON, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS.

The HEW-Labor appropriation enacted into law for fiscal year 1974 increased funding for bilingual education from $35 to $50 million. Yet this amount continues to fall tragically short of the national need.

In fiscal year 1973—the current 1973–74 school year—the title VII program serves only 129,480 students of an estimated 5.4 million children of school age from families where a language other than English is spoken in the home. Even with the additional funds made available in the appropriation for fiscal year 1975, only an estimated 140,000 children will be served.

Because of the limited amount of funding available, HEW has received fewer applications than expected. And it is probably too late in the year to solicit additional applications for next fall. Even so, however, with currently available funds the Department expects to reject outright 86—nearly 25 percent—of the 348 applications which they have received.

And although school districts have already trimmed their applications severely because of the limited funds available, even those which are funded will fall far below the requested level—since the total request, in pending school district applications, for next school year—this fiscal year—amounts to $251,252,000.

The impact of inadequate attention to the needs of language minority children is tragic. A recent report by the U.S. Commission on Civil Rights found that 40 percent of Mexican-American first grade students in the United States drop out of school before graduation, and that those who do graduate will average far less than their English-speakinf counterparts in all measures of achievement. And the report of the Senate Select Committee on Educational Opportunity, issued in January of 1973, reflects other equally startling statistics.

Chicago's Puerto Rican children average 4 years behind in reading; in Boston, the Puerto Rican dropout rate approaches 90 percent.

As many as half the American Indian students enrolled in school today will not graduate from high school.

And children from Portuguese, Asian, Cuban, and other backgrounds are equally affected.

In January of this year, the Supreme Court, in the landmark decision Lau against Nichols held that school systems with substantial numbers or proportions of students with language-related problems are legally required under the Civil Rights Act of 1964 to provide those children with services addressed to their needs.

Thanks to the foundation laid to the title VII program over the last 6 years, the Federal Government can provide assistance to States and local school districts in meeting the tremendous challenge of the Lau decision.

But we must increase our efforts—and we strongly believe that this year is the time to begin.

Mr. President, the $20 million increase approved by the Committee on Appropriations will be a major step toward adequate funding of those applications which have been submitted for next fall.

This is a time to build on the knowledge and the expertise which we have gained over the past 8 years, a time to build the title VII program into a full national commitment to the educational opportunities of children from bilingual families.

I wish to thank the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON) for his efforts and leadership. And I am hopeful that the increase approved by the committee will be accepted by the House and sent to the President for signature into law.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

Vol. 120 WASHINGTON, THURSDAY, MAY 2, 1974 No. 61

Senate

By Mr. MONDALE (for himself, Mr. HUMPHREY, Mr. SCHWEIKER, and Mr. CLARK):

S. 3438. A bill to amend the Regional Rail Reorganization Act of 1973 in order to expand the planning and rail service continuation subsidy authority under such act, and for other purposes. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, Senators HUMPHREY, SCHWEIKER, and CLARK, and I are today reintroducing legislation which we offered last December to preserve and upgrade the quality of rail services to rural America.

During the debate on the Rail Services Act of 1973, Senator HUMPHREY and I proposed two amendments, one to mandate a comprehensive study of the impact of branch line abandonments on our Nation's economic, social, and environmental requirements and to provide Federal assistance to continue service along essential lines which would otherwise be discontinued. Our second amendment would have placed a 2 year moritorium on railroad abandonments pending completion of the study and the implementation of State and local programs to effectively utilize Federal rail service continuation grants. These amendments were adopted by the Senate, but unfortunately, they were dropped from the bill during conference committee.

Today, we are introducing our amendments in the form of a clean bill, the Rural Rail Preservation Act of 1974.

The need for such legislation is even more critical today than it was just a few months ago. Since then, 24 new applications for branch line abandonments have been filed with the Interstate Commerce Commission, bringing the total number of cases now pending to 197. If each of these abandonments is ultimately granted by the Commission—and since 1960 the ICC has approved more than 97 percent of the requests they have received—rural America stands to lose more than 3,300 miles of track.

During 1974 our Nation's farmers will be expanding their production of wheat by 15 percent and of corn by 15 percent. Growing world demand for food means that our agricultural communities will need ever greater quantities of seed, fertilizer, machinery; and they will be shipping unprecedented quantities of grain to market.

Even at somewhat lower production levels in 1973, rural areas throughout the midwest and virtually every other region in the country suffered costly delays and bottlenecks in seeking to move their commodities to market and to bring in supplies of fertilizer for spring planting. These problems are not getting better; they are getting worse, and if we do not find ways to solve them, consumers in the years ahead will also suffer from higher prices for the food they eat.

Incredibly, the administration's solution to this problem is not to provide assistance to rural communities to preserve and improve the quality of transportation services; it is rather to accelerate the pace of branch line abandonments.

Over the past 3 years alone, rail abandonments have resulted in the loss of 7,800 miles of track to rural communities. Now, in an effort to further accelerate the pace of abandonments, the ICC is attempting to expedite abandonments on lines which handle a volume of fewer than 34 carloads per mile each year. According to a study by the Iowa State Government, the new 34-car rule could result in the loss of 19 percent of the State's nearly 7,500 miles of rail line through abandonment. Other States face equal or more severe problems with the 34-car rule.

Instead of hastening the demise of America's rural transportation system, the Federal Government ought to be moving to upgrade that system. Steps should be taken to modernize rail lines that would be profitable if only track and roadbed were restored to an adequate condition.

Beyond the issues of food production and the impact on rural growth and development, there are other major reasons why our policy of accelerating rail abandonments should be reexamined.

First, there is the question of energy use: Studies show that trains can move each ton of freight for from one-fourth to one-seventh the amount of fuel required by trucks. At a time when our Nation faces an energy crisis, we ought to be encouraging, not abandoning, fuel-efficient methods of transportation.

Second, in terms of environmental quality, trains generate less pollution and require less land than alternative means of transportation.

Third, in terms of our Nation's social goals, I believe we ought to carefully evaluate the effects of a policy which makes it even more difficult for people to earn a decent living in the countryside. We ought to find out the impact of abandonments on employment and business opportunities for rural community residents. We ought to examine the costs to railroad employees and others who are affected.

The bill which Senator HUMPHREY and I introduce today does not argue that all railroad abandonments are wrong. We are not saying that every branch line must be preserved indefinitely. However, we do believe that before our Nation is irrevocably committed to a policy of widespread rail abandonments, we ought to take a careful look at where we are going. Our bill would provide the mechanism to determine the costs, benefits and alternatives to rail abandonments, not just rural America but to our Nation as a whole. If we find that the total costs of abandoning a branch line exceed the benefits, our proposal would enable States and local communities to assure that service will be continued. The Regional Rail Reorganization Act of 1973 provides Federal assistance to State and local governments for up to 70 percent of the cost of keeping essential branch lines in operation if they are located in the Northeast Rail Emergency Region. The bill which Senator HUMPHREY and I introduce today would extend this same program throughout the Nation to help all communities that are threatened by the abandonment of rail service. It would also raise the authorization to carry out the program from $100,000,000 to $200,000,000 per year.

Finally, to provide time for study of our rural transportation network and to enable State and local governments to set up programs to utilize rail service continuation grants, our bill would provide for a temporary 2-year moratorium on rail abandonments. This moratorium could be waived whenever an abandonment request is not opposed by any State, county, or municipality served by the line.

As evidence of the strong State and local support for this measure, I ask unanimous consent that a resolution, adopted by the Minnesota State Legislature on February 25, and an editorial from the St. Paul Pioneer Press be printed in full at this point in the RECORD along with the text of the bill.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Rail Preservation and Improvement Act".

NATIONAL STUDIES AND POLICY

SEC. 2. (a) Section 204 of the Regional Rail Reorganization Act of 1973 is amended to read as follows:

"REPORTS

"SEC. 204. (a) PREPARATION.—(1) Within 30 days after the date of enactment of this Act, the Secretary shall prepare a comprehensive report containing his conclusions and recommendations with respect to the geographic zones within the region at and between which rail service should be provided and the criteria upon which such conclusions and recommendations are based; and (2) within 300 days after the date of enactment of the Rural Rail Preservation and Improvement Act, the Secretary shall prepare a comprehensive report containing his conclusions with respect to essential rail service within the Nation in the area outside the region, and his recommendations as to the geographic zones at and between which rail service should be provided. The Secretary may use as a basis for the identification of such geographic zones the standard metropolitan statistical areas, groups of such areas, counties, or groups of counties having similar economic characteristics such as mining, manufacturing, or farming.

"(b) SUBMISSION.—Upon completion, the Secretary shall submit the reports required by subsection (a) of this section to the Office, the Association, the Governor and Public Utilities Commission of each State studied in the report, local governments, consumer organizations, environmental groups, the public, and the Congress. The Secretary shall further cause a copy of each report to be published in the Federal Register.

"(c) TRANSPORTATION POLICY.—Within 180 days after the date of enactment of the Rural Rail Preservation and Improvement Act, the Secretary shall formulate and submit to Congress a national transportation policy. The Secretary shall consider all relevant factors in formulating this national transportation policy, including the need for coordinated development and improvement of all modes of transportation, and recommendations as to the priority which should be assigned to the development and improvement of each such mode."

(b) Section 205 of such Act is amended by inserting at the end thereof the following:

"(e) OTHER STUDIES.—Within 300 days after the effective date of the final system plan, the Office shall, with the assistance of the Secretary and the Association—

"(1) study, evaluate, and hold public hearings on the Secretary's report on essential rail services within the Nation, which is required under section 204(a)(2) of this title, and the Secretary's formulation for a national transportation policy, which is required under section 204(c) of this title. The Office shall solicit, study, and evaluate comments, with respect to the content of such documents and the subject matter thereof, from the same categories of persons and governments listed in subsection (d)(1) of this section but without any geographical limitations; and

"(2) prepare a detailed information survey and detailed and comprehensive studies with respect to States outside the region covering the same material required to be surveyed and studied by the Association with respect to the region under section 202(b) of this Act, including a comprehensive report to be submitted to the Commission, the Association, the Secretary, and the Congress and to be published in the Federal Register."

REPORT AND PARTIAL MORATORIUM ON ABANDONMENTS

SEC. 3. Section 304 of the Regional Rail Reorganization Act of 1973 is amended by inserting at the end thereof the following:

"(f) Report on Abandonments and Partial Moratorium.—The Commission shall submit to the Congress within 90 days after the date of enactment of the Rural Rail Preservation and Improvement Act a comprehensive report on the anticipated effect, including the environmental impact, of abandonments in States outside the region. No carrier subject to part I of the Interstate Commerce Act shall abandon, during a period of 730 days after the date of enactment of such Act, all or any portion of a line of railroad (or operation thereof) outside the region, the abandonment of which is opposed by any State, county, or municipality served by that line.".

EXPANSION OF RAIL SERVICE CONTINUATION SUBSIDY AND LOAN AUTHORIZATIONS

SEC. 4. (a) Subsection (a) of section 402 of the Regional Rail Reorganization Act of 1973 is amended by inserting after the first sentence the following: "The operation of rail properties with respect to which the Commission has issued a certificate of abandonment within five years prior to the date of enactment of this Act and which remain in condition for rail service shall, subject to the other provisions of this section, be eligible for such subsidies.".

(b) Such section 402 is further amended by striking out "in the region" wherever appearing therein.

(c) Subsection (i) of such section 402 is amended by striking out "$90,000,000" and inserting in lieu thereof "$200,000,000".

A Resolution Memorializing Congress and the President to Stop Railroad Abandonment

Whereas, maintaining adequate, competitive transportation facilities is equally vital to industry, business and all consumers; and

Whereas, railroad service is particularly vital to hundreds of Minnesota communities; and

Whereas, Minnesota's biggest industry, agriculture, is heavily dependent upon the railroads to move its production equipment and supplies, and its millions of tons of farm grains to market; and

Whereas, the loss of rail freight service that has already occurred and the continued loss of freight service that is programmed by the railroads for abandonment of most branch lines and some sections of primary rail arteries has had and will increasingly have a disastrous economic impact upon the State of Minnesota and its citizens; now, therefore, be it

Resolved, that the appropriate federal agencies declare a moratorium on all further railroad abandonments immediately until a study is completed and it is determined if reasonable transportation alternatives are available to the public, be it further

Resolved, that copies of this resolution be forwarded to the Congressional Delegation of this State, to the President of the United States, to the Interstate Commerce Commission, to the Secretary of Transportation, to the Chairmen of the United States House and Senate Committees on Transportation and Commerce, and to the major farm organizations requesting their support for the enactment of this program.

OFF THE MAIN LINE

While America agonizes over related crises in energy, the environment, transportation and food, a resource that should be used to make things run more smoothly is instead being destroyed.

Rails.

The country is criss-crossed with railroad tracks. Study the fine lines on a highway map of Minnesota as the most immediate example. You'll have to look a bit, but they are there: webs of steel rail reaching out from major population and industrial centers to the raw materials that support them.

Trouble is, the railroads of America can't seem to wait to get out of the branch line business. They call it abandonment and it is done in the interest of economy. The railroad goes to the government (Interstate Commerce Commission) and says, "Gee, this line doesn't generate enough business to justify operating it any more." All too often, the ICC has bought the argument.

In Minnesota, trackage has been reduced from 8,106 miles in 1964 to 7,675 miles in 1972 (remember this date). There are 10 abandonment proposals pending in the state that involve additional hundreds of miles. The state has consistently fought abandonments, and has rarely won. State and user forces in northwestern Wisconsin are fighting proposed abandonment of some 77 miles of track in the Ashland-Hayward-Bayfield area. The product there is pulpwood.

Opponents of the whole process have protested that often the lack of business cited as justification for abandonment is nothing but a reflection of poor service. Would-be pulpwood shippers in Wisconsin, for example, say the wood is there, by the right-of-way, but there are no cars to carry it.

The railroads' economic arguments for abandoning branch lines have generally prevailed in ICC hearings. In fact, the Nixon Administration is proposing to make things easier on the railroads. A bill is pending in Congress, backed by the Department of Transportation, that would make it possible for railroads to abandon money-losing branches without considering any other factors such as need for the service and the impact of abandonment on farms and industries served by the branch line. These are things now supposedly considered in ICC hearings.

This is going on at a time when truckers, caught up in a fuel-price squeeze, are asking to haul trailer-trains on highways; at a time when America is rethinking its highway building philosophy; at a time when farmers are having difficulty getting products to market; at a time when energy conservation is supposed to be the byword.

As noted, rail users and the states they live in have had little luck fighting abandonment on their own economic grounds, but there's a delightful touch of another current trend here (we saved the good news until last). A federal judge in New York has told the ICC it can't approve any more abandonments without first filing an environmental impact statement.

So the ICC has this bit of paperwork facing it. The judge's ruling is being appealed. The ICC has about 100 abandonment proposals on the shelf, including those in Minnesota and Wisconsin, and won't even hold hearings on them until the air is cleared. Minnesota hasn't had an abandonment since December 1972, when the proposals began piling up.

Let us use this environmental grace period to find a way to put railroads to use instead of finding quicker ways to tear up track.

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Senate

ANNALS OF INDUSTRY: CASUALTIES OF THE WORKPLACE

Mr. MONDALE. Mr. President:

The medical-industrial complex in this country appeared to be involved in nothing less than a blatant and pervasive effort to suppress and ignore medical information concerning asbestos and other hazardous substances that were estimated to be killing a hundred thousand workers a year, and to prevent any effective enforcement of the Occupational Safety and Health Act that might put an end to the slaughter.

Mr. President, with these alarming words, Paul Brodeur introduces the fifth, and last, installment of his series of articles published in the New Yorker magazine entitled "Annals of Industry: Casualties of the Workplace." I feel Mr. Brodeur has produced an important documentary on the industrial health-safety field that is worthy of my colleagues' attention.

Mr. Brodeur first reviews the history of occupational health and safety regulations in the United States, especially in regard to asbestos manufacture. It was not until 1970, "furnished with incontrovertible evidence that industrial disease was rampant in the United States that Congress passed the Occupational Safety and Health Act"—authorizing the Secretary of Labor to promulgate mandatory standards for exposure to toxic materials so that no employee would suffer diminished health or life expectancy as a result of his work experience. Considering that approximately 100,000 American workers die each year as a result of occupational diseases, the congressional decision was, indeed, long overdue.

According to Mr. Brodeur, economics are the main concern in America and its industry. He paints a shocking picture of how many key government officials react with timidity whenever they are:

Required to make decisions regarding occupational-health problems which might run counter to the interests of the corporate giants that had been supplying money and manpower to political administrations for decades.

In the words of Sheldon Sameuls of the AFL–CIO's Industrial Union Department:

The economics of the situation are very simple. Nearly half of the male blue-collar work force is afflicted with chronic—and no doubt partly work-related-diseases that are largely paid for by the worker and the community as a whole. Even if all of the identifiable costs were placed on the employer, we can not always be sure that it would not be cheaper for the employer to replace dead workers than to keep them alive. It may even be profitable, if only dollars and cents are counted. In the case of chronic occupational disease, it may be cheaper for any nation to sacrifice a life that has already achieved peak productivity.

One shudders to think that industry places profit above human life.

Throughout Mr. Brodeur's article are other frightening examples of industry's efforts to hamper the development of safe working conditions, to hide the facts about industrial disease, and to prevent State job-safety agencies from taking effective action ". . . the subversion of government for a profit." The article is a sad commentary on the state of occupational safety and health enforcement in this country.

Mr. President, I ask unanimous consent that the article entitled "Annals of Industry: Casualty of the Workplace" by Mr. Paul Brodeur from the November 12, 1973 issue of the New Yorker be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNALS OF INDUSTRY—CASUALTIES OF THE WORKPLACE

V-A QUESTION OF THE PATIENT'S RIGHTS

Furnished with incontrovertible evidence that industrial disease was rampant in the United States, Congress passed the Occupational Safety and Health Act of 1970, authorizing the Secretary of Labor to promulgate mandatory standards for exposure to toxic materials so that no employee would suffer diminished health or life expectancy as a result of his work experience. This was a considerable undertaking, since American workers were being exposed to thousands of toxic substances, and since federal standards, often inadequate, existed for fewer than four hundred and fifty of them. Of all the industrial hazards, none had been studied more thoroughly or had been proved to be more critical than occupational exposure to asbestos. Mortality studies conducted by Dr. Irving J. Selikoff, the director of the Mount Sinai School of Medicine's Environmental Sciences Laboratory, and by Dr. E. Cuyler Hammond, vice-presidency for epidemiology and statistics of the American Cancer Society, indicated that one out of every five deaths among asbestos-insulation workers in the United States was caused by lung cancer; that almost one out of ten deaths among these men was caused by mesothelioma, a rare cancer of the linings of the chest or abdomen, which usually occurs many years after some, even if slight, exposure to asbestos; that another one out of ten deaths among them was caused by asbestosis, which is scarring of the lungs resulting from inhalation of asbestos fibres; and that nearly half of these men were dying of some form of asbestos disease.

Yet in spite of the fact that the insulation workers constituted only a fraction of the total work force exposed to asbestos, a permanent standard for the mineral was not declared until June 6, 1972. At that time, Secretary of Labor James D. Hodgson and Assistant Secretary of Labor George C. Guenther, who was the director of the Department of Labor's Occupational Safety and Health Administration, decided that until July 1, 1976, workers could safely inhale air containing five absestos fibres greater than five microns in length per cubic centimetre of air, and that after that date the standard would be lowered to two fibres greater than five microns in length per cubic centimetre. (A five-micron fibre can be seen only with a microscope; a cubic centimetre of air is about a thimbleful; and in a normal eight-hour working day a worker will breathe in and out about eight million cubic centimetres of air.) Since the new ruling would permit workers exposed to asbestos to inhale and retain in their lungs as many as thirty million asbestos fibres of all sizes in a working day, it was considered grossly inadequate by almost everyone who had been studying the effects of exposure to the mineral.

Indeed, during the previous six months, a two-fibre standard had been urged upon Secretary Hodgson as a minimum requirement by Dr. Selikoff and other members of the independent medical and scientific community, and by the A.F.L.–C.I.O.'s Industrial Union Department—an organization representing labor unions with several million members who had either direct or indirect exposure to asbestos. (Dr. Selikoff and the union people had also urged the Secretary to require work practices that would ultimately reduce asbestos exposure to almost zero.) In addition, the Department of Health, Education, and Welfare's National Institute for Occupational Safety and Health, or NIOSH—an organization set up under the 1970 Act to conduct medical research on industrial hazards and to provide the Secretary of Labor with criteria for setting new standards for toxic materials—had furnished Secretary Hodgson with a carefully researched asbestos-criteria document recommending that a two-fibre standard go into effect within two years, and informing him that such a standard was attainable with existing technology. The NIOSH document stressed the fact that a two-fibre standard had been recommended by the British Occupational Hygiene Society, and set by the British Inspectorate of Factories—the Department of Labor's English counterpart—in 1968. Subsequently, NIOSH's recommendation for a two-fibre standard was upheld by a five-man advisory committee of Secretary Hodgson's own choosing.

It is not known what prompted Secretary Hodgson to select the five-fibre standard, or why he decided to disregard data furnished by Dr. Selikoff and other leading epidemiologists showing that disease could occur at the five-fibre level of exposure, and that even a two-fibre standard could be expected to prevent only the occurrence of asbestosis and not the development of asbestos-induced cancer. It is believed, however, that he was seeking a middle ground that he hoped would be acceptable to the asbestos industry, which—basing its claims on information supplied by a medical-industrial complex consisting in part of consultants and researchers whose work was supported financially by various segments of the industry—had fought against the two-fibre standard on the ground that the cost of meeting it would drive many asbestos companies out of business and that the five-fibre standard was sufficient to protect the health of workers. In any case, the permanent standard for asbestos was the first ruling that the Secretary had made under his mandate to redefine occupational-safety-and-health regulations, so industry, labor, and the independent medical and scientific community viewed the ruling as an indication of how diligent the federal government would be in setting new standards for other hazardous substances.

The reaction to Hodgson's ruling was strong. Sheldon W. Samuels, the director of Health, Safety, and Environmental Affairs for the Industrial Union Department, declared that since the Secretary had failed to set a standard that would adequately protect workers, the Industrial Union Department would challenge his ruling in the courts. Dr. Selikoff was quoted in the *Times* as predicting that tens of thousands of workers exposed to asbestos would die unnecessarily early deaths because of the inadequate regulations, and that if the Occupational Safety and Health Administration showed the same disregard for essential precautions in setting standards for other toxic substances the working population of the nation would face an unparalleled disaster. As it happened, signs that the disaster predicted by Dr. Selikoff was already at hand had appeared only a few weeks before, when the White House issued "The President's Report on Occupational Safety and Health," describing what had been done to carry out the provisions of the 1970 Act in the year since it had been passed. President Nixon's report was addressed to Congress, and it contained a report from the Secretary of Health, Education, and Welfare, Elliot L. Richardson,

who told the President that recent estimates indicated that there were at least three hundred and ninety thousand new cases of disabling industrial disease in the United States each year and that there might be as many as a hundred thousand deaths a year from occupationally caused diseases.

In spite of these appalling figures, indications that the federal government was less concerned about the physical health of workers than about the economic health of industry appeared at around the same time, when word got out that the Occupational Safety and Health Administration had hired Arthur D. Little, Inc., a research-and-consulting firm based in Cambridge, Massachusetts, to perform an economic-impact study of the proposed two-fibre standard for asbestos. There were a number of disturbing factors about Arthur D. Little's involvement. Not only was there no provision in the Occupational Safety and Health Act requiring the Department of Labor to undertake a cost-benefit analysis before promulgating a health regulation but the study was apparently initiated in response to an executive policy handed down by President Nixon's Office of Management and Budget—an organization notably well disposed toward big business. In addition, it soon developed that even as Arthur D. Little was negotiating a contract with the federal government to conduct a cost-benefit analysis of the proposed two-fibre standard, it had urged Raybestos-Manhattan, Inc., a major producer of asbestos products, to move a plant from Stratford, Connecticut, to Mexico, where asbestor operations would be unhindered by any regulations that might be established in the United States.

Moreover, when the report of the Arthur D. Little study, which had been directed by Dr. Donald W. Meals, was released, shortly after Secretary Hodgson declared his controversial standard, it turned out that the firm had solicited "guess-estimates" on the biological effects of a five-fibre standard, as compared with a two-fibre standard, from an eleven-man "expert health panel" that included only one medical doctor who had not been a paid consultant of, or whose investigations into asbestos-related disease had not been supported by, some segment of the asbestos industry, and that it had solicited "guess-estimates" on the economic impact of the respective standards from a panel of twelve men representing various asbestos-producing companies and from a committee of thirteen men representing private shipbuilding companies. Small wonder, then, that the A. D. Little report assured Secretary Hodgson that a five-fibre standard would adequately protect the health of asbestos workers, and that a two-fibre standard would impose undue hardship on the asbestos industry and on shipbuilding companies. All this was simply another indication of how much influence the medical-industrial complex had acquired, and how deeply it had penetrated the workings of the government.

During the summer and early autumn of 1972, moreover, it became known in medical circles that the British Occupational Hygiene Society's two-fibre standard, which had been based on information supplied to the society by Dr. John F. Knox and Dr. Stephen Holmes, of the Turner Brothers Asbestos Company, Ltd., of Rochdale, England, might be open to question. New data published by Dr. Hilton C. Lewinsohn, who had succeeded Dr. Knox as chief medical officer of Turner Brothers, suggested that Dr. Knox and Dr. Holmes had furnished the society with information that appeared to understate by as much as tenfold the incidence of asbestosis among the Turner Brothers workers they had studied. The ramifications of this disclosure were staggering, for, if the British two-fibre standard was medically and scientifically invalid, so, by extension, was the proposed two-fibre standard in the United States, which was not even to go into effect until 1976.

In addition to making an obvious mockery of Secretary Hodgson's five-fibre standard, this development presented the possibility that industry influence might have had an effect on official medical considerations concerning the problem of occupational exposure to asbestos in England. By this time, there could hardly be any doubt that such influence was at work in the United States. Indeed, the medical-industrial complex in this country appeared to be involved in nothing less than a blatant and pervasive effort to suppress and ignore medical information concerning asbestos and other hazardous substances that were estimated to be killing a hundred thousand workers a year, and to prevent any effective enforcement of the Occupational Safety and Health Act that might put an end to the slaughter.

In the middle of October of 1972, I went to Washington to talk with Anthony Mazzocchi, the director of the Legislative Department of the Oil, Chemical, and Atomic Workers International Union, about some of the other health problems that were plaguing American workers. Mazzocchi's union had represented employees at the Pittsburgh Corning Corporation's asbestos-insulation plant in Tyler, Texas, where Dr. William M. Johnson and Dr. Joseph K. Wagoner, of NIOSH's Division of Field Studies and Clinical Investigations, had found atrocious conditions and a critical health problem. Mazzocchi considered the Tyler situation a prime example of how the medical-industrial complex had for years ignored occupational-health data with no interference from key industrial-health officials at various levels of state or federal government. At a press conference held in Washington in February of 1972, he had harshly criticized Pittsburgh Corning and its medical-consultant, Dr. Lee B. Grant, for ignoring the peril of workers at the factory, and had been equally bitter in condemning the Department of Labor's Occupational Safety and Health Administration for failing to enforce at the Tyler plant even the grossly inadequate standard of twelve fibres per cubic centimetre which was in effect when the Administration had conducted an inspection of the factory in late November of 1971. Over the past few years, during which Mazzocchi and his associates in the Legislative Department had been holding conferences for factory workers around the country, they had amassed and published, in a series of pamphlets entitled "Hazards in the Industrial Environment," a great amount of information on the effects of chemicals and physical agents on the health of working men and women. In gathering this information, they had compiled a large dossier of the names, affiliations, and activities of people who were involved in occupational-health matters, and so were known to have "the book" on the medical-industrial complex.

I had been Mazzocchi at his press conference about the Tyler plant; a month later I had encountered him again in Washington at the public hearings on the proposed two-fibre standard, which were held by the Department of Labor; and in October, hoping to learn more about the workings of the medical-industrial complex in areas other than asbestos, I visited him and his assistant, Steven Wodka, at the union offices there. Mazzocchi, a blunt-spoken man in his middle-forties with unruly black hair, had been much on the go in the interval—flying here and there around the country—and he looked tired.

"You've been studying the Tyler plant, which in many ways is a perfect example of the kinds of problems we face," he told me. "Tyler had all the elements—suppression of occupational-health data, callousness on the part of those in positions of responsibility in industry and government, and danger not only for the workers but also for their families and the community at large—and yet you could be hearing much the same story about any number of factories in this country. You could be studying the Mobil Oil Corporation's refinery in Paulsboro, New Jersey, or the Kawecki Berylco Industries factory in Hazleton, Pennsylvania, or any one of hundreds of other places where the health of workers either has been or is being needlessly endangered. I hardly know where to begin. In fact, I *don't* know where to begin. Steve, here, once stated the multiplicity of our problems by saying that members of our union don't get black lung, like coal miners, or brown lung, like cotton-textile workers, but rainbow lung, because they're exposed to so many toxic substances."

"Let's start with the Kawecki Berylco plant in Hazleton," I said. I've already heard something about the situation there."

Mazzocchi asked Wodka to pull out a file on KBI, as the company is known, and told me that the union had represented workers at the factory since the summer of 1969. "By August of 1970, it was apparent that much more information was needed concerning the hazards of beryllium, so the local union representatives initiated plans to hold a conference on the problem in mid-October," he said. "At that conference, the KBI workers told us that beryllium dust was contaminating the Hazleton plant, and that several deaths and current cases of lung disease among them were thought to be related to beryllium exposure." Mazzocchi went on to say that, armed with tapes of the conference, he travelled to Cambridge a few days later and met with Dr. Harriet L. Hardy, who was assistant medical director in charge of the environmental medical service at the Massachusetts Institute of Technology, an associate physician at Massachusetts General Hospital, and a renowned expert on beryllium poisoning. Upon hearing the tapes, Dr. Hardy expressed concern about the reports of conditions inside the Hazleton plant and pledged her assistance in analyzing urine samples of the workers there. "Shortly thereafter, an inspector from the Department of Labor conducted a survey of the plant," Mazzocchi said. "The inspection, which the local had requested some sixteen months earlier, was superficial, to put it mildly. For example, no samples were taken to determine the amount of beryllium dust in the air. The inspector did indicate, however, that better exhaust ventilation was required, so that men would not have to wear respirators on routine production jobs. He also criticized the plant for poor housekeeping procedures and for using an open dump for disposing of the refuse contaminated with beryllium. The company was given until February 1, 1971, to correct these conditions, but a check with the Department of Labor in March revealed that no followup inspection had been performed to determine whether the company had complied."

Mazzocchi asked Wodka to continue the story of the Hazleton plant, since he had spent considerable time there in the fall of 1970 and the winter of 1971. Wodka—a man in his middle twenties, with brown eyes, curly hair, and a laconic manner—told me that he went to Hazleton in late November of 1970 to gather information on conditions in the KBI plant, and returned on December 8th to attend a union-management health-and-safety meeting. "When I questioned company officials on the unsafe procedures I had heard about, they offered to take me on a tour of the plant," Wodka said. "It proved to be an invaluable experience in assessing unsafe conditions, for almost everything I saw confirmed what the workers had told me. Inadequate ventilation equipment had allowed dust to pile up around machinery and to blow throughout the plant. Another serious problem was the company's excessive reliance on the use of respirators. Instead of installing proper ventilation equipment to reduce beryllium-dust levels, the company had simply designated some of the dusty sections of the plant as respirator areas. As a result, many workers were forced to wear respirators for long periods—a practice that is extremely difficult, if not downright impossible."

A couple of days later, Wodka said, he went to Cambridge to report what he had learned to Dr. Hardy. 'She got on the phone immediately and rounded up a team of beryllium specialists to help us out," he continued. "They included Richard I. Chamberlain, an industrial-hygiene engineer at the Massachusetts Institute of Technology, who would sample beryllium-dust levels in the plant and study the ventilation system; Dr. John D. Stoeckle, an expert in industrial lung disease at Massachusetts General Hospital, who would conduct a symptom survey of all workers; Dr. Homayoun Kazemi, the chief of the pulmonary unit at Massachusetts General, who would do lung-function tests; and Dr. Alfred L. Weber, a radiologist from the hospital, who would supervise a mass X-ray program and read and interpret the results. When I returned to Washington, I drew up a set of proposals for the next meeting of the union-management health-and-safety committee, on January 5, 1971. The chief provisions were that beryllium-dust levels in the plant be kept at or below the threshold limit value of two micrograms per cubic metre of air; that the union have the right to observe that company's dust-monitoring operations and have access to the results; and that the company finance a thorough industrial-hygiene survey of the plant, to be conducted by the team of specialists designated by Dr. Hardy, which Chamberlain had estimated could be accomplished at a cost of about twenty-one hundred dollars."

Mazzocchi continued the story by telling me that at the January 5th meeting, plant officials informed him that they were not prepared to deal with such extensive proposals. "They said they would have to consult higher authority in KBI," he said. "As things turned out, we weren't able to arrange another meeting with the KBI people until March 10th. In the meantime, urine samples were collected from five workers and sent to Dr. Hardy, who had them analyzed at M.I.T. by George W. Boylen, Jr., an expert in industrial-hygiene chemistry. He found varying amounts of beryllium in all the samples, and both he and Dr. Hardy said they believed that beryllium would not be persent in the urine of men who were exposed at or below the level of air—the standard recommended by the American Conference of Governmental Industrial Hygienists. As a result, the union local voted unanimously that each of the two hundred and seventy-eight members working in the Hazleton plant support the cost of our health proposals by paying a dollar a month surcharge on membership dues."

Mazzocchi went on to tell me that Wodka conducted an investigation of the State of Pennsylvania's role in enforcing health regulations at the Hazleton plant. "It turned out that the state people had more data on the plant than anyone else," Mazzocchi said. "The quality of the data, however, was another matter. When Steve telephoned Edward Baier, who was then director of the state's Division of Occupational Health and is now the deputy director of NIOSH, he was told that there had been no cases of beryllium disease from the Hazleton plant. Later, we learned that in an annual screening program of KBI workers the Pennsylvania people had been using X-ray equipment that, according to Dr. Hardy, was inadequate for detecting beryllium disease. During his telephone conversation with Baier, Steve learned that the state had taken beryllium-dust counts during its inspections of the Hazleton plant. However, Baier told Steve that he considered the data confidential, and felt that their release to the union would damage the relationship between the state and the company."

Wodka said that he then went to Harrisburg to meet with Baier. "During the meeting, Baier and his staff admitted that they had recently taken readings of beryllium-dust levels in the Hazleton plant, and in some sections they were ten times the recommended standard," Wodka said. "Baier assured me that each man in these contaminated areas had been told to wear a respirator, but he also acknowledged that such protection should be used only for interim control. I asked him why the state had not

forced the company to comply with the recommended beryllium standard, and he told be that the KBI people were cooperating. When I again requested access to the state's inspection reports, Baier promised that a copy of the most recent survey, which had been conducted in January, would be sent to the company for transmittal to the union."

Mazzocchi then told me that at the March 10th meeting of the union-management health-and-safety committee, C. Dale Magnuson, the industrial-relations manager for KBI, rejected the union's proposal for a survey of the plant by the team of industrial-hygiene experts that Dr. Hardy had assembled. "According to Magnuson, the company already had a good industrial-hygiene department, and there was no need to bring in another group," Mazzocchi said. "Wodka then asked the KBI people if the State of Pennsylvania had forwarded them a copy of its January inspection for transmittal to the union. They replied that the report had not come in. When Steve produced a letter from Baier stating that the report had been sent to them on March 5th, the KBI people admitted after all that they had received the copy marked for transmittal to the union, but said that they felt under no obligaion to turn it over."

The only counterproposal made by the KBI people at the March 10th meeting, Mazzocchi said, was that they would give the union a quarterly report of the company's monitoring data on beryllium-dust levels. "On April 29th, we went back to Hazleton to get the first of these reports, taking along Chamberlin, from M.I.T., in a consulting capacity. At the meeting, the KBI people were represented by Magnuson; Edmund Velten, one of their vice-presidents; and James Butler, the assistant to the president. The company's report showed only one area in the plant where there were excessive levels of beryllium dust. Upon reviewing the data, however, Chamberlin said that it was difficult for him to interpret the figures without knowing something about the layout of the plant. Velten then suggested a quick tour, to which we readily agreed. At the end of the tour, Chamberlin said he had seen enough to convince him that the company's interpretation of its data on beryllium-dust levels did not give a true indication of the potential hazard in the plant. Then Steve produced copies of the January inspection conducted by the State of Pennsylvania's Division of Occupational Health, and two earlier state inspections of the plant as well, which Baier had finally decided to release the day before.

The reports showed serious violations of both state and federal beryllium standards in four specific areas of the factory, going back to 1969. At that point, Velten and the other KBI officials agreed to our key proposal that a union-designated investigation team be allowed to conduct industrial-hygiene and clinical surveys at the plant, and that the costs be shared equally by KBI and the union. In May, we got the Pennsylvania people to agree to take X-rays using equipment adequate for the detection of beryllium disease of all the workers in the Hazleton plant, and to allow Dr. Weber to assist in the interpretation of the X-rays. In mid-September, an inspection of the Hazleton plant conducted by the Occupational Safety and Health Administration still showed excessive levels of beryllium dust. The Administration fined KBI six hundred dollars and gave it a month to clean things up.

Then, in November of 1971, Dr. Kazemi, who is one of the world's leading experts on the detection and diagnosis of beryllium disease, conducted a medical survey of the Hazleton workers. Dr. Kazemi found that, out of two hundred and nineteen workers, twenty-five had symptoms possibly related to beryllium disease and seven of these men had lung abnormalities of such magnitude that they shouldn't have been working. Since then, four of the seven have been definitely diagnosed as having beryllium disease. In addition, two other men from the plant, who had been examined at Massachusetts General, were diagnosed as suffering from the disease."

"What happened as a result of the fine and the date for cleaning things up?" I asked.

Mazzocchi gave a short, harsh laugh. "As of this date, more than a year later, the Administration people haven't seen fit to make a followup inspection of the Hazleton plant," he told me. "No doubt they assume the KBI people have complied with their order. Sounds like Tyler all over again, doesn't it?"

After a short coffee break, Mazzocchi said, "Now let me tell you about the Mobil refinery in Paulsboro, which is just southwest of Camden. It employs about a thousand workers, and it manufactures a whole spectrum of oil products, including heating oil, lubrication oil, gasoline, and aviation fuel. For a long time, members of our Local 8-831 had been complaining about health-and-safety conditions there, and on October 11, 1971, we filed a complaint with Alfred Barden, acting regional administrator of the Occupational Safety and Health Administration in New York City, requesting an imminent-danger inspection of the facility. The petition presented Barden with a partial list of health hazards at the refinery, including exposure to asbestos, sulphuric-acid fumes, phenol fumes, carbon-monoxide gas, tetraethyl lead, caustic soda, benzene, cumene, carbon tetrachloride, and chlorine. Since the Administration's regulations permit employees to request that a third party accompany its own representatives on walk-around inspections, the local asked for Steve Wodka, who had assisted them in filing the complaint. The first imminent-danger inspection began on October 15th, resumed on the 19th, and lasted through October 22nd, and Steve's effect on it was soon evident. Even the inspectors remarked that he provided a valuable extra set of eyes during the walk-around. On the other hand, the Mobil people grew increasingly irritated by his presence—so much so, in fact, that on October 22nd the plant manager told Steve that he hoped to have him removed from the premises."

Wodka then described some of the conditions that were discovered during the first part of the inspection of the refinery. "We found workers installing asbestos insulation, similar to the product manufactured in the Tyler plant, on boilers and pipes in various areas of the plant," he said. "In the asbestos shop, where the insulation was cut to size, the men were wearing surgical-type paper masks provided by the company, which are virtually useless for protection against toxic dusts. Moreover, there was absolutely no ventilation equipment in the cutting shop. Elsewhere in the refinery, we found places where men were being exposed to toluene [an aromatic compound similar to benzene], to excessive noise, to welding fumes, and to hydrogen-sulphide gas—a highly toxic substance that is given off in the sulphur plant, where sulphur is removed from the crude oil."

Wodka went on to tell me that when the inspection resumed, on November 8th, he was denied entry to the refinery. "I was told by John Kearney, the assistant regional administrator, that a decision had been made to bar me from accompanying the walk-around any farther," Wodka said. "As a result, I left the plant, under protest. The inspections continued intermittently for several more weeks, but their quality deteriorated, for by giving management advance notice of the areas they wished to tour, the inspectors also gave management an opportunity to reduce operations that were generating harmful fumes and dust. In this way, the Mobil people were able to dominate the inspection process. As a result, the imminent-danger inspection of the Paulsboro refinery was an almost total failure. Take the problem of exposure to asbestos. The Administration failed to issue a citation for excessive asbestos dust, yet when Dr. Selikoff examined and X-rayed nineteen workers who were employed at the refinery as welders, pipe-coverers, boilermakers, and bricklayers, he found that more than half of them showed X-ray abnormalities consistent with asbestosis. When the Administration, on January 28, 1972, issued citations to Mobil, they carried with them fines totalling seventy-three hundred and fifty dollars for three hundred and fifty-four safety-and-health violations, or about twenty dollars per violation. Only twelve of the violations involved occupational-health standards, one of which was for an unsanitary water cooler."

Mazzocchi said that similar performances by the Occupational Safety and Health Administration had occurred in recent months at a chemical plant in Alabama and at an oil refinery in Kansas. "These are just a few of the many instances in which the Administration has failed to enforce the provisions of the Occupational Safety and Health Act," he said. "By the way, did I tell you that when the Administration people fined KBI six hundred dollars for excessive beryllium dust in the Hazleton plant they also fined the company the grand total of *six dollars* for allowing food to be eaten and stored where toxic materials were present? That was just a few weeks after they fined Pittsburgh Corning the sum of two hundred and ten dollars for so-called 'nonserious violations' at the Tyler asbestos plant. Such fines are ridiculous, of course, but the Administration people don't stop there. They rub salt into the wound by being secretive with what, under the law, is public information. We face delays and denials practically every time we ask them for copies of citations, notice of proposed penalties, and inspectors' reports of plant surveys. And, remember, we're trying to exercise the rights of our hundred and eighty thousand-odd members through an extensive union bureaucracy. Imagine what the chances are for unorganized workers, who account for seventy-five per cent of the total labor force in this country!"

At this point, I asked Mazzocchi if he had ever heard of Dr. Mitchell A. Zavon, Assistant Health Commissioner for Cincinnati.

"Yes, I've heard of him," Mazzocchi replied. "Why do you ask?"

"Because I understand he has recently voiced opposition to some proposed city regulations that would ban the spraying of asbestos insulation in building construction."

"We have a whole file on Dr. Zavon," Mazzochi said. "I'll have it Xeroxed for you. In 1969, the House Committee on Government Operations wrote a report on Dr. Zavon's activities with regard to the No-Pest strip, manufactured by the Shell Chemical Company, a division of the Shell Oil Company. According to the report, Dr. Zavon had been a consultant to Shell Chemical during a six-year period—1963 to 1969—when he was also a consultant to the Department of Agriculture's Pesticides Regulation Division, which had registered the insecticide strip for use in restaurants and homes. During that time, Dr. Zavon conducted tests for the company which showed the strips to be safe. When it was demonstrated later that the strips could leave unsafe chemical residues on exposed food, the Department of Agriculture required that they bear a warning label. In the end, the Department informed the Committee on Government Operations that it was referring questions of possible conflict of interest involving Dr. Zavon to the Department of Justice. Nothing came of it, however."

When I left Mazzocchi's office, I was carrying a manila envelope that contained the file on Dr. Zavon and copies of letters, petitions, inspections, and surveys relating to KBI's Hazleton plant and Mobil's Paulsboro refinery. On the plane back to New York, I read the report on Dr. Zavon, which substantiated what Mazzocchi had told me. (Later, I learned that in March of 1973 NIOSH awarded a contract for $205,873 to the Agatha Corporation—a private medical consulting firm headed by Dr. Zavon—for developing health criteria on carbon tetrachloride, chloroform, ethylene dichloride, methylene chloride, tetrachloroethylene, and 1, 1, 1-trichloroethane, which can be synthesized from precursor chemicals obtained from petroleum.) I also glanced through the annual stockholders' report put out by KBI in 1971. It was full of handsome photographs and interesting statistics. It listed principal plants in Hazleton, Boyertown, and Reading, Pennsylvania, and in Wenatchee, Washington. It listed company subdivisions and subsidiaries in Boston; Springfield, Oregon; Revere, Pennsylvania; Thomaston, Connecticut; Yonkers, New York; and Palisades Park, New Jersey. And it listed international operations in France, Germany, the Netherlands, and Great Britain. In a letter to the shareholders, dated March 2, 1972, and signed by Joseph C. Abeles, chairman of the board, and by Walter R. Lowry, president, there was this paragraph:

No industrial enterprise today can afford to ignore the growing instance upon clean air, clean water, and safe, healthful places of work as manifested in antipollution and job safety and health legislation. Considerations of environmental quality which have prompted us to make substantial expenditures on equipment and staff to control pollution and promote occupational health have, in our view, assumed a permanent place in the conduct of a business such as KBI's. We expect to continue to invest in environmental quality to preserve the gains we have made and take advantage of improvements in control technology as they become available."

A few days later, in the October 29, 1972, edition of the *Times*, I came across a story written by Homer Bigart which appeared under the headline "Lung-Disease Problem, Traced to Beryllium Refinery, Plagues Hazleton, Pa." Bigart's article began:

"In the grim year of 1956, when unemployment in this worn-out coal town hovered near 20 per cent and the region was one of the most depressed in Appalachia, there was general rejoicing when the Chamber of Commerce enticed a beryllium refining plant to settle four miles east of here.

"There was only one discordant voice. Dr. Herman H. Feissner, Jr., who has a tiny walk-up office over a store in nearby Freeland, began cautioning his patients that it might be dangerous to work at the plant. Nobody paid much attention."

After saying that nine present or former employees of the plant were suffering from chronic berylliosis, which he described as "a rare disease that involves a slow but progressive—and apparently irreversible—deterioration of the lungs," Bigart returned to the subject of Dr. Feissner:

"The tall, white-haired physician was graduated from Lehigh University in 1928 and from Jefferson Medical College, Philadelphia, in 1932. Now in his late sixties, he spends much of his time working with retarded children at the White Haven State School and Hospital.

"However, he still practices medicine and among his recent patients were several beryllium refinery employees. "At least five," he said, had symptoms of berylliosis.

"Dr. Feissner's first encounter with the beryllium industry came soon after Kawecki Berylco acquired an old Lehigh Valley Railroad machine shop and roundhouse a few miles east of Hazleton and began converting beryl ore into beryllium. Kawecki Berylco is a major company in the specialty metals field, with sales totaling $70 million last year.

"What disturbed Dr. Feissner was the knowledge that the corporation's plant in Reading, Pa., had been cited in several lawsuits charging negligence in exposing workers and nearby residents to unsafe levels of toxic dust.

"Dr. Feissner said he was reproached by a local radiologist, Dr. Edgar L. Dessen, for "telling my patients a little too much about beryllium poisoning." Dr. Dessen was the leader of a Chamber of Commerce drive to bring new industry to Hazleton, a campaign so successful that unemployment is now down to 4.5 per cent.

"Dr. Dessen confirmed that he had spoken to Dr. Feissner.

"He (Dr. Feissner) was telling people beryllium was a toxic material at a time the company was hiring men," Dr. Dessen said. "I felt it was unfair to people who wanted work. The plant was designed under Atomic Energy Commission specifications to keep irritants out of the air. With stringent precautions, the men would be properly protected."

"Dr. Dessen said he had been a director of Kawecki Berylco but did not stand for reelection this year. He said his time was taken up with other matters, including the chairmanship of the American College of Radiology's task force on pneumoconiosis, a generic term for lung diseases caused by dust.

"I'm automatically suspect for having been a director," Dr. Dessen said, "but I consider myself a physician first."

When I later made inquiries about Dr. Dessen, I learned that, in addition to being a former director of KBI, he had been paid by the company for many years to read and take X-rays of employees at the Hazleton plant.

By this time, I was beginning to understand how multiple and intricate were the reasons for the appalling casualty rate in the nation's workplaces, and how intertwined and pervasive were the activities of the medical-industrial complex, which was apparently bent on perpetuating the situation. What seemed more and more incredible to me as the months passed, however, was how such a situation could be—indeed, was being—tolerated at the highest levels of the federal government. Then, in the second week of November, Sheldon Samuels sent me a copy of a speech he had delivered before a joint session of the American Society of Safety Engineers and the National Safety Conference, in Chicago, on November 1st. After referring to Secretary Richardson's estimate of a hundred thousand deaths annually from occupational disease, Samuels addressed himself to the very question that had been troubling me.

"The economics of the situation are very simple," Samuels said. "Nearly half of the male blue-collar work force is afflicted with chronic—and no doubt partly work-related—diseases that are largely paid for by the worker and the community as a whole. Even if all of the identifiable costs were placed on the employer, we cannot always be sure that it would not be cheaper for the employer to replace dead workers than to keep them alive. It may even be profitable, if only dollars and cents are counted. In the case of chronic occupational disease, it may be cheaper for any nation to sacrifice a life that has already achieved peak productivity. Samuels went on to say that in recent months he had learned of at least four plants in which beta-naphthylamine and benzidine were used without proper controls by employers well aware of the probable death from cancer of a third or more of the workers exposed to them. "Because its priorities are determined on a crude cost-benefit basis, however, the federal government has refused to adopt standards for these and seven other carcinogens," he declared.

Later in his speech, Samuels reminded his listeners that most of them worked for companies that were members of the United States Chamber of Commerce, the National Association of Manufacturers, and similar groups. "Read the record of the recent Senate and House oversight hearings of the committees on small business and labor," he said. "The Chamber says that workers face no greater risk than slipping in a bathtub. I only wish the situation were confined to the greedy bluster of such moral midgets. More serious is the subversion of government for profit. The National Association of Manufacturers has a full-time representative—office, phones, even a government expense account—at the very heart of the Occupational Safety and Health Administration operations. Political industry appointments are now made at the lowest levels. Industry standard-setting organizations, such as the American Society for Testing Materials, are attempting to bypass the standard-setting mechanisms in the [Occupational Safety and Health] Act. Industrial consultants dominate the contract route the federal government has taken in lieu of adequate staff in its standard—setting operations."

Of particular interest to me was Samuels' claim that industrial consultants were receiving contracts that in effect allowed them to usurp the standard-setting provisions of the 1970 Act—which had clearly intended that standards be developed and recommended by NIOSH and then promulgated and enforced by the Occupational Safety and Health Administration. I was already familiar with the activities of Arthur D. Little, Inc., in helping to set the questionable compromise standards for asbestos, and a few days earlier I had received information concerning another industrial-consulting firm under contract to the government, which had attempted to play a similar role. This had occurred when Mazzocchi called to suggest that I telephone Dr. Jeanne M. Stellman, who is assistant for occupational health to the president of the Oil, Chemical, and Atomic Workers, at the union's headquarters, in Denver. "Ask her to tell you the story about benzene," Mazzocchi said.

When I called Dr. Stellman, she explained, to begin with, that benzene—a colorless liquid—is produced as an integral part of refining oil and gasoline. "It is probably handled by more than a third of the hundred and eighty thousand-odd members of the Oil, Chemical, and Atomic Workers," she said. "And because benzene is also widely employed in the rubber, cement, and plastics industries, additional thousands of workers come into contact with it there. The trouble with benzene, as has long been known, is that it is a noxious poison, whose fumes, when inhaled, can induce blood changes—anemia and leukemia. Indeed, benzene is considered so dangerous that both the American National Standards Institute and the International Labor Office, which is part of the World Health Organization, have recommended that in any given volume of air, liquid, or solid material it should be present only in the ratio of ten parts per million—which comes to one-thousandth of one per cent—with a ceiling of twenty-five parts per million. The American Conference of Governmental Industrial Hygienists, however, has recommended a standard whereby benzene can be present in a ratio of twenty-five part per million, with a ceiling of fifty parts per million. I tell you all this as background to the fact that in order to develop criteria for the establishment of an official federal standard for benzene a twenty-three thousand-dollar contract from NIOSH was awarded last May to George D. Clayton & Associates—an industrial-consulting firm in Southfield, Michigan."

On October 10th, Dr. Stellman continued, Clayton & Associates called an informal meeting of a benzene committee it had established. The meeting was held at the William Penn Hotel in Pittsburgh, where the Industrial Health Foundation, Inc., was then holding its annual conference. "As a member of the committee, I was invited to attend," she said. "Clayton & Associates called the meeting at that time and place simply because several of the committee's members were attending the foundation's annual conference. The idea was to have us give our opinion of a preliminary draft of the document on benzene criteria they had prepared for NIOSH. In addition to Clayton, Robert G. Keenan, vice-president and director of laboratories for Clayton & Associates, who was formerly head of the analytical laboratories at the Bureau of Occupational Safety and Health, and myself, the members of the committee included Howard L. Kusnetz, who was formerly director of the Bureau's Division of Occupational Injury and Disease Control and is now with the industrial-hygiene department of the Shell Oil Company; Dr. Horace W. Gerarde, who was formerly chief toxicologist at the Esso Research and Engineering Company and is now at Fairleigh Dickinson University, in New Jersey; a representative of the Manufacturing Chemists Association and one from the American Steel Institute; and Louis Beliczky, the director of industrial hygiene for the United Rubber, Cork, Linoleum, and Plastic Workers of America, who could not attend.

When I read the preliminary draft of the benzene document prepared by Clayton & Associates, I was shocked to see that it was proposing a benzene standard identical to the one recommended by the Conference of Hygienists, which is two and a half times as high as the standard for benzene recommended by the American National Standards Institute and the International Labor Office. I told the committee that there was no way labor could live with such a standard. After a whole day of arguing, I finally walked out of the meeting, took a plane to Washington, and told Sheldon Samuels what was going on. Samuels promptly lodged a complaint with Dr. Marcus M. Key, the director of NIOSH, and, as a result, Clayton & Associates revised its preliminary document on benzene criteria, and has since recommended the more stringent standard for benzene of ten parts per million. The point is that the firm obviously called the Pittsburgh meeting in the hope of obtaining approval for a compromise standard for benzene which, while it might not adequately protect workers against anemia and leukemia, would not ruffle anyone's feathers."

Since Dr. Stellman's account of how Clayton & Associates had handled the NIOSH contract for developing criteria on benzene was closely followed by Sheldon Samuels' speech, I started to look into this aspect of the medical-industrial complex by examining a book entitled "NIOSH Contract and Research Agreements," which the Department of Health, Education, and Welfare had published in September of 1972. Without much difficulty, I determined that out of a hundred and forty-eight contracts for research on occupational safety and health which NIOSH had either let or renewed in the fiscal year 1972, eight had been awarded to Clayton & Associates.

In addition to the contract for benzene, the firm had received contracts for developing documents on criteria for toluene, chromic acid, and trichloroethylene; * * * on the ground that it was not presented as an industry-wide study, an action that was reversed by the new people in NIOSH, who approved a study of the effects of coal-tar-pitch volatiles on aluminum workers for the fiscal year 1973, which study was temporarily shelved at NIOSH headquarters when some aluminum-industry officials voiced objections to not having been consulted during the planning stages of the investigation, an event that appeared to repeat the previous action taken by Lewis J. Cralley, who, now retired from government service, participated in writing up the health effects of benzene as paid consultant to Clayton & Associates, which is the firm that received a hundred-and-sixty-thousand-dollar contract from NIOSH to produce the third edition of "The Industrial Environment—Its Evaluation and Control," not to be confused with "Industrial Environmental Health: The Worker and the Community," which was sponsored by the Industrial Health Foundation, Inc., of Pittsburgh, where George D. Clayton and Robert G. Keenan, of Clayton & Associates, called a meeting of the firm's committee on benzene in order to propose an inappropriate and later discredited compromise standard for benzene, at the Hotel William Penn, on October 10, 1972, which was the very time and place of the annual meeting being held by the Industrial Health Foundation, Inc., which employs John A. Jurgiel, an associate editor of "Industrial Environmental Health: The Worker and the Community," and also employs Dr. Paul Gross, who, in addition to having testified for Johns-Manville in a number of workmen's-compensation cases, is the director of research laboratories of the Industrial Health Foundation, Inc., which is a new name for the old Industrial Hygiene Foundation of America, Inc., the self-styled "association of industries for the advancement of healthful working conditions" that, entirely financed by industry, including Johns-Manville, was retained by Pittsburg Corning in the summer of 1963 to evaluate the asbestos-dust hazard at its newly acquired plant, in Tyler, Texas, where, during the next eight years, several more evaluations of the hazard were made, including two by the Bureau of Occupational Health's Division of Epidemiology and Special Services, which showed airborne asbestos-dust levels at the Tyler plant to be grossly out of control, a fact that was not only not made known to the men who worked in the plant—many of whom had inhaled absestos dust for years without even respirator protection—but never evaluated in terms of the incredible disease-and-death hazard it posed for these men by anyone in the Division of Epidemiology and Special Services, including its director during this period, Dr. Lewis J. Cralley, who, as associate editor of "Industrial Environmental Health: The Worker and the Community," wrote a section of the book entitled "Epidemiologic Studies of Occupational Disease," containing a five-page chapter on asbestos that described in detail some studies of disease among asbestos workers conducted by Dr. John Knox and Dr. Stephen Holmes of the Turner Brothers Asbestos Company, who later furnished the British Occupational Hygiene Society with data that appear to have underestimated by as much as tenfold the incidence of asbestosis among the Turner Brothers workers, and by Dr. John Corbett McDonald, of McGill University, in Montreal, whose research on mortality among asbestos miners and millers was financially supported by the Quebec Asbestos Mining Association, but that failed to mention either the study showing the disastrous mortality experience of the asbestos-insulation workers conducted by Dr. Selikoff and Dr. Hammond or Dr. Cralley's own unaccountably uncompleted study showing an appalling rate of death from asbestos disease among asbestos-textile workers, all of which, in turn, was accepted for publication by his brother, Lester V. Cralley, assistant director of Environmental Health Services of the Aluminmum Company of America, who is the editor of "Industrial Environmental Health: The Worker and the Community," which is the book that inspired the riddle.

Shortly before Thanksgiving, I telephoned Dr. Johnson, at NIOSH's Division of Field Studies and Clinical Investigations, in Cincinnati, and asked him to tell me about a survey that he and some associates from the division had conducted in October at the Allied Chemical Corporation's plant in Buffalo. "We believe that there are still some problems with the company's benzidine operation, and that there are major problems with its dichlorobenzidine operation, which is a relatively open system," Dr. Johnson said. "The Allied Chemical people have chosen to treat dichlorobenzidine, which has been proved to be carcinogenic in test animals, as a toxic substance—not as a potential human carcinogen, as has been recommended by the English, who say there is no known safe level of exposure to dichlorobenzidine, and the American Conference of Governmental Industrial Hygienists, who say that there should be an absolute minimal exposure to that chemical. For this reason, we're particularly concerned about employees at the Buffalo plant, who have had past exposure to beta-naphthylamine and benzidine, and who are currently being exposed to dichlorobenzidine.

Incidentally, I have just come back from North Haven, Connecticuit, where I talked with industrial hygienists from the Upjohn Company. In 1962, the Upjohn people bought a plant in North Haven that was owned by the Carwin Company, which had been a

manufacturer of benzidine since the late ninteen-forties. The Upjohn people discontinued the benzidine operation in 1963, and their hygienists told us the other day that there had been no problems among the workers. However, we then make a check at the Connecticut State Tumor Registry, in Hartford, and discovered that there had already been six deaths from bladder cancer among workers employed at the old Carwin plant. For this reason, we are concerned by the fact that one hundred and seventy-one employees of the plant, whose onset of exposure to benzidine, dichlorobenzidine, and other aromatic amines occurred more than sixteen years ago, are no longer employed there, and are consequently not included in any existing program of medical surveillance."

Dr. Johnson went on to tell me that on November 9th he had addressed a meeting of the National Tuberculosis and Respiratory Disease Association, in Houston, where he presented some new information concerning the men who worked at Pittsburgh Corning's asbestos plant in Tyler. "Using data from Dr. Selikoff's and Dr. Hammond's mortality study of the nine hundred and thirty-three men who worked at the Union Asbestos & Rubber Company's Paterson, New Jersey, factory between 1941 and 1945, where exposures were similar to those incurred at Tyler, we now estimate that there will be between one hundred and two hundred excess deaths from asbestos-related cancer among the eight hundred and ninety-five men who worked at the Tyler plant." Dr. Johnson said. ("Excess deaths" are deaths beyond the number that the standard mortality tables would project.) "Late last summer, I sent memorandums to various regional administrators of the Occupational Safety and Health Administration, giving the names and address of other asbestos plants where I had reason to suspect that, because of data we had found buried in the files, there were problems of overexposure that should be investigated.

I have since been informed by one of the assistant directors at NIOSH headquarters, however, that such memos could constitute an embarrassment to our director, Dr. Key, who is apparently anxious to maintain an image of NIOSH as a pure-research agency. In effect, I have been cautioned against alerting the government's enforcement agency to situations where there might be a disease-and-death hazard. I now intend to leave NIOSH at the end of June, when my tour of duty with the government is over, because I've come to the conclusion that I'll be better able to function as a medical doctor in some other atmosphere."

I called Dr. Selikoff in December and asked him to comment on Dr. Johnson's estimate of future mortality among the Tyler workers, and he told me that he thought the estimate would turn out to be too low. "It must be remmebered that only thirty-one years have passed since the onset of exposure among the men who went to work at the Paterson factory," Dr. Selikoff said. "It must also be remembered that the excess risk of lung cancer in men exposed to asbestos increases year by year. For example, a man at twenty-five years from onset of exposure has an increased risk over a man at ten years from onset. This risk is greater at thirty years, and even greater at forty. On the basis of the mortality study of the Paterson workers, I expect a dismal future for many of the men who worked in the Tyler plant. In fact, I anticipate that there will be a hundred and fifty excess deaths among them from lung cancer, fifty excess deaths from mesothelioma, forty-five excess deaths from cancers of the colon, rectum, stomach, and esophagus, and fifty excess deaths from asbestos. In other words, almost three hundred, or roughly a third, of these men will probably die unnecessarily early deaths."

During the early part of 1973, occupational-health problems besides those associated with asbestos began to receive increasing public attention. On January 3rd, the Buffalo *Courier-Express* carried an article stating that chemicals used at the Allied Chemical plant in Buffalo had been implicated in a dozen recent cases of cancer, some of them fatal, among workers in the factory. On December 29th, a petition had been filed with the Occupational Safety and Hetalth Administration by the Nader Health Research Group and the Oil, Chemical, and Atomic Workers International Union requesting that a zero level of exposure for ten carcinogens be set through a temporary emergency standard to be issued under the authority of the Occupational Safety and Health Act. A press release issued on the same day read, in part:

"Approximately 100,000 American workers die each year as a result of occupational diseases. As more is learned about the origins of cancer, it becomes clear that thousands of worker deaths are caused by exposure to carcinogenic chemicals in the workplace.

"The Health Research Group and the Oil, Chemical, and Atomic Workers Union are thus petitioning the Department of Labor to promulgate emergency temporary standards to eliminate human exposure to the following 10 cancer-causing chemicals in order to protect the lives and health of American workers: 2-Acetylaminofluorene; 4-Aminodiphenyl; Benzidine and Its Salts; Bis-Chloromethyl Ether; Dichlorobenzidine and Its Salts; 4-Dimethylaminoazobenzene; Beta-Naphthylamine; 4-Nitrodiphenyl; N-Nitrosodimethylamine; and Beta-Propiolactone.

When I telephoned Dr. Johnson toward the end of the month and inquired about these developments, he informed me that on January 24th he had called Dr. Albert J. Rosso, who is associate industrial-hygiene physician at the Buffalo office of the New York State Department of Labor's Division of Industrial Hygiene, and that Dr. Rosso had revealed that no followup inspection of the Allied Chemical plant had been conducted by the state since the NIOSH survey in October, which showed that men working in the factory were at risk because of exposure to benzidine and dichlorobenzidine. On February 9th, the Assistant Secretary of Labor published a notice in the *Federal Register* acknowledging receipt of the petition on the ten carcinogens, and requesting additional information from interested parties. In response to the request, fifty written comments were received during the next few months. Some of them were rather interesting. Dr. Harold Golz, the director of medical-environmental affairs for the American Petroleum Institute, said that the petition should be denied, on the ground that the proposed rules were "unrealistic, technically unfeasible, and inconsistent" and that "zero tolerance is a philosophical concept and an objective that is neither achievable nor necessary." The Benzidine Task Force of the Synethetic Organic Chemical Manufacturers Association asserted that workers were being adequately protected, and then, curiously, went on to say that if tumors did occur they were removed "long before malignancy is expected to develop." Sam MacCutcheon, corporate director for safety and loss prevention of the Dow Chemical Company, said that the suggested standard would serve as a harassment and would dilute present cooperative efforts between industry and government agencies. MacCutcheon went on to say that studies related to bis-chloromethyl ether were in progress, and that, because of their importance and the impact they would have, the chemical should be removed from consideration until they were completed. Bis-chloromethyl ether was also much on the minds of people at the Rohm and Haas Company, in Philadelphia. Frederick C. Moesel, Jr., assistant secretary of the firm, said that exhaustive epidemiological studies on the chemical were under way, and that his company expected results showing a no-effect level well above one part per billion.

On May 3rd, having assessed the petition and the fifty written comments, the Administration issued an emergency temporary standard consisting of strict work practices regarding the manufacture and use of fourteen carcinogens, including bis-chloromethyl ether and the nine others that had been listed in the petition. According to the Administration, workers were being exposed to the fourteen chemicals, such exposure posed a grave danger to them, and the emergency standard was necessary to protect their health until permanent standards could be promulgated six months hence, as the law required.

The subject of bis-chloromethyl ether came to my attention again in the middle of June, when Samuels sent me a copy of an article entitled "Lung Cancer in Chloromethyl Methyl Ether Workers," which had been published in the May 24th issue of the *New England Journal of Medicine* by three Philadelphia physicians—Dr. W. G. Figueroa, of the Germantown Dispensary and Hospital's pulmonary-disease section; Dr. Robert Raszkowski, of Temple University's School of Medicine; and Dr. William Weiss, of the Department of Medicine of Hahnemann Medical College. (Bis-chloromethyl ether is a contaminant by-product occurring with chemical reactions that take place in the production of chloromethyl methyl ether.) The article began by saying that in 1962 the management of a chemical manufacturing plant employing about two thousand workers "became aware that an excessive number of workers suspected of having lung cancer were being reported in one area of the plant, and turned to a chest consultant, who recommended a program to establish the degree of risk by semiannual screening." This screening program, which included chest X-rays, was in progress for the next five years, the article said, and during that time the plant management "made a careful investigation of the work histories in several men whose lung cancers developed while they were working in the area under suspicion, and concluded that the only common denominator was exposure to chloromethyl ether (CMME)."

What action, if any, the plant managers took with regard to the conclusion they had reached by 1967 remains a mystery, for the article continued:

"Management is as yet unable to provide exact information on the exposure of the employees to CMME. Further interest that CMME could be a carcinogen was stimulated by . . . a 44-year-old man admitted to Germantown Dispensary and Hospital in December, 1971, because of cough and hemoptysis. A detailed occupational history revealed that he was a chemical operator who had been exposed to CMME for 12 years. The patient stated that 13 of his fellow workers had lung cancer, and he suspected that this was his diagnosis. All had worked as chemical operators in the same building of a local chemical plant, where they mixed formalin, methanol, and hydrochloric acid in two 3800-liter kettles to produce CMME. During the process fumes were often visible. To check for losses, the lids on the kettles were raised several times during each shift. The employees considered it a good day if the entire building had to be evacuated only three or four times per eight-hour shift because of noxious fumes."

The article went on to say that when a retrospective investigation of the fourteen cases was made, by an examination of hospital records and autopsy results and by consultation with family physicians, it was determined that all the men had indeed developed lung cancer; that their age at diagnosis ranged from thirty-three to fifty-five; that the exposure of thirteen of them to CMME ranged from three to fourteen years; and that thirteen of them had died within twenty months of diagnois. The article concluded that the data "strongly suggest that an industrial hazard is associated with CMME."

At that point, I put down the article, telephoned Samuels in Washington, and asked him if he knew which plant it referred to.

"Sure," he said. "It's the Rohm and Haas factory in Philadelphia."

During the winter, some significant changes of personnel took place in the Department of Labor, which were said to have been instituted under the direction of Charles W. Colson, special counsel to the President. In January, George Guenther's resignation as Assistant Secretary of Labor and director of the Occupational Safety and Health Administration was accepted by the White House—presumably because his performance had received some highly publicized negative reactions from organized labor. Guenther was replaced by John H. Stender, a former vice-president of the International Brotherhood of Boilermakers, Ironshipbuilders, Blacksmiths, Forgers, and Helpers, who was also a former Republican state senator in Washington. Then, in February, James D. Hodgson, who had resigned as Secretary of Labor to return to the Lockheed Aircraft Corporation as senior vice-president for corporate relations, was replaced by Peter J. Brennan, the president of the New York City Building and Construction Trades Council, who had organized the counterdemonstration of hardhat construction workers that disrupted the student peace rally at City Hall in New York on May 8, 1970.

Early in March of this year, I learned from Samuels that President Nixon's Office of Management and Budget had plans for a reorganization of federal agencies which included a scheme for dismantling large parts of the Department of Health, Education, and Welfare and the Department of Labor, and merging them into a Department of Economic Affairs. "There is considerable speculation that this shuffle may be attempted without the consent of Congress," Samuels said grimly. "If it takes place, it will effectively do away with the separate roles that were envisioned for the Occupational Safety and Health Administration and NIOSH by the Congress when it wrote and passed the Occupational Safety and Health Act. It will also help to sweep under the rug the whole occupational-health scandal we've been trying to expose."

Since then, it seems, whatever plans the Office of Management and Budget had in mind for H.E.W. and the Department of Labor have been held in abeyance pending a resolution of the Watergate crisis. In May, however, NIOSH was transferred from H.E.W.'s Health Services and Mental Health Administration (which was dissolved) to its Center for Disease Control, as part of a decision by H.E.W. to reduce manpower and reorganize health programs. Some people saw this as a further downgrading of NIOSH, others as an attempt by H.E.W. to preserve some semblance of a preventive-medicine program. In any case, Civil Service regulations regarding seniority deprived of NIOSH of more than fifty of its six hundred and fifty employees. Since it already lacked sufficient funds and manpower to keep up with increased demands for research training, industry-wide safety-and-health studies, documents on criteria, and health-hazard evaluations, there were predictions of serious work backlogs and an attendant lowering of morale. In June, the confusion surrounding the future of NIOSH and its operations was compounded by Secretary Brennan, who requested support from the Office of Management and Budget for merging NIOSH with the Department of Labor. Commenting on the general situation in the middle of the month, Dr. Key, the NIOSH director, noted that all its activities would have to be curtailed, and that "the health and safety of the American worker is not going to be protected as much"—a rather chilling prediction in view of the fact that only the previous year Secretary Richardson had

estimated that occupational disease killed a hundred thousand American workers each year.

Meanwhile, on April 4th, a hearing on the petition filed by the A.F.L.-C.I.O.'s Industrial Union Department and five trade unions for review of the Secretary of Labor's five-fibre standard for exposure to asbestos dust had been held in the United States Court of Appeals for the District of Columbia Circuit. In a brief for the petitioners, the Industrial Union Department argued that the Occupational Safety and Health Act had clearly required the Secretary to set a standard that would adequately protect the health of workers. The Industrial Union Department's case that the Secretary had not done so was based largely upon the integrity of the NIOSH document on criteria for asbestos, which had recommended that a two-fibre standard go into effect within two years.

However, in the brief for the respondent—former Secretary Hodgson—there were two documents of startling origin which defended the Secretary's action in declaring a five-fibre standard for four more years. The first of these was a nineteen-page single-spaced critique of the conclusions and recommendations of the NIOSH criteria document, which had been submitted to Dr. Powell, an assistant director of NIOSH, on January 11, 1972, by Dr. George W. Wright, a long-time paid consultant of Johns-Mansville, who was then head of medical research at St. Luke's Hospital in Cleveland, and who testified later that year in behalf of Johns-Manville (and against the proposed two-fibre standard) at the Department of Labor's public hearings. Curiously, Dr. Wright's letter to Dr. Powell was never submitted as part of the public record that the Department of Labor was required to compile in order to establish a permanent standard for asbestos but was only later submitted by Dr. Powell as an extra-record statement solicited by Assistant Secretary of Labor Guenther in order to justify the Department's controversial decision to delay the imposition of a two-fibre standard for four years.

The second letter in support of the government brief was an extra-record memorandum sent to Guenther by Dr. Key, on May 30, 1972—three days before Guenther signed the contested standard for asbestos—which, in effect, disavowed critical portions of the criteria document that had been prepared by Dr. Key's own staff, and under his direction. Dr. Key's memorandum to Guenther ended, "In summary, if your hearings and feasibility study indicate that a two-fibre-per-cubic-centimetre level is not achievable until four years hence, I would accept this as a reasonable health standard."

Dr. Key added three safeguards to his acceptance of the higher standard, including provisions that new plant construction be designed to meet a two-fibre level; that plants and operations that had already achieved a two-fibre level be required to maintain it; and that an antismoking campaign be required for workers exposed to asbestos. As it turned out, none of these safeguards were incorporated in the standard promulgated by the Department of Labor. However, the government did make liberal use of Dr. Key's memo ten months later, in its brief defending the Secretary of Labor from the petition brought against him by the unions.

Thus did the director and an assistant director of NOISH take the astonishing step of compromising *in camera* their own asbestos-criteria document and its recommended two-fibre standard, which Secretary Richardson had assured President Nixon less than a month before Dr. Key wrote his memo, was designed "to protect against asbestosis and asbestos-induced cancer . . . and to be attainable with existing technology." Moreover, as justification for this extraordinary administrative act, Dr. Powell chose to rely on an opinion provided by Dr. Wright, the Johns-Manville consultant (the company was later an *amicus curiae* on the government side), and Dr. Key professed no qualms about feasibility data gathered by Arthur D. Little, Inc., a firm that not only had relied mainly upon information solicited from the asbestos industry, and from a group of medical doctors the vast majority of whom had conducted research on asbestos disease that was financially supported by the industry, but also was involved in a direct conflict of interest in behalf of the absestos industry even as it prepared to undertake its study.

No one knows for sure what could have motivated Dr. Key to sign this extraordinary memorandum, which turned out to have been written by Dr. Powell, but many people assume that he was reacting to pressure from his conferees in the Department of Labor, with which NIOSH might be merged. As for the Industrial Union Department's petition for review of the five-fibre standard, a final decision upon it is still pending. Most observers feel, however, that the fact that the integrity of the criteria document on asbestos has been questioned by its primary author has dealt a blow to the Industrial Union Department's case.

By the late spring of this year, I had long since come to the conclusion that there would be no quick end to the resistance of the medical-industrial complex to action that would ameliorate the plight of workers exposed to toxic substances, or, for that matter, to the capacity of many key government officials to react with timidity and deceit whenever they were required to make decisions regarding occupational-health problems which might run counter to the interests of the corporate giants that had been supplying money and manpower to political administrations for decades. One of the chief difficulties in overcoming the traditional business-as-usual approach to industrial disease was simply that public opinion could not easily be aroused against the delayed carnage occurring in the workplace. In short, unlike the casualty figures of the Vietnam war, which for years had been reported weekly from a specific geographical area, specific or dramatic reporting of casualties from industrial disease could never be provided, for they were occurring years after the onset of exposure to toxic substances and among men and women who had been working in literally tens of thousands of shops and factories in every state of the union. For example, who would be likely to remember forty years from now that several hundred men in the hill country of East Texas who had died of asbestosis, lung cancer, gastrointestinal cancer, and mesothelioma had once been employed at a small insulation plant in Tyler owned by Pittsburgh Corning?

It therefore appeared that only an unusual disaster—a drama of vast magnitude—was likely to evoke the kind of public outrage that, as in the case of the war, would demand an end to the unnecessary slaughter. As things turned out, newspapers and television stations around the country were carrying stories about the possibility of just such a disaster—one that could affect the hundred thousand citizens of *Duluth, Minnesota*. Whether or not the Duluth situation proves to be truly catastrophic, it certainly serves to illustrate how a potential disaster can evolve without warning, and to suggest how other such disasters are bound to occur in the future if steps are not taken to curb industry's indiscriminate use of the environment as a private sewer. The Duluth story broke in the middle of June, when the Environmental Protection Agency announced that the public water system of the city, which derives its supply from *Lake Superior*, contained grossly excessive amounts of asbestos-like material. Upon further analysis, this turned out to be similar to amosite asbestos—the type that was handled in the Paterson and Tyler factories.

The contamination of Lake Superior with asbestos had evidently begun in the middle fifties, when a new process was developed for extracting iron from the taconite-ore deposits in the nearby Mesabi Range. This process consisted in crushing the ore, grinding it in water to a fine muddy sand, and magnetically separating the iron from the wet slurry. In 1956, the Reserve Mining Company—a three-hundred-and-forty-million-dollar subsidiary of ARMCO and Republic Steel—began using the new process at its plant in Silver Bay, a town on the lake about fifty miles northeast of Duluth, and also began dumping, through pipes and chutes, thousands of tons of pulverized waste tailings into the lake each day. (At the same time, large quantities of mineral dust began to be released into the ambient air through the smokestacks of the plant.)

By the middle sixties, when the company was dumping sixty-seven thousand tons of waste tailings into the lake each day, a large green stain almost twenty square miles in area was spreading over the lae in the vicinity of Silver Bay—a stain that was thought for a long time to be composed of algae whose growth was stimulated by the dumping of the tailings. In 1969, concerned about the condition of the water in the lake, the State of Minnesota went to court seeking to enjoin Reserve from the practice of dumping. In the cqurse of the proceedings, it was established that the green stain resulted not from algae but from a light-scattering effect that was caused by sunlight shining on suspended particles. Then, in December of 1972, suspecting that asbestos might be present in the taconite ore mined for production, officials of the Minnesota Pollution Control Agency commissioned two geologists—Stephen Burrell, of the University of Wisconsin, and James Stout, of the University of Minnesota—to undertake a study of the situation.

Over the next seven months, Burrell took samples of ore at Reserve's Peter Mitchell Mine, and when Stout analyzed them, asbestos-type material turned out to constitute about twenty per cent of the total. After the iron was separated from the ore, the waste tailings that were left contained an even greater percentage of this material. Thus, since the dumping had begun, it could be estimated that the waters of the lake had been polluted not only with about two hundred million tons of ore refuse but with tens of millions of tons of asbestos-type minerals. Small wonder that when the Environmental Protection Agency—which had instituted its own suit against Reserve in February of 1972—collected samples of the public water supply of Duluth and sent them to the Environmental Sciences Laboratory of the Mount Sinai School of Medicine, in June, to be analyzed they were found to contain approximately a hundred times as much asbestos-type fibre by weight per litre as any other water samples that had ever been analyzed there.

During May, preliminary results of the Burrell-Stout study were reported to officials of the E.P.A., in Washington, who, after mulling over their implications and the possible effects of their public disclosure (including the possibility of panic among the citizens of Duluth), furnished the information to the court, thus adding a new dimension to the original suit. At the same time, the E.P.A. asked Dr. Selikoff and Dr. Hammond to evaluate within sixty days the possibility of adverse effects upon the health of the citizens of Duluth. Shortly thereafter, United States District Court Judge Miles W. Lord, who was scheduled to hear the case against Reserve, requested Dr. Selikoff and Dr. Hammond to conduct a preliminary study and report their findings to him within two weeks. Since no studies had ever been performed on people whose exposure to asbestos was purely by ingestion, Dr. Selikoff and Dr. Hammond, and Dr. William J. Nicholson, associate professor of community medicine at the Mount Sinai School of Medicine, and also a member of the staff of its Environmental Sciences Laboratory, undertook to determine the presence of asbestos fibres in the tissues of such people by comparing autopsy material from people who had lived all their lives in Duluth with autopsy material from asbestos workers who had been employed at the old Union Asbestos & Rubber Company's factory in Paterson. Because workers at that plant—and other asbestos workers as well—were known to have incurred three times as much gastro-intestinal cancer as people in the general population, the project appeared to be an urgent one.

Toward the end of June, Dr. Selikoff, Dr. Hammond, and Dr. Nicholson informed Judge Lord that because their initial studies showed that the autopsy material from Duluth had been prepared with formalin which had been diluted with water from the Duluth water supply, the material was contaminated with asbestos to start with, and thus made its analysis very much more complicated. For this reason, a proper evaluation of the potential health hazard to the residents of Duluth from drinking water contaminated with asbestos could not be made on short notice but would take many months of painstaking study and evaluation. As a result, the study continued through the summer and fall.

Meanwhile, the suits that had been brought against Reserve by Minnesota and the E.P.A. had been merged, and went to trial on August 1st in United States District Court, with Judge Lord presiding, and with the Justice Department (acting in behalf of the E.P.A., and joined in its action by Minnesota, Wisconsin, and Michigan, as well as by five environmental groups) contending that Reserve's discharge of taconite waste into Lake Superior posed a threat to public health and should be halted. Because of the complexity of the issues involved, most of the government's key witnesses were not called to the stand until the early part of September.

On of the first of these was Dr. Nicholson, who testified that his analysis of water samples from Duluth showed that they contained very large amounts of amphibole minerals. (Amphiboles are a complex group of silicate minerals that chiefly contain magnesium, silicon, and iron. Included in the group are five different varieties of asbestos, including crocidolite and amosite, both of which are known to have caused asbestosis, lung cancer, mesothelioma, and cancer of the gastrointestinal tract in workers who inhaled their fibres.) When asked how many amphibole fibres someone might ingest from drinking a quart of water from the public water supply of Duluth, Dr. Nicholson testified that his analysis showed that a quart of Duluth water could contain anywhere from twenty million to a hundred million such fibres.

Later in his testimony, Dr. Nicholson indicated that Reserve's operations might also constitute a serious air-pollution hazard, since his analysis of air samples taken in the vicinity of the company's plant in Silver Bay showed that they contained concentrations as high as eleven million amphibole fibers per cubic metre of air. (Anyone breathing such air could inhale more than one hundred million fibres in twenty-four hours.) Basing his conclusions on the air and water samples he had analyzed, on his research on people who had been occupationally exposed to asbestos, and on his knowledge of other research into the biological effects of asbestos which showed that asbestos-induced cancers usually took twenty years or more to develop, Dr. Nicholson stated that the situation resulting from Reserve's discharge of taconite waste constituted a serious public-health hazard, "If we waited until we saw the bodies in the street, we would then be certain that there would be another thirty or forty years of mortality experience before us," Dr. Nicholson said. "We would have built up a backlog of disease over which we would have little control."

Dr. Nicholson was followed on the witness stand by Dr. Harold L. Stewart, who had been engaged in cancer research for the United States Public Health Service's National Cancer Institute since 1939, and who had been chief of pathology at the Institute from 1954 until 1969, when he retired. Dr. Stewart testified that in his opinion the amphibole fibres in the Duluth water supply constituted a carcinogen. "You give it to the infants," he said. "You give it to young children. This is a captive population. They not only ingest the water, it's virtually a food additive. Everything that's cooked is cooked in [asbestiform minerals]. All the sheets and the pillowcases and the clothes are laundered in the asbestos water. It must be in the atmosphere. It must be floating around. The dryer that dries the clothes in the cellar must blow this out somewhere, I would assume. It's a carcinogen introduced through the domestic water supply into the homes of people." Toward the end of his direct testimony, Dr. Stewart said that anybody who permits such a situation "must realize that he's condemning people to exposure to a carcinogen that may take their lives and probably will."

After Dr. Stewart's appearance, the government called Dr. Arthur M. Langer, the chief mineralogist and head of the physical sciences section at the Mount Sinai Environmental Sciences Laboratory, who testified that his analysis of fibres in samples of the Duluth water supply showed that half of them were of the amphibole variety, that approximately two per cent were identical with amosite asbestos, and that between four and five per cent were consistent with amosite. Dr. Langer also stated that almost half of the fibres found in the air samples taken in Silver Bay were either identical to or consistent with amosite asbestos in their chemical composition. Dr. Langer was followed to the stand by Dr. Wagoner, of NIOSH. A considerable portion of Dr. Wagoner's testimony was devoted to the excessive amosite-asbestos dust concentrations that Dr. Johnson and others from the Division of Field Studies had found during their survey of Pittsburgh Corning's Tyler plant, in October of 1971, and to the critical occupational-health situation that had existed there. During this testimony, it was brought out that previous surveys of the Tyler plant, which showed gross abuses of good industrial-hygiene practices at the factory as far back as 1967, had been conducted under the direction of Dr. Wagoner's predecessor at the division, Dr. Cralley; that Dr. Cralley had reported the results of the findings to Pittsburgh Corning but not, insofar as Wagoner knew, to any federal regulatory agency; and that Dr. Cralley was at present a consultant for Reserve.

Dr. Wagoner was followed on the witness stand by Dr. Selikoff, who, during four days of testimony, proceeded to review the history of asbestos disease, the results of the major studies of the biological effects of asbestos which had been carried out during the past forty years, and the results of the studies he and Dr. Hammond had conducted showing the disastrous mortality experience of asbestos workers at the Tyler plant and at its predecessor, the Union Asbestos & Rubber Company's factory in Paterson. Dr. Selikoff went on to describe some preliminary findings of a study he is conducting of the relatives of men who had worked at the Paterson plant. He told the court that upon examining a hundred and fifteen people who had lived in the same house with workers at the plant (and who could, therefore, have been exposed to asbestos dust brought home on the workers' clothes), he found that thirty-nine per cent showed X-ray abnormalities, most of them in the form of lung scarring typically found among people who are occupationally exposed to asbestos. Dr. Selikoff also testified that he felt it was highly probable that ingestion of asbestos fibres was responsible for the fact that he had found a threefold increase in cancer of the gastro-intestinal tract among the asbestos workers he had studied.

In attempting to deny the government's charges, Reserve contended that the fibres found in the Duluth water supply were not caused by its disposal of taconite waste into Lake Superior, and that, in any case, the fibres were not of the same chemical type that had been found to cause cancer of the lungs and gastro-intestinal tract among asbestos workers. However, Dr. Selikoff testified that he strongly believed, on the basis of his experience and upon evaluation of all the data he had studied, that cancer was induced by the "size and shape of the particles rather than their exact chemical composition." Later, when asked if he had an opinion as to whether or not the presence of amphibole fibres in the Duluth water system constituted a health hazard, Dr. Selikoff replied that he thought it posed a distinct health hazard to the population of Duluth and to other populations drinking or using such water. "We will not know whether or not these particular circumstances will cause cancer until another twenty-five or thirty-five years have passed," Dr. Selikoff stated.

"This is in my opinion a form of Russian roulette, and I don't know where the bullet is located." Upon further questioning, Dr. Selikoff testified that asbestos levels measured in the air at Silver Bay, less than half a mile from two schools, were about ten times as great as asbestos levels measured near sites where asbestos insualtion had been used in building construction in New York City (a practice banned by the city as a health hazard in February of 1972), that the asbestos levels in Silver Bay were about the highest environmental levels he had ever seen; and that people who might be breathing air containing such concentrations were, in his opinion, risking the development of mesothelioma.

At Judge Lord's request, a tentative list of witnesses whom the lawyers for Reserve intended to call to the stand was furnished on September 28th. It contained the names and affiliations of sixty-four men, who were listed according to ten different categories of information about which they could be expected to testify. Some of the names were familiar. They included Dr. Cralley and Robert G. Keenan, of Clayton & Associates; Dr. Paul Gross; Dr. Stephen Holmes, now chief health physicist for the Turner Brothers Asbestos Company; and Dr. John Corbett McDonald, of McGill University—all of whom had figured in the riddle about the medical-industrial complex. Also listed were Dr. Donald W. Meals and three other members of Arthur D. Little, including Dr. Charles J. Kensler, the firm's senior vice-president in charge of operations; Dr. Leonard G. Bristol, director of Immunobiological Research Laboratories of the Trudeau Institute, Inc., at Saranac Lake, which Johns-Manville has helped support for many years; and Dr. Hans Weill, professor of medicine in the pulmonary-disease section of the Tulane University School of Medicine, whose study of asbestos is in workers at a Johns-Mansville cement-products plant at Marrero, Louisiana, had been financially supported by the Quebec Asbestos Mining Association, of which Johns-Manville is a leading member.

Whatever the outcome of the trial, all those involved in the Duluth affair, and especially the city's hundred thousand residents, are keeping their fingers crossed. On the face of it, the predicament would seem to be an incredibly absurd and hapless one for the people of any city in this country—the most highly developed and technologically expert nation of the world—to be in. The major steel companies are anxious about it, because many of them have mines and mills in the Mesabi Range, and the health of thousands of their workers may have been seriously jeopardized through exposure to asbestos dust. Most anxious of all, however, are ARMCO and Republic Steel, for, as co-owners of Reserve, they might, if worst comes to worst for the people of Duluth, be sued under Minnesota law. As it happens, one of the chief medical consultants for Republic Steel these days is none other than Dr. George W. Wright. Dr. Wright's value to Republic Steel in the Duluth affair may prove to be limited by the fact that while in the service of Johns-Manville—the world's largest producer of chrysotile asbestos—he testified at the Department of Labor's public hearings that amosite, not chrysotile, was, in his opinion, responsible for the grossly excessive incidence of mesothelioma in the study of insulation workers conducted by Dr. Selikoff and Dr. Hammond.

During the summer, while the situation in Duluth was making headlines across the country, the Department of Labor addressed itself to the business of setting permanent standards for exposure to the fourteen chemical carcinogens for which it had promulgated six-month temporary emergency standards on May 3rd. As in the case of the asbestos standard a year and a half before, the Secretary of Labor convened an advisory committee—the Standards Advisory Committee on Carcinogens—in order to avail himself of expert advice on the problem. The committee was made up of fifteen members drawn from government, labor, the independent medical and scientific community, and industry, and in August, it recommended to Secretary Brennan that the permanent standards include a strict permit system, so that no company could manufacture or use any of the fourteen carcinogens without first demonstrating its ability to handle the chemical in a manner that would avoid detectable exposure to any worker. This recommendation came about largely because of evidence presented to the advisory committee by Dr. Wagoner's Division of Field Studies and Clinical Investigations, which demonstrated that literally hundreds of factories across the land were manufacturing and using the chemicals with either grossly inadequate or, in some cases, no controls for the protection of workers.

In September, when the Department of Labor's Occupational Safety and Health Administration held public hearings on the proposed standards, in Washington, D.C., the recommendation of the advisory committee was discounted by Leo Teplow, a special consultant for Organization Resources Counselors, Inc.—a concern representing forty major corporations, many of which either manufacture or use one or more of the carcinogens involved. Testifying at the hearings on September 11th, Teplow declared that the recommendation merited very little attention, and added, "This is a subject for consideration by people of far more generalized experience than those who were primarily toxicologists and hygienists that composed this committee."

On September 14th, Teplow's statements were contradicted by Dr. Key, of NIOSH, who on this occasion took a strong and forthright stand on the matter of occupational exposure to known carcinogens. "It is the firm conviction of NIOSH that no evidence exists to scientifically conclude that anyone of the fourteen agents under consideration is not carcinogenic in man," Dr. Key testified. "I make this presentation as a concerned public-health official in the spirit of fostering a better understanding of occupational carcinogenesis . . . and also in the spirit of encouraging a prudent approach to standards setting, so that we can profit from those lessons learned from experience with beta-naphthylamine and bis-chloromethyl ether. Such lessons, although advancing the state of knowledge as far as experimental versus human carcinogenicity is concerned, were unfortunately done at the expense of the health of the American worker."

On the same day, Samuels, of the Industrial Union Department, attacked the timing of the public hearings. "This hearing could have been held more than two years ago, when our department and affiliates first questioned the exclusion of known carcinogens from the interim standards promulgated under the Occupational Safety and Health Act," Samuels testified. "The consequence is that, as a result of two years of unjustifiable exposure of carcinogenic agents, regardless of anything done now, hundreds and perhaps thousands of men and women can be expected to experience agonizing death from cancer in the next two decades. Sir, in a truly civilized society we would hold personally responsible those who participated in this crime, both the callous political creatures and the cancer peddlers who bartered moral and statutory obligations. In a just society they would now be undergoing rehabilitation in a penal institution. Instead, they walk freely—some of them are or have been in this room—as if evil is its own reward."

Although Secretary Brennan and Assistant Secretary Stender were required by law to announce the promulgation of permanent standards for the fourteen carcinogens by November 3rd, that deadline passed with no action taken. However, on November 8th, Gerard F. Scannell, the director of the Occupational Safety and Health Administration's Office of Standards, informed Samuels that the new standards would not include a permit system, which had been recommended by Secretary Brennan's advisory committee, by NIOSH, and by the unions, so that the standards could be effectively enforced under the 1970 Act. If this proves to be the case, then once again, as in the case of the asbestos standard, a Secretary of Labor will have disowned the recommendations of the members of his own advisory committee and of occupational-health experts from NIOSH. (In this instance, he will even have disowned the advice of the staff of the President's Council on Environmental Quality, who have also strongly urged the necessity of including a permit system in the new standards.) Indeed, continuing the long business-as-usual approach of the federal government toward the crucial problem of industrial disease, he will have set standards for known cancer-producing substances which fail to adequately protect the health and lives of workers.

Meanwhile, there were some new developments concerning Pittsburgh Corning's Tyler plant, which has provided the starting point for my twenty-one-month investigation of the medical-industrial complex. In October, I received a copy of a report entitled "Tyler Asbestos Workers Study"—a project designed to conduct a medical followup of the Tyler workers in the coming years—which had been drown up by a newly formed nonprofit organization called the Texas Chest Foundation, with headquarters at the Texas State Department of Health's East Texas Chest Hospital, in Tyler. The idea for the project had been initiated by Dr. Johnson late in the summer of 1972, and it had been developed since then by him and by Dr. Wagoner; by Richard A. Lemen, an epidemiologist in the Division of Field Studies and Clinical Investigation; by Dr. George A. Hurst, the superintendent of the East Texas

Chest Hospital; and by Dr. Selikoff. Upon making inquiries, I learned that these men had met in May and June of this year with Dr. Michael B. Sporn, the chief of the lung-cancer branch of the Department of Health, Education, and Welfare's National Cancer Institute, for the purpose of engendering interest in and funding for the project.

I also learned that during the late spring and summer Leman had managed to trace the whereabouts of six hundred and ninety-two of the eight hundred and ninety-five men who had been employed at the Tyler plant from November of 1954, when it opened, until February of 1972, when Pittsburgh Corning shut it down. In addition, I found out that on June 18th, Dr. Johnson had written Dr. Grant, medical director of PPG Industries and medical consultant to Pittsburgh Corning—who had first ignored and then minimized the peril of the workers employed at the Tyler plant—informing him of the proposed study and of the National Cancer Institute's interest in it.

I talked with Lemen recently, and he told me that in August of this year he decided to revisit the site of the old Tyler plant, where the Imperial American Company now manufactures lawn furniture. "I had not been back to Tyler since January of 1972, when Steven Wodka and I visited the dumps where Pittsburgh Corning was disposing of asbestos waste," he told me. "Imagine my surprise when I discovered that the soil with which the company had later covered them over had eroded, and that loose wads of asbestos fibre were lying everywhere on the ground." Lemen went on to tell me that he had brought the matter to the attention of officials of the Texas State Department of Health and of the E.P.A. I later learned that Pittsburgh Corning had been directed by the E.P.A. this past September to remedy the situation. The company then proceeded to recover the dumps with two feet of soil and with four inches of topsoil, and to seed them with grass, at a total cost of some sixty thousand dollars.

The prudence of the E.P.A.'s action was reinforced by an article that appeared recently in the *Annals of Occupational Hygiene*. The article was entitled "Asbestos in the Work Place and the Community;" it was written by Dr. Muriel L. Newhouse, of the London School of Hygiene and Tropical Medicine, who is well known for her studies of mesothelioma; and it included the description of "a patient suffering from a peritoneal mesothelioma [who] recalled playing with handfuls of asbestos on waste ground near a factory as a small boy, some forty years before he developed his tumour."

As for the "Tyler Asbestos Workers Study," which is being considered for funding by the National Cancer Institute (and to which, as yet, Pittsburgh Corning has not offered to make any contribution), it says, under the heading "Definition of the Problem":

"In 1972, approximately eight hundred and seventy-five employees of a Tyler asbestos plant completed massive exposure to inhaled amosite asbestos fibre. Approximately two hundred and sixty of these employees will develop cancer, mainly bronchogenic carcinoma, and die from this disease unless some type of successful intervention is undertaken."

At present, of course, no truly successful intervention to combat the development of lung cancer is known to the medical and scientific community, but it is at least a hopeful sign that if the National Cancer Institute funds the project the Tyler workers will not be wholly abandoned to the : rful peril they have been exposed to (as have so many other asbestos workers in the United States), and that if in the next few years some kind of successful intervention is discovered some of these men who might otherwise die unnecessarily early deaths may be saved.

Shortly before the Duluth story broke into the headlines, I received an announcement of the National Symposium on Occupational Safety and Heatlh, which was to be held at the Carnegie Institution, in Washington, D.C., from June 4th to June 6th. Among the listed sponsors of the symposium were the Division of Industrial and Engineering Chemistry, the American Chemical Society, the Manufacturing Chemists Association, the National Safety Council's Chemical Section, NIOSH, and the Occupational Safety and Health Administration. According to the announcement, Session Six of the symposium, entitled "The Human Factor," would be co-chaired by Dr. Grant, who was scheduled to deliver some introductory remarks.

More recently, I received a copy of the October 3rd issue of *Chemical Week*, a publication put out by McGraw Hill. It contained an article entitled "Health Programs Need First Aid," which described a meeting of the Manufacturing Chemists Association, held in Atlanta during September. The article said that "O.S.H.A., now in its third year, had issued its first permanent health standards—for asbestos," and that "ten or more substances will have permanent standards by the end of the year, according to Lee Grant, medical director of PPG Industries, who moderated the discussion." The article went on to state that "Grant says O.S.H.A. will define a 'healthful environment' and take other steps concerning methods and sampling procedures in the work environment, medical examinations for employees, and prescribed work practices."

Although I was unable to attend either the National Symposium on Occupational Safety and Health or the Manufacturing Chemists Association meeting, I had had a chance to see Dr. Grant preside over a similar gathering almost a year before. The occasion was the One Hundredth Annual Meeting of the American Public Health Association, which was held in Atlantic City from November 12th through November 16th of 1972. At that time, nearly eight months had passed since James M. Bierer, the president of Pittsburgh Corning, telephoned me to say that he could not give me permission to talk with Dr. Grant, or with any other Pittsburgh Corning employee, about the Tyler plant. During those eight months, I had gathered a good deal of information about Dr. Grant, and it had made me all the more curious to meet him. Therefore, when I received a copy of the official program of the American Public Health Association's meeting and saw that he was scheduled to preside at two of its sessions, I decided to attend, in the hope of talking with him. I arrived in Atlantic City on Sunday, November 12th, and went directly to a meeting of the American College of Preventive Medicine, which was being held in Ballrooms A and B of the Holiday Inn and was being presided over by Dr. Grant in his capacity as the college's outgoing president.

Upon reaching the doorway of the ballroom, I could see half a dozen people sitting on a platform at the front of the room, about twenty yards away. I asked a young man standing in the doorway if he knew which of them was Dr. Grant, and he pointed out the man sitting at far stage right—a lean blond man, with deep-set eyes and a prominent nose, who looked to be in his middle forties. However, when the session ended, a few minutes later, and I advanced across the ballroom floor toward the platform, I realized that Dr. Grant was at least ten years older than I had thought, and that it was his blond hair—parted and combed in the flat collegiate style of twenty years ago—that made him appear younger at a distance. When I reached the platform, I introduced myself to Dr. Grant, who was standing above me, at approximately knee-to-eyeball level, and reminded him that I had telephoned him in March in the hope of being able to talk with him about the Tyler plant. I also reminded him that at the time he had referred me to Bierer, who had subsequently refused to give me permission to talk with any employee of the company.

"I wonder if there might be some time in the next day or two that I could talk with you," I said.

Dr. Grant appeared to hesitate. Then, glancing quickly over the ballroom, which was emptying, he shook his head. "I'm afraid I can't," he replied. "In this instance, it's a question of the patient's rights."

For a moment, I thought I had not heard him correctly. Then it dawned on me that he was talking about the company. "Do you mean Pittsburgh Corning?" I said.

"Why, yes," Dr. Grant replied. "If they don't want me to talk with you, there's nothing I can do."

"But isn't the patient all those men who worked in the Tyler plant?" I asked.

Dr. Grant straightened up and looked down at me from his full height on the platform. "Well, in the larger sense, of course, that's probably true," he replied. "And now, if you'll excuse me, I have some business to attend to."

I stood at the platform and watched Dr. Grant, who, as he moved away, put a cigar in his mouth, lit it, and exhaled a cloud of smoke into the air. A moment later, I saw him throw an arm in greeting around the shoulders of a colleague. Then I turned away, and found myself looking straight into the face of Anthony Mazzocchi, who, as it turned out, had been invited to speak at one of the convention's sessions on occupational health.

"Did you hear that?" I asked him. "Did you hear what he said?"

For a long time, Mazzocchi looked at me without a trace of expression on his face. Then, very slowly, he nodded his head up and down. And then, just as slowly, he shook it from side to side.

—PAUL BRODEUR

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