Briefing

Congress Considers Asbestos Indemnity Bill

The asbestos industry could escape responsibility for its failure to inform workers and the public of the hazards of asbestos if two bills now pending before Congress are enacted, several congressmen say.

The first, now before the House subcommittee on labor standards, would require the federal government to pay off the product liability claims of any U.S. citizen exposed to asbestos prior to December 1980. The bill was drafted by the Johns-Manville Corporation, the major U.S. manufacturer of asbestos, and was introduced by Representative Millicent Fenwick (R-N.J.), who has a major Johns-Manville plant in her congressional district.

Johns-Manville currently faces lawsuits from workers exposed to asbestos dust, a known carcinogen, that are estimated to total between $1.5 and $1.7 billion. Recently, the company lost a precedent-setting suit in Norfolk, Virginia, in which it was forced to pay the widow of an asbestos worker several hundred thousand dollars for negligence in failing to warn of asbestos hazards.

The bill would require the federal government to pay all existing workmen's compensation claims for asbestos-related illness, and would require the asbestos and tobacco industries to set up a fund to pay for future claims in which the claimant was able to prove a loss of earnings of 60 percent or more. No one knows how much it would cost, but the number of claimants could be several million.

The industry says the scheme is appropriate because the federal government shared in the needless exposure of workers to asbestos-containing products at naval shipyards and elsewhere. Indeed, the federal government has already agreed to pay $5.7 million as its share of liability in a $20 million suit against the Pittsburgh Corning Corporation by workers in a Texas insulation plant. Testimony in the trial revealed that various government inspectors had overlooked obvious hazards at the Texas facility, or failed to set exposure standards that were low enough.

There is widespread agreement that existing state workmen's compensation plans are inadequate to recompense chronic illness such as cancer or asbestosis. But many in Congress, led by Representative George Miller (D-Calif.), object to the federal government picking up the whole tab, particularly since—as documents released by him and others demonstrate—the industry was well aware of asbestos hazards long before they acknowledged them publicly. As recently as 1978, the international Asbestos Information Association declined to recommend a warning label on asbestos going to some countries because of "a possible negative influence on sales," according to the minutes of one meeting.

The second of the bills, recently approved by the House Education and Labor Committee, requires the federal government to pay the interest on loans obtained by the nation's schools to remove asbestos materials from ceilings and walls, up to a total cost of $100 million. By a vote of 18 to 11, the committee rejected a proposal to assess the industry up to $30 million as its share of the cost. Again, Johns-Manville would have had to provide the lion's share.

The committee did, however, vote to require the Attorney General to consider whether he could sue the industry to recover the costs. Congressional sources say the bill has an excellent chance of passage.

Summer Phenomena

Skylab will return to Earth between 15 June and 2 July, according to the latest estimate by the satellite trackers at the North American Air Defense Command (NORAD) outside Colorado Springs. NORAD says the most likely reentry date is 21 June; the British Royal Aircraft Establishment, on the other hand, predicts 30 June for the big event.

Neither is granting much credence to an attempt on 25 May to propel the satellite into a higher orbit by harnessing the psychokinetic energy of several thousand radio listeners. Under the direction of the Institute for Psycho Energetics in Brookline, Massachusetts, and the coordination of station WFTL in Ft. Lauderdale, Florida, listeners to stations in several major cities will be instructed to "relax, visualize themselves as being in contact with Skylab, and then to visualize Skylab as moving out into space," saving the earth's population from its fall.

The idea comes from institute director Buryl Payne, who says he has a masters degree in physics and a doctorate in psychology, and who says this is his first satellite rescue attempt. Normally, he says, he designs biofeedback equipment, administers holistic therapy, and researches "consciousness on a 5th dimension."

Station WFTL seems a natural outlet: it employs a resident psychic who organized earlier shows on UFO's and the Bermuda Triangle. "We're not some fly-by-night station down here," the station's program director says. "Last year, we were runner-up for the best radio station in the country."

Beseiged by these and other plans, officials at the National Aeronautics and Space Administration must be particularly distraught that they have lost the ability to target the precise point of Skylab's impact.

FDA Advisers Spurn Tough Darvon Controls

An advisory committee to the Food and Drug Administration (FDA) has rejected suggestions that the federal government more strictly control the distribution and use of Darvon, one of the nation's most popular prescription painkillers. The committee did recommend, however, that Darvon be formally classified as a narcotic, in order to emphasize the possibility of patients becoming dependent on it.

Immediately before the 11 to 2 rejection of strict controls, Eli Lilly and Company, the drug's major manufacturer, adroitly offered to strengthen Darvon's labeling voluntarily. The specific changes are currently being negotiated with FDA, but Lilly had offered to strengthen the warnings against use with alcohol. (Lilly has also offered to prepare a film for physicians on suicide-prone patients.) The major problems with Darvon are misunderstandings among physicians about its hazards and low therapeutic effectiveness, caused in large part by Lilly's misleading promotion of the drug in the first decade after its introduction (*Science*, 2 March).

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The committee, which is chaired by Frank Freeman, a neurologist at the Veterans Administration Hospital in Nashville, decided not to recommend strict controls on the drug because it has only about half the abuse potential of morphine (most drugs that are more strictly controlled have the same potential); there is only weak evidence that the overall number of drug-related deaths would decline if strict controls were adopted; and its availability in treatment for heroin addiction would be drastically reduced.

These are not settled facts, and FDA Commissioner Donald Kennedy is not bound by what the advisory committee says. It is reasonably certain, however, that Lilly will soon be sponsoring an educational campaign on the hazards of the drug; it's an idea that the advisory committee endorsed by a vote of 12 to 1, and one that even Sidney Wolfe, of Ralph Nader's Health Research Group, could hardly turn down. The final verdict, which will address the question of whether an industry-sponsored campaign is sufficient, is expected from Secretary of Health, Education, and Welfare Joseph Califano by 1 June.

New OTA, NIDA, NIAAA Directors Appointed

The top posts at three troubled federal science agencies have recently been filled. The new director of the congressional Office of Technology Assessment (OTA) is John Gibbons, 50, a nuclear physicist who formerly headed the University of Tennessee's Environment Center. And the new director of the National Institute on Drug Abuse (NIDA) is William Pollin, 57, a psychiatrist who formerly directed NIDA's research division.

Also, the new head of the National Institute on Alcohol Abuse and Alcoholism (NIAAA) is John DeLuca, 35, a public administrator who formerly directed a state alcoholism program in New York.

Gibbons, the new OTA director, is a well-placed specialist in energy conservation and research. This made him particularly attractive to Representatives Morris Udall (D-Ariz.), the current chairman of OTA's congressional board, and John Dingell (D-Mich.), who chairs the House subcommittee on energy and who placed Gibbons' name in nomination for the post. People who know him say that Gibbons is a scientist first and a policy expert second—an affable fellow who is inclined to compromise when the going gets tough.

Some worry that he will have a hard time standing up to OTA's congressional overseers. Gibbons himself indicates that he would like to focus OTA's work more narrowly, concentrating on topics that Congress really wants. He also says that some personnel changes may be necessary to reduce the tension and bickering that has plagued the agency for some time.

Prior to directing the Tennessee center, Gibbons had served as head of the office of energy conservation at the old Federal Energy Administration; presently, he is a member of the federal energy research advisory board. Although the congressional board passed him over when it selected Russell Peterson, his predecessor, a year and a half ago, Gibbons was the swift choice this time around. His salary will be $52,500.

Pollin, the new NIDA chief, is an expert in behavioral psychology and schizophrenia, with special experience in genetic factors and twin and sibling studies. He takes control after a long vacancy in NIDA's top post, following the departure of NIDA's embattled former director, Robert DuPont.

"Dr. Pollin's background and experience in brain, behavioral, and clinical research will provide a solid base for the institute's new policy directions," says Secretary of Health, Education, and Welfare Joseph Califano. Under his tutorship, the institute will attempt to move from a narrow Nixon-directed focus on heroin and address broader problems of addiction to prescription drugs, synthetic drugs, and tobacco. NIDA administrative, personnel, and press officers did not know what Pollin's salary would be.

DeLuca, of NIAAA, ascended to his former post as director of alcoholism programs in New York after a stint on Governor Hugh Carey's personal staff, and some experience with the Peace Corps and VISTA. It is not immediately clear whether his appointment will aid efforts at improving the quality of NIAAA's scientific work. De Luca's salary will be $47,500.

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(Continued from page 711)

the fact that the results have not yet come to full flower. He adopted a computational method called the "relative risk" approach and used it to estimate the maximum, end-of-generation number of cancers likely to result from a given exposure to radiation. The lower end of the scale was computed by the absolute risk method.

BEIR-I expressed the risk 7 years ago in terms of cancer mortality, not cancer incidence, and it did not incorporate relative risk estimates. Thus, BEIR-III makes the problem look bigger, as follows. The committee concluded that a one-time dose of radiation amounting to 1 rad given in 1 year over the whole body to 1 million people will produce 192 to 756 cases of cancer in males or 344 to 1306 cases of cancer in females. (A rem is a standard measurement of biological damage done by radiation, and a rad is a similar measurement of radiation absorbed by tissue. In most low-level radiation, they are roughly equivalent.) The same exposure would produce between 70 and 353 cancer deaths. BEIR-I predicted there would be 50 to 165 deaths. If the same exposure were spread out over a year rather than given all at once, the risk would be less, according to the new study. The probable fatalities would range from 68 to 293 in a population of 1 million. An exposure of 1 rem given to a population of parents would be expected to produce an increase of 5 to 75 serious genetic disorders per million live births in the first generation offspring. The same exposure, if given to each generation, would result, "at genetic equilibrium," in an increase of 60 to 1100 serious genetic disorders per million live births.

For perspective, it is important to point out that the naturally occurring incidence of serious genetic disorders is about 107,000 per million births, and the incidence of cancer (of whatever origin) about 250,000 per million people. Also, the rates of exposure discussed here—1 rad or 1 rem per year—are higher than most people receive. The average background radiation to which we are all exposed is thought to be about 0.1 rem per year over the whole body. A medical x-ray is likely to amount to no more than about 0.025 rem, and is concentrated in a small area. A person standing at the north gate of the Three Mile Island nuclear plant for 24 hours a day for 3 weeks following the accident might have received at the most 0.09 rem of additional whole-body radiation. That is roughly equivalent to what a person receives by living for 1 year in Colorado, where the natural background radiation is higher