Former mill site enters next chapter in storied history
By Sam Obar

The ongoing demolition of the abandoned buildings on the South Street Superfund site effectively marks the end to a long and storied chapter in local history that brought both good and bad to the town of Walpole over two centuries.
The west side of the street, which has been fenced off and abandoned for more than 20 years, has essentially been stigmatized as a toxic waste dump for the generation growing up in Walpole today. But while its long history has indeed included an association with toxic substances, the site was a major part of Walpole’s industrial history during its heyday.
Walpole town officials hope to redevelop both the east and west sides in the coming years for municipal use.
The site was used continuously by various industries and enterprises from the 1700s to around 1986.
There are few specific details of operations at the site during the 1700s, however there is some evidence of various mills and a forge being located there, all powered by the Neponset River that traverses the site.
Around 1811, John Blackburn started the Blackburn Privilege east of the site, where the Town Forest is today. Soon after, in 1812, the Union Privilege began operating on the west side. These were two of the 10 privileges established along the Neponset River in the 1800s.
The term “privilege” refers to a grant by the government allowing commercial use of the river for water supply and power.
Blackburn and his son, George, used their privilege to power the manufacture of both machinery and cotton yarn. Their facility eventually burned down, sometime in the late 1830s or early 1840s, and both father and son apparently moved on to other pursuits.
In 1846, Blackburn’s other son, John, teamed up with Ollis Clap and replaced the burned building with a new factory to manufacture stoves, machinery, and iron castings. This operation apparently ceased around 1854.
Meanwhile, in 1813, the Union Privilege, on the west side of the site, was taken over by Oliver Clap & Co, operated by Oliver and Warren Clap, Daniel Ellis, Daniel Payson, and Edward G. Cundal. This company eventually turned into the Union Manufacturing Company, dealing with cotton and wool textiles.
According to Willard DeLue’s “Story of Walpole,” published in 1925, their factory was “four and a half stories high and 60 X [by] 40 feet, being surmounted by a bell tower.”
Between about 1850 and 1872, Manning, Glover, & Company, owned by Charles Manning, Henry R. Glover, and Jerome B. Cram, used the site to manufacture curled hair mattresses and cotton batting and wicking. It is believed that this company occupied most of both the east and west sides of the site.
After 1872, Manning left the company, and it became Cram and Glover. The factory employed about 24 workers in 1875, according to DeLue.
The factory continued operation until 1881 when a fire destroyed most of the buildings, according to DeLue. After this time, the main operation at the site was the Union Carpet Lining Company. This business ceased in 1891 upon the death of its owner, Stephen Pember.
Industrial processes conducted at the site by this time involved some hazardous substances like chromium, arsenic, and mercury.
Between 1891 and 1900, there are no records indicating specifically what occurred at the site.
Around 1900, the Massachusetts Chemical Company, based in South Boston, bought the land on both sides of the street. Shortly after the acquisition, they apparently constructed some buildings, including what is now the abandoned factory located on the west side of the street. Mass. Chemical was in the business of manufacturing rubber heels and soles for shoes. Mass Chemical sold the rubber to Foster Rubber Company of Boston, under the brand names “Catspaw,” “Foster,” and “Orthopedic.” Mass. Chemical held many patents for various rubber goods. Their products included the Walpole Rubber Heel for horses and Walpole Hot Water Bottles.

The Walpole Shoe Supply Company was organized in 1908 as an offshoot of Mass. Chemical to manufacture shoe supplies for the rubber. In 1909, Mass. Chemical opened a factory in Granby, Quebec, Canada “to meet the large trade in Canada and avoid the duty on the goods manufactured at Walpole,” according to a company historical document. The Granby factory was called the Walpole Rubber Company, Ltd.

In 1910, the different parts of the company were brought under one name, the Walpole Rubber Company, with factories in Walpole and Granby, and sales offices in Boston and Montreal. It maintained offices all over the world, including in New York, Chicago, London, Paris, Berlin, and Brussels. Around 1910, it boasted of having total capital of $3 million (almost $80 million today), half of which was in the form of common stock. They claimed to own about 50 acres of land on South Street, with two dams that produced power from the Neponset River and mill ponds.

In 1911, an ad published in various publications including the Providence Evening News boasted that the Walpole Rubber Company was at the time “the largest maker of friction and rubber tapes in the world” with more than 10,000 pounds produced every day.

The company’s historical documentation suggests that the buildings at the site in Walpole were state-of-the-art for the time period. Their largest building had automatic sprinklers, a separate brick walled staircase, and elevator wells.

In 1912, the company changed its name to the Walpole Tire and Rubber Company. Unfortunately, the company went into receivership in 1913. One record indicates that this might have been a result of the failure of the Atlantic National Bank in Providence. The company maintained profitability but eventually was forced to sell off its assets.

One of the company’s dams sits abandoned today near the South Street site, in the town forest behind the High School. The same dam site had been used previously by Blackburn, and had been rebuilt by Mass. Chemical for hydroelectric power.
In 1915, the buildings on both sides of the street were taken over by the Standard Woven Fabric Company, a manufacturer of asbestos and brake linings. The company moved its existing factory from Framingham to the bigger facility in Walpole.

An article in the May 1916 edition of The Motor Truck magazine described the company’s new plant in Walpole as having “175,000 square feet of floor space … and 75 acres of land available for future expansion.”

“The aggregate value of the plant and real estate was put at well over $500,000,” according to the article. That is equal to more than $10 million in today’s dollars.

The company changed its name to Multibestos in 1920.

The company was a leading manufacturer of asbestos brake linings, gaskets, and asbestos-woven products, and secured a number of patents. During its height, in the 1920s, it employed as many as 300 people, according to DeLue. The company had offices and salesmen all over the country.

The boom times did come at a cost, though. Multibestos, along with most other companies in its industry, did not take precautions to protect its workers from the effects of carcinogenic asbestos dust. Workers had direct contact with asbestos, without any ventilation or protective masks. Early on, this disregard for workers’ health may have been because the extent of potential health effects from asbestos was not fully understood by factory owners, workers, and health professionals. However, even as many of their workers were getting sick in the late 1920s and early 1930s, Multibestos still did little to protect their workers.

Up until its harmful effects were fully recognized, asbestos, a naturally-occurring mineral that comes from mines, was a hot commodity in many different products, particularly automobile brakes.


The experiences of John Lightbody, of Walpole, chronicled in Walpole Times articles in 1987 and 2004, show just how fatal the conditions at the factory turned out to be for the workers there. Lightbody was one of a number of workers during the 1930s who received compensation from Multibestos as a result of health effects of working in close contact with asbestos dust. The working conditions ended up costing him his life.

According to the Times accounts of his experience, Lightbody began working at the Multibestos factory in 1918. After about a month, he was assigned to the “small weave room” where 16 looms were used to weave asbestos. He worked for about eight years in that room, feeding asbestos “yarn” into the looms and repairing the machines.
Bags of raw asbestos were delivered to the Multibestos factory by train. The tracks ran under Common Street and along the Town Forest. The abandoned railroad easement is still located behind the east side of the site.

“A naturally fibrous mineral, asbestos came to the Multibestos factory in a form resembling yarn. This yarn was tightly wound onto big iron spools called beams. During the production process, the beams of asbestos would be unraveled and pulled onto the looms,” wrote the Times. During the production process, friction created asbestos dust that covered everything in the room on a daily basis. Lightbody routinely came home with white dust all over his clothes.

The factory had no air circulation systems. Sometimes, employees could use ventilators but “they were so hard to breathe through that it was practically impossible to complete any physical labor while wearing one,” according to the Times.

At one time, a water system was installed in the factory to spray the dust down, but this practice was ended after only a few months. Workers attempted to wet down the asbestos yarn to control the dust, but this was ineffective because it rotted the yarn.

Within only five years of employment at Multibestos, Lightbody developed a cough that worsened as he got older. After the first year of his cough, he consulted medical professionals and was advised to stop working in close proximity to asbestos dust. The company allowed him to work a lower-paid job as a truck driver.

But in this new job, he still had contact with asbestos dust. One of his jobs was to take the dust that had been swept off the factory floors and truck them to a dump on another part of the property. He would sweep the dust out of the back of his truck.

Multibestos truck drivers like Lightbody earned between $20 and $30 per week. During the 1920s, this was a decent salary – equating to about $200 per week in today’s dollars. Workers in the weave room usually earned more money.

In 1933, Lightbody’s health began to worsen, including dramatic weight loss, constant coughing, and generally poor eating and sleeping. He quit his job that year.

The next year, he and the company both appeared in a hearing in front of the state’s Industrial Accident Board (IAB) so that he could argue for disability pay. Doctors testifying on behalf of Lightbody said that “he suffered from a mild case of tuberculosis which had been aggravated to a disabling condition as a result of his exposure to asbestos,” according to the Times.

Doctors testifying on behalf of Multibestos argued that Lightbody’s symptoms were solely because of tuberculosis.

The IAB eventually ruled in Lightbody’s favor, but his compensation was less than he would have received if he still worked at the factory. He received $680.24 in retroactive pay, and $15.46 per week afterward. He also was unable to ever work again.

Lightbody passed away at age 49 in 1938, leaving young children behind. His wife, Clara, had passed away in 1934, and his family speculates that her cause of death, cancer, came about from contact with asbestos dust while cleaning her husband’s clothes.

Around the same time Lightbody and other workers were seeking compensation from Multibestos for their ailments, in the depths of the Great Depression, the company was also running into financial difficulty. The company, owned by Dewey and Almy Chemical Company, sought four different tax abatements from the town starting with its 1932 taxes, and continuing to 1935. The company claimed it was unprofitable and that the tax burden was “excessive,” according to news accounts from the time. The company was prepared to leave Walpole if they didn’t get the abatements.
The abatements were controversial in town at the time, with some arguing that it set a precedent for other companies to claim similar abatements. The factory’s significant impact on the local economy, however, apparently convinced Town Meeting to approve the abatements to preserve the local jobs.

Instead of paying an annual tax of about $15,000 in each of those years, the company paid about $7,000 in each year. This is about $121,000 in today’s dollars, compared to $260,000 that the town would have gotten without the abatement. This is an illustration of just how much Multibestos contributed to the tax base, at a time when industry was a fundamental part of the town’s economy.

In the end, the company shut down anyway, in 1935. The assets and company name were sold to the Raybestos Co. of Connecticut, which still exists today.

Multiple secondary sources indicate that 90 workers filed disability claims against the Multibestos company when they left Walpole in 1935, and they were given large lump sum payments of between $1,000 and $2,000.

According to 1987 testimony to Walpole Selectmen by nationally-respected asbestos author and expert Paul Brodeur, at least 1,000 workers from Multibestos in Walpole died from asbestos-related diseases, and as many as 3,000 workers may have been exposed to asbestos dust during the factory’s 20 year run in Walpole. However, many asbestos-related diseases were misdiagnosed, and some diseases take up to 40 years to materialize from asbestos, meaning that the exact death toll may be hard to determine.

In his 2005 book “Asbestos: Medical and Legal Aspects,” author Barry Castleman suggested that Multibestos’ parent company knew the risks of the working conditions. Castleman wrote that Bradley Dewey, the president of Dewey and Almy, “was interested in the subject of asbestosis and corresponded with a state official and others about it.”

According to Castleman, “Dewey was … convinced that asbestosis was ‘a very serious and sometimes fatal disease.’”

An article in the Minneapolis Star Tribune from 2003 indicates that Liberty Mutual, which insured Multibestos between 1916 and 1931, at one time suspected a possible link between asbestos and poor workers’ health.

In the article, headlined “Health studies drew little action,” journalist Greg Gordon wrote that Liberty Mutual conducted a study in 1929 at the Multibestos plant and “reported one employee dead, apparently of an asbestos disease, a number of others so sick they were unable to perform ‘even slight exertion’ and three with ‘hemorrhages from the lungs.’”

Gordon writes that there is “no record of the study being published.”

Correspondence in files from the Mass. Executive Office of Environmental Affairs suggests that, starting around 1929, the Multibestos factory was the “subject of special attention by the Department of Labor and Industries Division of Occupation Hygiene due to a high incidence of asbestosis complaints resulting in both workman’s compensation claims and related legal actions.” The company also owned a plant in Cambridge, which was the subject of similar concerns.

Several decades after Multibestos’ closure, in 1988, the Mass. Department of Public Health, in collaboration with the Walpole Board of Health, conducted a survey intended to determine the extent of the health effects. The study showed that “exposure to site-related asbestos was limited to a small percentage of those individuals either living in the same residence as those occupationally exposed to asbestos or those living within a half-mile radius of the site.”
Some Multibestos workers, and their family members, did not seem to be affected by the factory conditions and lived long lives. One former Multibestos worker, Peter Turco, later became a member of the Walpole Board of Assessors and passed away in 1989 at age 78. Frank Erker, who is believed to have been the last remaining former Multibestos worker living in Walpole, died at age 99 in 2014. Erker worked for three years at a warehouse on the site, starting at age 18, in 1932. He told The Walpole Times in 1987 that he did not have much direct contact with asbestos dust.

Lightbody’s son, Steele Lightbody, still lives on Washington St. in Walpole and appears to be in good health at 90 years old despite being in contact with some of the dust his father brought home early in his life. He lost his mother at age 10, and his father at 14. Countless other children and grandchildren of former Multibestos workers are still alive and are living around the country, their precise health conditions unknown.

After Multibestos’ relocation to Connecticut, the South Street site was taken over by Industrial Properties, Inc. IPI sold different parcels of the site to several different parties, including the Kendall Company, and companies owned by members of the Shaffer family like the BIM Investment Corporation.

Kendall used the old factory on the west side primarily for storage until they began using it for a cotton mercerizing operation in 1947. As part of Kendall’s operation, fibers were washed and bleached prior to fabric production, and waste was discharged into two lagoons on the property. Their operation on the west side lasted until the mid-1980s. Kendall stopped using the first lagoon as a disposal area in 1982, while use of the second lagoon stopped in 1985. Kendall sold their land to investment companies owned by members of the Shaffer family, shortly after ending operation. The factory has been abandoned ever since, standing as a symbol of the demise of Walpole’s industrial strength – which came at the expense of many workers and their families.

The east side of the site was used starting in 1935 by various other smaller businesses. These included the Holiday Coffee Company, and a wastepaper recycling plant, known as P. Shaffer and Company, that took over one of Multibestos’ former buildings.

The Shaffer Company’s building burned down in a significant blaze in 1957 that required about 150 firefighters, including from surrounding towns. High school football players had to leave the practice field nearby to assist. The fire was so devastating that nearby homes on Gleason Court were also destroyed.

A front page Walpole Times article shortly after the fire reported that “workers were pulled to safety only minutes before every window in the building belched forth giant, licking tongues of fire.” The Times account says that the building contained “waste paper and rags, bailed tightly and stocked closely.” These exploded soon after the fire started.

About 60 workers were employed at the plant at that time, according to the Times.
After the fire, the buildings on the east side remained vacant until they were demolished and buried on site around 1972. Since that time, the site has been occupied by smaller buildings primarily used as warehouse space for companies like Stop & Shop and Jacobsen Brothers Movers. The only business still in operation at the site is Cosmec, which operates a small machine shop with a few employees.

Multibestos’ massive dump on the west side, along the Neponset River, remained uncovered for decades, and many residents of town recalled playing there as children. The dump, which included piles of old brake linings and stringy fibers, was not reported to the EPA until 1986 by a Board of Health member.

Soon after the dump was discovered, the EPA and the DEP both ordered cleanup funded by the “responsible parties” to the contamination, which was initially made up of three parties – Shaffer Realty Trust, and BIM Investment Trust, both of which owned and still own the property; and W.R. Grace, Inc., which had acquired Dewey and Almy in the 1950s. Kendall, which later became part of Tyco Healthcare and then Covidien, also agreed to be designated a “responsible party” during the late 1990s.

The site was added to the EPA’s Superfund National Priorities List in 1994. As part of the cleanup, in 1992, a 400-foot aluminum culvert was installed to cover the Neponset River that runs through the site. Soils at the site that contained more than 1 percent of asbestos were excavated and consolidated into a smaller area, parallel to the river and culvert, and sealed with a 30-inch soil cap. The soil cap was covered by vegetation to prevent erosion. A fence was installed to protect the site, and the mound itself, from disturbance.

This culvert and pile of soil remains at the site today, and will stay in place after the town takes over the property. The town plans to build a parking lot next to it, and will be responsible for maintaining the grass on top of the cap and culvert. The EPA and the Board of Health both say that the site poses no health risk to the community. The mound legally can not be disturbed due to a deed restriction.

The EPA determined during the early 1990s that on-site soils, sediments, and groundwater were “contaminated with inorganic chemicals, including asbestos, lead, arsenic, and nickel, volatile organic compounds (VOCs), and non-volatile organic compounds.” For the last 20 years, the site has been gradually cleaned up, with significant progress made within the past year. The “responsible parties” will fund the demolition of the abandoned factory building on the west side. The buildings on the east side will be demolished soon as well, funded by both the town and the “responsible parties.” Health Director Robin Chapell told Town Meeting in October that
the “responsible parties” are now tied to specific benchmarks to ensure the cleanup process continues as scheduled.
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W.R. Grace emerges from bankruptcy, finally

February 03, 2014 | By Natalie Sherman, The Baltimore Sun

After nearly 13 years in bankruptcy, chemical maker W.R. Grace & Co. formally emerged from court protection Monday, bringing an end to one of the longest Chapter 11 cases in U.S. history.

The Columbia-based company’s joint plan of reorganization went into effect Monday, establishing two trusts that will award more than $4 billion to personal injury claimants and property owners.

“It has been expected perhaps for longer than we would want, but nonetheless we’re very pleased to move on,” said Rich Badmington, Grace’s vice president of global communications.

Grace filed for a Chapter 11 reorganization in April 2001, faced with more than 100,000 asbestos-related claims. Since then, the slow-moving case crawled through negotiations, settlements and appeals in a Delaware federal bankruptcy court. Despite the bankruptcy, the firm thrived, making more than 24 acquisitions and increasing share price from $1.52 to more than $90.

Shares in Grace slipped $2.04 to $92.28 each in Monday’s overall market swoon.

The exit from Chapter 11 will allow Grace, which employs 8,650 people worldwide and nearly 1,100 in Maryland, to focus on “top-line growth,” particularly sales, Badmington said. Grace likely will have about $3 billion in revenue when it reports results for 2013 next week.

“One of the biggest benefits of emergence is the removal of uncertainty,” Badmington said. “For some time now, we’ve known where we’re taking the business. Now that can be our exclusive focus.”

In Maryland, Grace operates a major manufacturing facility in Curtis Bay as well as its headquarters and a research-and-development facility at its Columbia campus.

While Grace faced asbestos-related claims from several sources, many of its financial woes stemmed from a mine in Libby, Mont. Grace acquired the Zonolite mine in 1883 and operated it until 1990.

For years, asbestos released by the extraction of vermiculite, a material used in commercial insulation, traveled throughout the town. Asbestos fibers can be lethal, damaging lungs and causing certain cancers. Hundreds of Libby residents were sickened and died as a result of the exposure.

Plaintiffs at one time claimed more than $7 billion in liabilities. Grace settled for about $4 billion.

Grace submitted a plan for reorganization to a Delaware bankruptcy judge in 2010 that called for it to pay off all other “allowed claims” in full.

In December, the company settled the last remaining appeal, agreeing to a $129 million settlement for creditors who were seeking a higher interest rate on their loans, in addition to a payout of $971 million for principal and undisputed interest. Grace received approval in January to line up $1.55 billion in exit financing.

Reuters contributed to this article.

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Analysis: Why bankrupt W.R. Grace is thriving

BY ERNEST SCHEYDER AND NICK BROWN
COLUMBIA, Md./NEW YORK | Sun Jun 16, 2013 8:11pm EDT

A company stuck in bankruptcy for 12 years may not seem like a recipe for success, but that’s exactly what W.R. Grace is experiencing. The chemical company’s stock has more than tripled in the past three years and counts 46 hedge funds among investors as of March 31.

"Bankruptcy has been a great place to hide out," said Scott Baena, an attorney who helped negotiate the settlements on behalf of the company. "We were able to pause debt repayments, survive two recessions, and take advantage of a U.S. shale energy revolution that is fueling demand for fine-powder catalysts, which help refineries process crude oil into gasoline and other products."

One of the longest bankruptcies in U.S. history, Grace filed for Chapter 11 protection in 2001 after an asbestos leak at one of its mines led to thousands of lawsuits against the company.

Through bankruptcy, Grace was able to save its business and its surging sales to the energy sector.

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behalf of property damage claimants. "It has for all intents and purposes been business as usual."

Grace closed its mine in Libby, Montana, in 1990 after discovering the process it used to extract vermiculite - a mineral used in commercial insulation - caused the release of asbestos. More than 400 residents died from asbestos exposure.

Early in the case, plaintiffs claimed Grace's personal injury liability topped $7 billion, 14 times what the company had estimated, said Peter Lockwood, a lawyer for a committee of Grace's personal injury claimants.

Had the matter gone to trial and the plaintiffs prevailed, it may have crippled Grace.

Instead, Grace settled for about $4 billion and agreed to set up trusts for the victims, and took similar measures with its property damage claimants.

Grace's bankruptcy was akin to hitting "pause" on its liabilities while it figured out the most efficient way to address them. Most companies struggle to make money while in Chapter 11, but Grace continued to thrive. It is erecting a $20 million building on campus for executive offices, funding the project through cash flow.

Creditors of most bankrupt companies would object to such expenses because they could eat into recoveries. Grace's creditors and shareholders have let it slide.

"As long the company is not in danger of being unable to pay the money it's going to owe, creditors take a more relaxed attitude," said Lockwood.

RIDING ENERGY WAVE

Technically, there is no court-set limit on how long a company can remain in bankruptcy. However, the process is designed to help craft a plan to repay creditors, and courts look down on companies that do not make a good-faith effort to restructure. In such cases, courts usually allow creditors to present their own plans for how to restructure the company.

Executives at Grace have said for years that an exit from bankruptcy is just around the corner, only to have dates come and go. Now, with a court hearing on Monday and rulings not expected until the fall, an exit may not come until 2014.

"Obviously, we're all eager to come out of bankruptcy," Chief Financial Officer Hudson La Force said in an interview at Grace's Columbia, Maryland, headquarters. "There are a few steps that need to happen first."

Leaving bankruptcy protection will allow creditors to be paid, asbestos liabilities to be met, and give the company access to debt markets and let it dispense cash to shareholders, Grace said.

Grace tailor-makes catalysts for Tesoro Corp (TSO.N), Citgo Petroleum Corp PDVSA.C.U and other refinery customers to match the chemical makeup of the shale oil that will be refined, a step for which the company charges a premium.

Sales of the product constitute roughly 32 percent of Grace's 2012 pretax profit, and the company earned $94.1 million last year, up 20 percent from 2001 when it entered bankruptcy.

"Whether we're out of bankruptcy one day or another, the reality is that it's not affecting our earnings. It's not affecting our cash flow," La Force said.

http://www.reuters.com/article/2013/06/16/us-wrgrace-bankruptcy-idUSBRE96F06U20130616
Surging catalyst sales have boosted Grace's stock price to $82.69 as of Friday's close. That is vastly higher than the $1.52 per share when the company filed for bankruptcy on April 2, 2001.

Yet the stock is widely overvalued and should be trading at an intrinsic value of $56.37, based on expected growth rates over the next decade, according to Thomson Reuters StarMine.

That "might not be taking into account the full scope of Grace's performance and some of the intangibles around management effectiveness and management credibility," said Mark Sutherland, Grace's director of investor relations.

RESTRUCTURING PLAN

As part of its bankruptcy, Grace filed a restructuring plan that will channel all current and future injury and property damage claims to trusts, pushing the liability off books.

Grace will receive help in funding the trusts from third parties, including Sealed Air Corp (SEE.N), that shared in the alleged asbestos liability.

Grace had promised shareholders it would use $1 billion after bankruptcy for either buybacks or a dividend. Yet roughly $490 million will have to be used immediately to redeem stock warrants held by one of the asbestos trusts, limiting payouts to stockholders.

Still, with $453.6 million in annual cash flows and no debt, shareholders stand to reap rewards, said Chris Shaw, an analyst with Monness, Crespi, Hardt & Co who tracks Grace.

"That's always been a positive about Grace: they're a strong cash generator," he said. "They want to reward the shareholders who have stuck with them through the whole bankruptcy process."

Grace's bankruptcy could stretch at least into next year as creditor objections to its exit plan wind through the courts.

In oral arguments at the U.S. Court of Appeals in Philadelphia on Monday, a bank lending group led by JPMorgan Chase & Co (JPM.N) will claim the plan does not pay its members enough interest, while a South Carolina hospital will argue that its pending property damage claim would not be fairly adjudicated under the plan. Other objectors include the state of Montana, the Canadian government and Garlock Sealing Technologies Inc.

If the court rejects the appeals, Grace could take another two to three months to exit bankruptcy, in part because it still needs to secure a bankruptcy exit loan, La Force said.

That does not take into account possible appeals at the U.S. Supreme Court, which could further delay its exit from bankruptcy.

Doug Roll, mayor of Libby, Montana, said his town has been "trying to get beyond" the asbestos-related problems.

"As far as we're concerned, Grace is gone," Roll said. "And good riddance."

(Editing by Tiffany Wu and Matthew Lewis)
W.R. Grace

Founded: 1854

Years Operated: 1854 - present

Headquarters: Columbia, Maryland

Business: Manufacturer of specialty chemicals and materials

Asbestos Trust: Yes

Bankruptcy Status: Filed in 2001; emerged in 2014

Trust Fund Information

Amount in Trust: Will grow to approximately $1.8 billion by 2034

Year Created: 2008

W.R. Grace & Co. is associated with one of the largest asbestos contaminations in American history. The company purchased vermiculite asbestos mines and a processing mill in Libby, Montana, in 1963 and operated them until 1990. Vermiculite is a naturally occurring mineral that is mined from raw ore deposits in a method very similar to asbestos mining.

Employing up to 200 people, Grace & Co. produced up to 200,000 tons of vermiculite a year. Its Zonolite Mountains mine was shut down in 1990 after large quantities of airborne asbestos fibers were discovered. From that discovery began a steady stream of asbestos-related lawsuits against W.R. Grace.

Vermiculite found in the mines was used for a variety of common construction projects. Unfortunately, vermiculite mines were often a source of asbestos fibers, which posed a health hazard to anyone working or living nearby. The life expectancy of many residents began to be severely compromised.

More than 400 of Libby’s residents died from exposure to the asbestos in the Grace mines, and at least half of the town’s population of 3,000 is currently ill. Grace has faced more than 250,000 asbestos-related lawsuits, and it declared bankruptcy in 2001.

W.R. Grace & Co.’s Asbestos Products

Many of the asbestos-containing products manufactured by Grace were intended for use in the construction industry. Aside from specialty building materials, the asbestos-containing products manufactured by the company also included fireproofing materials, plaster, and roofing and deck materials, as well as additives for concrete and cement.

Many of the products the company manufactured were destined to be exported, taking advantage of the company’s wide-ranging interests around the globe.

Grace founded, bought and sold a number of businesses, ranging from banks, western apparel outlets, wholesale book distributors, airlines and restaurants. In 1855, company founder William Grace established a steamship line in Peru to trade guano (used in fertilizer and gunpowder) with the Americas before moving to New York. In New York, Grace established shipping routes that linked Europe, New York and South America in the trading of fabric, fertilizer, machinery and other products. The 20th century was a period of tremendous diversification for Grace.

Examples of asbestos-containing products manufactured by W.R. Grace include:

- Econo-Whites
- Ex-Tex
- High Temperature Insulating Cement
- Monokota Cement
- Monokota Fireproofing
- Perlite Spray Surfacers
- Perlite Super-48 Perlite
- Zono-Coatic

http://www.asbestos.com/companies/wr-grace.php
W.R. Grace & Co. and Asbestos Lawsuits

Many of the asbestos-related lawsuits Grace faced in the 1990s involved plaintiffs who worked or lived at or near the Libby vermiculite mine. Other suits were filed by construction workers and homeowners who contacted asbestos-related diseases after exposure to W.R. Grace's popular Zonolite insulation or other asbestos-containing products.

Criminal proceedings against W.R. Grace & Co. began in 2001, and the case is now considered one of the largest asbestos-related environmental cleanup lawsuits in the country. The U.S. government charged the company and seven of its top executives with concealing information about ongoing health problems caused by exposure to their asbestos-contaminated vermiculite mine in Libby.

Records obtained from the company revealed that as far back as the 1970s executives had been aware that the asbestos found in the vermiculite mine was not only sickening employees, but also the residents of the nearby community. Grace was additionally charged with obstructing Environmental Protection Agency (EPA) cleanup efforts at the site.

As a result of the 2009 trial, W.R. Grace & Co. was ordered to pay the U.S. government more than $54 million to cover cleanup costs related to the vermiculite mine that Grace operated near Libby. Now a designated Superfund site, the mine disturbed a vast area of asbestos that contaminated individual residences, schools, and businesses in the town of Libby, as well as the water and soil in the area. More than $5 million of the fine was earmarked for medical testing and mortality analyses of Libby residents who had perished after mining operations began.

In June 2009 the EPA declared a Public Health Emergency in the towns of Libby and Troy, Montana. Incidence of asbestos among the residents of these small communities was "staggeringly higher than the national average for the period from 1979-1998," according to the EPA.

Grace's reorganization plan was confirmed in 2011.

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http://www.asbestos.com/companies/wr-grace.php
EPA nears cleanup of Superfund site

By Jeb Bobseine
July 09, 2008 12:01AM

The Environmental Protection Agency (EPA) is inching toward cleaning up a 27-acre South Street site contaminated by a history of industrial activity stretching from the 1600s to the mid 1980s.

The Environmental Protection Agency (EPA) is inching toward cleaning up a 27-acre South Street site contaminated by a history of industrial activity stretching from the 1600s to the mid 1980s.

A proposed $13 million cleanup plan would contain and treat the Superfund site’s contaminated groundwater, excavate and dispose of contaminated soil, establish land use and access restrictions, and excavate, dredge and dispose of soil and sediment from the Neponset River along with a former mill tailrace and Lewis Pond.

Superfund is a federal label for abandoned hazardous waste sites.

If all goes well, the finalized cleanup plan, also called a Record of Decision, could be implemented within two years, said EPA Remedial Project Manager Dave Lederer.

As part of a federally mandated 30-day public comment period, the proposed plan is available for review at the public library and online at the following address: www.epa.gov/region1/superfund/sites/blackburn.

Interested parties can fax, post, or email comments relating to the proposed cleanup plan to Lederer.

The public comment period closes July 18. The EPA will then publish — hopefully by September, Lederer said — a Record of Decision that will describe how the site will be cleaned up.

A public hearing at Town Hall on Monday, July 14, will give residents a chance to collect information on the cleanup plan for the area, known variously as the Blackburn and Union Privileges site, Shaffer Realty Trust Site, and the South Street Site.

According to the EPA, the hearing will have two components:

From 6:30 p.m. to 7:30 p.m., residents can ask questions and receive answers. According to Lederer, representatives from the EPA, as well as consultants hired by possible responsible parties, will be present to answer questions.

From 7:30 to 9 p.m., a court reporter will be present to formally record public comments. These formal comments, along with any received by post, fax or email, will then be "stacked up" for possible inclusion in the finalized Record of Decision, Lederer said.

The Record of Decision is a "key thing" in getting to the actual cleanup of the site, Lederer said.

The EPA, along with the Massachusetts Department of Environmental Protection, must then sit down with the potentially responsible parties to negotiate funding for the cleanup.

In the 17th and 18th centuries, a variety of industrial and commercial uses employed hazardous substances, including chromium, arsenic and mercury. From 1920 to 1937, Multibestos manufactured brake linings with asbestos. Kendall Company then used the site until 1985 for fabric production, which involved the discharge of waste water.

Tyco Healthcare, now called Covidien, is one potentially responsible party due to its ownership of the Kendall Company.

Anyone interested in participating in the public comment period can contact Dave Lederer, U.S. EPA, at One Congress St., Suite 1100 (HBO), Boston, MA 02114; email comments to lederer.dave@epa.gov; or fax comments, Attn: Lederer, to 617-918-0325.

Meanwhile, Sen. James Timilty (D-Walpole), along with three other members of the local legislative delegation, filed legislation that would allow for the creation of an Economic Development Industrial Corporation in town. This Corporation would operate separate from town government, and could possibly acquire the Superfund site for its owner's 15-year failure to pay taxes. At the same time, the Corporation's involvement, rather than that town's, would shield the town from any liability associated with a contaminated site.

Town Meeting voted in May to authorize the creation of the Corporation. Submitting the legislation was the next necessary step.

Jeb Bobseine can be reached at jeb@walpoletimes.com or 508-668-0243, ext. 13.

http://www.wickedlocal.com/article/20080709/NEWS/0709977777
Health studies drew little action

Article by: GREG GORDON, Star Tribune Updated: November 8, 2003 - 10:00 PM

WASHINGTON, D.C. -- Gerrit Schepers, a scholar from South Africa, was examining the records of one of America’s lung-disease experts three years after his death in 1946 when he stumbled on some troubling data.

A set of slides of 11 mice exposed to asbestos dust showed nine with cancer. And a file labeled “Quebec Asbestos Workers” listed nine miners and mill workers with lung cancer and two more with mesothelioma, a rare and even deadlier cancer, Schepers wrote later.

Jolted by the research done at the Saranac Laboratory in upstate New York, Schepers said he traveled to Canada and told his discovery to the medical directors of Johns-Manville Corp., an asbestos industry giant. When he returned, according to Schepers, Saranac director Arthur Vorwald said he had been scolded for not telling Schepers to keep the information quiet. Soon, the cancerous mice slides disappeared from Schepers’ files.

Schepers, then a doctoral student at New York University (NYU), wrote of his discoveries in his thesis, which he also sent to the South African government, he recalled in a 1995 article in the American Journal of Industrial Medicine.

As he made an oral presentation of his thesis, Schepers questioned the secrecy surrounding the studies. When he did so, Schepers wrote, he was pulled aside by Dr. Anthony Lanza, an NYU official who had just retired from Metropolitan Life Insurance Co. and who still oversaw the Saranac lab for several years.

Lanza took Schepers to the office of Vandiver Brown, the chief attorney for Johns-Manville. Brown, holding a copy of Schepers’ thesis, asked him to withdraw it. Schepers said he told Brown that he could not and that he already had mailed a copy to Johannesburg.

"Mr. Brown flew immediately to South Africa to retrieve my report," Schepers wrote.

In 1951, the mouse research that Dr. LeRoy Gardner had conducted at the lab, which was funded in part by Met Life and asbestos companies, was published. The report did not contain any reference to the 82 percent rate of lung cancer among the 11 mice.

Philip Enterline, a biostatistics professor at the University of Pittsburgh who wrote a book summarizing the medical literature on asbestos, said in a 1991 affidavit that he believed early, uncensored publication of Gardner’s findings "would have accelerated in this country the acceptance of a causal relationship between asbestos and cancer."

Schepers chronicled just one of a number of incidents over several decades in which U.S. insurers had research signaling the dangers of asbestos but did not act aggressively to protect workers.

In briefs filed in response to recent suits filed by asbestos victims and their families, insurers have argued that they had no obligations beyond the companies they insured.
Spokesmen for Met Life and several other insurance companies, citing ongoing litigation, declined to comment for this story on documents emerging in those suits.

Dr. Lanza's role

As long ago as 1899, asbestos was blamed for lung diseases. In 1918, Prudential Insurance Co. executive Frederick Hoffman observed in a Labor Department publication that because of its "injurious" effects, few underwriters would take on the risk. At the time, a relatively small number of workers were exposed to asbestos.

When the heat-resistant mineral became an industrial staple, insurers began writing life, health and liability policies for hundreds of companies that sold asbestos or used it in their products. All the while, documents show, insurers compiled data on asbestos' dangers.

In 1929, Boston-based Liberty Mutual monitored the Multibestos Co.'s use of asbestos in making brake, clutch and transmission linings. A study of its plant in Wepole, Mass., reported one employee dead, apparently of an asbestos disease, a number of others so sick they were unable to perform "even slight exertion" and three with "hemorrhages from the lungs." There's no record of the study being published.

In 1931, a study partly funded by Met Life found asbestosis in 42 Canadian asbestos miners and mill workers. The results were closely held.

Despite the 1931 findings, Lanza, Met Life's assistant medical director, said he saw no need to warn workers. In 1933, when Lanza met with managers at a Johns-Manville plant in Waukegan, Ill., a plant doctor asked whether employees should be told about the asbestos hazard. The doctor recommended posting signs warning about the danger of asbestos dust and urging workers to take precautions.

According to a company transcript, Lanza replied: "I doubt if the hazard is sufficient to justify warning posters[,] as might be used where lead, benzol or carbon monoxide are concerned. This is especially true in view of the extraordinary legal situation."

As chronicled in company documents, Lanza's correspondence and a book by Baltimore researcher Barry Castleman, Lanza emerged as a leading figure in occupational health -- and in the asbestos saga.

Lanza co-wrote a study published in 1935 under the auspices of the U.S. Public Health Service. At the suggestion of manufacturers, the study stated that asbestosis was "milder than silicosis," a lethal lung disease caused by silica dust. Brown, Johns-Manville's chief attorney, said in a letter to another major asbestos company that this wording change would be "beneficial from the industry viewpoint."

Lanza's report also said that asbestosis had not resulted in a single case of "marked disability" among the workers studied.

That same year, a researcher linked asbestos to a lung cancer case.

As the medical knowledge grew, insurers began alerting their safety inspectors to monitor the asbestos situation.

A 1937 internal manual for Commercial Union Insurance Co. stated: "It is established that asbestos may cause disability and death, and that any well-defined case of asbestosis is very likely to progress to a fatal conclusion. . . . When dust in the area is visible, we know a hazard exists, when not visible, dust counts should be employed."

In the 1940s, in the absence of a federal agency to regulate workplace toxins, a volunteer group of industrial hygienists began to set recommended exposure limits for various substances. In 1949, that group recommended an average daily dust exposure limit of 5 million particles per cubic foot to protect workers from asbestos. Some companies defended themselves against asbestos claims in later years by contending that they abided by the standard.

In a 1995 research paper, David Egilman, a Brown University professor of community health, said the volunteer group did not review research before recommending the 1949 standard. Egilman wrote that the panel recognized the standard's weak scientific basis
by cautioning that it "is not to be construed as recommended safe concentrations."

'We had no authority'

In celebrating its 100th anniversary in 1964, Travelers said in an internal publication that it had spent nearly $175 million in the previous 60 years on a "ceaseless campaign to save lives and limbs." Travelers said its engineers invented hundreds of safeguards, including "instruments to 'smell' toxic gases and to 'see' harmful particles in industrial atmospheres."

But when it came to asbestos, Travelers, based in Hartford, Conn., did not give its clients ultimatums on safety, even when dust counts exceeded the recommended standard set in 1946, a former Travelers manager said.

Harry Rapp, who headed a Travelers industrial hygiene unit during 30 years with the insurer, said in a deposition that upon joining the company in 1952, he was informed that breathing asbestos fibers could cause asbestosis.

When Travelers inspectors measured asbestos levels that exceeded the standard, they would inform the policyholder of the counts and urge some action, Rapp said in his 1982 testimony. "Now, we had no authority to make them do it. . . . We had to be salesmen for this thing," he said, referring to safety precautions.

Lawrence Madeksho, a Houston attorney who has instigated much of the litigation against the insurers, said that his review of tens of thousands of industry documents revealed few instances prior to the early 1970s where an insurer refused to write policies for an asbestos company — and none where it canceled coverage because workers were being exposed to asbestos hazards.

Chris Placitella, a Woodbridge, N.J., lawyer, said records from a New Jersey insurer's 1957 suit against Johns-Manville underscored Travelers' knowledge of asbestos risks and its lack of enthusiasm toward disclosing them.

The worker, 51-year-old Fred LeGrande, had toiled 20 years applying Johns-Manville's asbestos-laden products for an insulation company before becoming severely ill with asbestosis.

At the 1959 trial, Brown, Johns-Manville's chief lawyer, was among the courtroom observers. LeGrande, brought in by wheelchair, testified in a barely audible voice interrupted by coughs. Assessing him as a figure likely to win the jury's sympathy, Travelers claims supervisor F.C. O'Connor settled the case for $35,000. Afterward, a lawyer Travelers had hired to represent Johns-Manville wrote O'Connor that a major concern was LeGrande's assertion that five of his co-workers also had the disease.

In a company memo, O'Connor noted that Travelers had intended to "present a top underwriter" to testify that asbestos exposure was not hazardous. But, he said, he "would not dare," given that the company official knew of other insulators, including a LeGrande co-worker, with asbestosis.

'Disaster has struck!'

The insurers' potential asbestos liability came into focus in 1971. A Texas jury awarded $79,000 to Clarence Borel, a southeast Texas insulation worker, for asbestos makers' failure to warn him of dangers from their products.


When the Fifth U.S. Circuit Court of Appeals upheld the award in 1973, it sent a shock wave through the industry.

"Disaster has struck!" wrote H.D. Hunter, a Houston claims manager for Travelers, which insured Johns-Manville. "... A precedence [sic] has now been made, and we will have to live with asbestosis lawsuits for years to come."

In 1975, the Eighth U.S. Circuit Court of Appeals embraced the Borel precedent in the case of John Karjea, a Minnesota insulation worker from 1948-86 who was afflicted with asbestosis and had a tumor.
Health studies drew little action | Star Tribune

removed from his lung. The court upheld a $200,000 jury award to Karjala, based on evidence that Johns-Manville knew by the 1930s that asbestos plant workers were exposed to a health hazard.

Travelers formed an asbestos subcommittee of its "catastrophe committee" to map strategy. The panel projected that insurers would be defending massive numbers of claims and said "punitive damage potentials are extremely large because of the apparent failure to adequately warn workers and the public of the hazards known to makers and large distributors of asbestos," according to the minutes of one meeting.

Options the panel discussed as ways to limit its risk of losses included raising rates so sharply that asbestos companies would cancel their policies, or simply excluding asbestos diseases from coverage.

"We do not believe Travelers can afford to wait until catastrophe loss is evident to pass this business and social risk to others," the minutes said.

In 1976, the American Insurance Association convened a meeting with 14 insurance companies to plan legal defenses. Minutes of the meeting stated: "In 1900 medical research linked the mineral asbestos with asbestosis and 1935 brought the first direct linkage of asbestos to cancer."

At a meeting of a similar committee in March 1977, the insurers contended that the federal government, through medical studies, had full knowledge of the problem and perhaps Congress would support a "white lung" bailout bill.

Ultimately, the insurers coalesced around what became known as the "state-of-the-art defense," a reference to the state of medical and scientific knowledge about asbestos before the 1960s. The insurers asserted that their clients didn't fully know of asbestos' dangers until the mid-1960s.

Travelers and Liberty Mutual each set about educating attorneys in how to defend asbestos suits.

During one such session with lawyers on Dec. 12, 1979, Lively Wilson, an attorney retained by Travelers, said the strategy was proving to be "viable," despite the recent court rulings holding companies to tougher product safety standards.

"... When we first got into this litigation and we began to talk about this as a defense, my reaction was, 'it'll never wash,' " Wilson said, according to a transcript of the session. "And I remained of that opinion until we tried the first case and I was amazed that not only did it wash, but it worked well and it was convincing and the jury bought it." The strategy's success, he said, hinged on persuading juries that published medical and scientific research did not definitively show asbestos to be dangerous before researcher Irving Selikoff's 1964 study showed patterns of asbestosis and lung cancer among tradesmen.

If asbestos companies didn't know of the particular dangers to insulators and textile workers, he said, "what could we warn about? . . . If we knew [that asbestos was hazardous, then], obviously, the state-of-the-art is no defense."

Greg Gordon is at ggordon@mccnatchyd.com.
Asbestos manufactured at W. R. Grace site (under ownership and operation by Dewey and Almy)

(Note: the attachments mentioned in the letter are not included on the website, because they were not available in digital form.)

November 12, 1997

David B. Struhs
Commissioner
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Protection
Metropolitan Boston - Northeast Regional Office

Dear Commissioner Struhs:

It has come to the attention of members of the North Cambridge community that the history of chemical processing and production by W. R. Grace at the 62 Whittemore Avenue facility provided by Haley and Aldrich for their client W. R. Grace (RTN #3-0277) in their Environmental Data Report is substantially incomplete. It is clear from historical records that extensive manufacture of asbestos friction products occurred at this facility, but nowhere in any data assessment submitted by W. R. Grace to the DEP, including their multi-volume environmental data assessment completed in 1988, is there any mention of such activity and no field testing for asbestos has ever been done. The purpose of this letter to request that the Phase II of this site be re-opened and that additional and extensive soil sampling and analysis for asbestos be conducted at the Whittemore Avenue site.

Asbestos friction products were manufactured at the 62 Whittemore Avenue facility under ownership and operation by Dewey and Almy

Documentation attached to this communication establishes that asbestos friction products were manufactured at the Whittemore Ave. facility at least from 1929 through 1936. This time corresponds to the period during which Dewey and Almy (acquired by W. R. Grace in 1954) purchased and operated the Multibestos Plant at Walpole, Massachusetts (see document #1: Moody's Index - 1929-1936).

The Walpole site (known formally as the Blackburn and Union Privileges Superfund Site - Cerclis # MAD 9082191363) is on the National Priorities List (NPL) and is completely fenced and secured to prevent any public access due primarily to substantial asbestos contamination. During the period 1929 - 1936 and beyond, both the Walpole facility and the facility at 62 Whittemore Ave. Cambridge, were the subject of special attention by the Department of Labor and Industries Division of Occupation Hygiene (see communication # 2) due to a high incidence of asbestosis complaints resulting in both multiple person workman's compensation claims and related legal actions (see communication # 3).

Ownership and operation of the Multibestos Corp. by Dewey and Almy, (and after 1954 by W. R. Grace), is further demonstrated by verifying statements from both Charles Almy (then Vice President of Dewey and Almy), and Bradley Dewey (President) in the Harvard Class of 1908 Twenty-fifth Anniversary Report (see documentation #4).

**Specific asbestos friction products manufactured**

Hervey Elkins (Harvard Class of 1928) then a recent graduate of the Harvard School of Public Health and eventually Director of the Division of Occupational Hygiene, under the supervision of his predecessor, Manfred Bowditch, described his visit to the Whittemore Avenue facility and made the following observation:

"Certain brake linings, especially those for heavy work, are made from asbestos to which carbon black and other substances may be added, and rubber latex. The various materials are mixed in a paper beating machine, spread on a wire screen and the water sucked out, then pressed in a hydraulic press, cured and brought to the proper thickness with a sanding machine."

(see page three 'Notes on visit to Dewey & Almy Chemical Co., on November 27, 1934 and December 11, 1934 and to Multibestos Company, Walpole, on November 28, 1934" ; document # 2).

Additionally, it appears that the Cambridge plant may also have manufactured clutch facings as the AR dope (coal tar pitch in toluol) used to impregnate the clutch facings was produced there. The manufacturing stage is described by Dr. Elkins as the process which produces the highest level of Asbestos particulate. It should also be noted that the intensity of the manufacturing protocol at the Whittemore Avenue facility required that the processing equipment be purged on a regular basis. Older neighbors recollect that this phenomenon was so intrusive that it would require residents living nearby to shut their windows when the whistles blew to prevent dust from settling in their homes. In addition to the included information, verbal descriptions from neighbors confirm that manufacture of asbestos-based friction products was a substantial part of the Dewey & Almy operation at the Whittemore Avenue facility during the thirties.

**Request for additional and extensive soil sampling and analysis for asbestos**

Given the problems encountered at the Multibestos site in Walpole with respect to random and improper disposal of large volumes of asbestos waste product resulting in Superfund designation during the same period, we respectfully request that:

- additional and extensive soil sampling and analysis for asbestos be required immediately of the PRP.
- the regulatory status and potential risks posed by the site be reevaluated.
- a full and forthright accounting of this matter be provided.

**The Principal Responsible Party is aware of at least some of these facts**

There is evidence that the PRP is aware of at least some of these facts. In a deposition conducted on September 17, 1996 (see document # 5), Bradley Dewey Jr., son of Bradley Dewey, president and co-founder of the Dewey and Almy Company, acknowledged that "everything that had been Dewey and Almy was moved into W. R. Grace ... the entire company, all the facilities, all the records, all the property of whatever nature" (p.58). In that same deposition, Dewey Jr. admits that he "knew that Dewey and Almy had been in the brake lining business" and that "brake linings included asbestos" (p.24 and 27). In the same deposition (p.26), Dewey Jr. identifies photographs of the Dewey and Almy facility at 62 Whittemore Avenue with a fleet of Multibestos Motorized Brake Service Institute vans in the parking lot of the facility.
Additional evidence was provided by Susan M. Cooke, of the law firm Goodwin, Proctor, and Hoar, representing W. R. Grace and Co. Ms. Cooke submitted substantial comments during the public comment period for August 22 to September 21, 1994 regarding the preliminary public health assessment for the Walpole site. Knowledge of the Multibestos and Whittemore Avenue operation (manufacture of asbestos friction products) had to have been common company knowledge for the previous three years if not for the previous sixty years.

**Required disclosure by the Licensed Site Professional**

There is comprehensive body of case law regarding when a party knew or should have known of environmental violations. There is a significant body of law describing how knowledge held by individual members of a corporation can be imputed to the organization itself when applying the "knew or should have known" standard. The actions and statements by W. R. Grace and/or predecessors or agents clearly meet these standards, leaving no doubt that this PRP knew or should have known of the potential for asbestos contamination and had an affirmative duty to act accordingly.

It is our understanding that the Licensed Site Professional (LSP) assigned to the Whittemore Avenue site is required to disclose all pertinent facts regarding these circumstances. The Rule of Professional Conduct, 309 CMR Section 4.03 (5) (c) state that:

"a licensed site professional shall make a good faith and reasonable effort to identify and obtain the relevant and material facts, data, reports and other information evidencing conditions at a site that his or her client possesses or that is otherwise readily available, and identify and obtain such additional data and other information as he or she deems necessary to discharge his or her professional obligations under M.G.L. 21A # 19 through 19J, and 309 CMR."

**Requested action by W. R. Grace**

If laypersons concerned about the past practices at this site can access this information with relative ease, it seems only fair that the PRP be required to provide the abutting public a fuller and more candid description of the manufacturing operation in their environmental assessment.

Given the significant data gaps created by the PRP's not having analyzed the site for asbestos contamination, we respectfully request that W. R. Grace through their LSP provide a full accounting for this apparent omission and implement a plan for appropriate field-testing for asbestos. If there is any way that this neighborhood can be of further assistance in this matter, please let us know. Representatives of the Alewife Study Group will call you within ten days to two weeks of your receipt of this letter to discuss these issues.

Submitted on behalf of the Alewife Study Group,

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John DeVillars, U.S. EPA
Karen Stromberg, DEP
David Wightman, W. R. Grace Co.
Wesley Stimson, LSP
State Senator Warren Tolman
State Representative Alice Wolf
State Senator Robert Havern

Contact the Alewife Study Group, North Cambridge Massachusetts, by email at information@alewife.org