Article 29

"Herb Mills and the struggle to ban deadly asbestos from the waterfront (1972 - 1978)"

by
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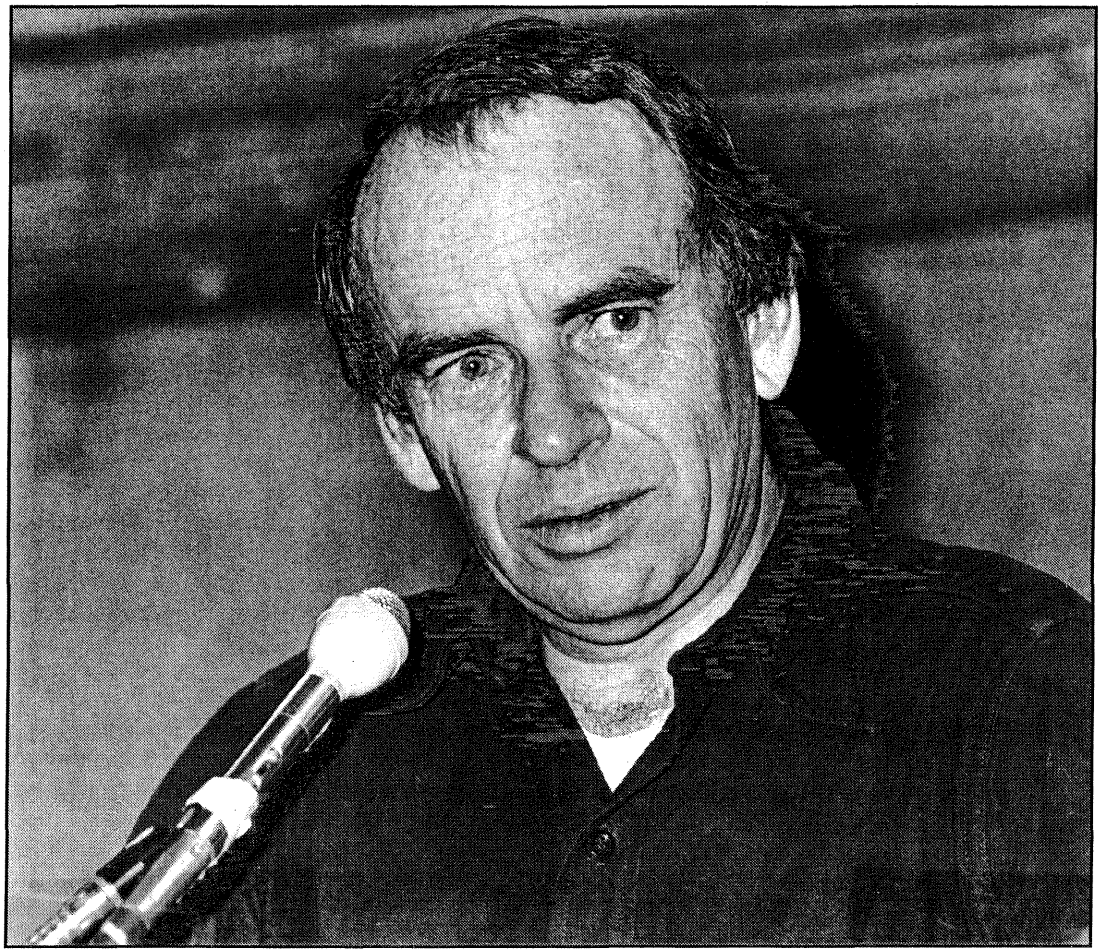
Herb Mills and the struggle to ban deadly asbestos from the waterfront (1972-1978)

Edited by Harvey Schwartz



Herb Mills

Asbestos is an effective insulating and filtering agent derived from fibrous minerals. Unfortunately, asbestos particles in the air can cause the serious breathing disorder asbestosis and can lead to lung cancer. Asbestos is so dangerous that today its production and use have been regulated nearly out of existence in the United States. Tragically, during the middle decades of the 20th Century many American workers were incapacitated or killed by processing or handling asbestos.

The ILWU was a pioneer in the development of union health and welfare plans. Its initial medical coverage in the longshore industry dates back to 1949. However, the threat to worker health of asbestos remained poorly recognized by American unions, including the ILWU, until the issue began to attract widespread public attention during the 1970s.

In 1979 the ILWU won a major federal grant to develop a new union-wide health and safety program. The ILWU already had a long record of attention to traditional safety issues like faulty longshore gear and excessively heavy sling loads of products on the waterfront. It got its reputation for on-the-job militancy partly because of its many "job actions," or quickie strikes, over traditional safety issues in its early years. Now, as it learned more about dangerous substances like asbestos, the union began to pay increasing attention to health hazards on the job as well.

I interviewed Herb Mills recently about his pioneering efforts in dealing with asbestos during the 1970s. Mills is a retired longshoreman and a former Local 10 officer with an impressive activist background. Here he reviews how the handling of asbestos was eliminated on the waterfront through concerted union action, and then reminds us that constant worker vigilance is required because of the ever-present danger from hazardous materials.

HERB MILLS

I was a longshore Local 10 business agent during 1972-74, when asbestos began to be a real issue in the media. After a while it seemed as though every other day there'd be an article in the *San Francisco Chronicle* on asbestos and the health hazards that it posed. I was like everybody else in Local 10 then—I didn't know beans about asbestos. In past years we'd be loadin' or unloadin' asbestos and, lord, it seemed like you'd be wadin' around in it ankle deep, buckin' it up over your head and breathin' the fibers.

So I began to say, "Holy Smoke, this stuff's bad!" First of all I was trying to get educated myself. Then, because of being an officer, I had access to the Local 10 bulletin. I began to submit items to the bulletin on asbestos, just telling people, "Hey, read the morning paper, man." We then had a couple of workshops on asbestos courtesy of the stewards' council.

In the meanwhile I had learned that there was a doctor in Berkeley named Phil Polakoff at Herrick Hospital who had studied under Dr. Irving Selikoff at Columbia or someplace. Selikoff was one of the country's leading experts on asbestosis. Polakoff was beginning to be an authority on asbestosis and related ailments himself. I got ahold of him. He turned out to be a real live wire. By then he was working with the Asbestos Workers and other people like the Mare Island shipyard employees in Vallejo. He was trying to get unions involved in a health committee around asbestos. So we had several meetings about this at Local 10.

By '75 I was out of office and was the steward of a gang working a ship at Pier 32. There was what we thought were asbestos fibers scattered in the structural members of the hold. It turned out that three voyages before there'd been asbestos down there. Prior to that, we had talked to the Occupational Safety and Health Administration (OSHA) people in Washington, D.C., about asbestos and been told, "Oh yeah, that's bad stuff." We'd then said, "We're on the West Coast and we've got a contract that says we don't have to work if it's unsafe—are you ready to say that over a phone if somebody calls you about it?" They said, "Yeah, sure."

So I got ahold of Dick Austin, who was the business agent then, and told him, "We got asbestos down here." Dick shows up, and we stop work and come out of the hatch. The employer says, "What the hell's wrong now?" We said, "Well, they got asbestos here." He says, "There ain't no asbestos down there." We said, "Yeah, it's fibers all over the place." He says, "Fibers all over the place? What are you, out of your mind?"

Well, the so-called safety man for the employers' Pacific Maritime Association (PMA) came down, and so did the arbitrator. We said, "Just call OSHA back in Washington and tell 'em what you got here." The OSHA official says, "You ought to shut that hatch down, get the people all suited up, and vacuum the damn thing out. Then somebody can go back to work down there."

This went to arbitration, which, of course, we won. We had several other work stoppages, but because of that arbitration, which was the first of its kind on the West Coast, that was the end of that. They'd just take the goddam asbestos off the dock and take it back to wherever it came from. Presently they ended up totally doin' it a different way, or goin' out the Gulf Coast, or I don't know what the hell they were doin' with it. It probably ended up in containers and nobody ever handled it again.

At that point, we had the job end of the thing under control. That arbitration went up and down the West Coast, and pretty much the same thing happened elsewhere. Now the problem became what to do about this. Since I'd been a business agent I'd had this concern: How do you hold somebody liable for this? Then I found out that the incubation period is 25 years. The employers were saying, "You gotta say what ship, what date, and who was the stevedore company." So I knew real early on that we had to be moving toward a black lung type of thing where there was industry-wide liability.

We ended up running a survey in Local 10 asking when and where in years past did you

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Longshore Local 10, 1972-1978

work asbestos. We got two or three hundred of them filled out. It told us a little bit. Some guys would actually have a time book that would go back, but for every guy that's got a time book that goes back 25 years you've got 400 guys that ain't got it.

Out of this, in discussion with several attorneys, and from these kind of seminars that we had about how to proceed, it turned out that the best thing would be to focus on the manufacturer and the shipper rather than on the mode of transportation or the stevedore company. That's pretty much where it was left. Asbestosis did get covered under state workmen's compensation, and, of course, the men were no longer being exposed to asbestos at work.

We did have an x-ray screening of anybody in Local 10 who wanted an x-ray. The screening was set up by Dr. Polakoff. This was in 1978, when I was the Local 10 secretary-treasurer. Polakoff had specialized x-rays taken from a unique angle required to reveal the disease. The x-rays were then read by radiologists trained in detecting asbestosis and related medical problems, like cancer. Well, that was really somethin'!

We ended up on "60 Minutes" or "20-20" or one of them programs. It was good coverage. There was a big x-ray van parked right outside our hall. There was coverage in the *San Francisco Chronicle*. We were tryin' to encourage other unions to push on this thing as well. "Hey, goddammit," we were saying, "get a van, too."

All this suggests that increasingly safety can be a worker education problem. Like with asbestos—for Christ's sake, who knew about asbestos? It's the same with really hazardous cargoes, where you can get a drop on your skin and you'll be a vegetable in five minutes. People don't think about absorbing poisons and toxins through their skin. They just think about smelling or swallowing stuff.

When they began to ban insecticides and pesticides in the United States, who do you suppose was workin' 'em to export 'em to the Third World? Us. There was a rash of that stuff. Somehow or other it was all right to send it off to India.

Well, then I was insisting on special bridles. I wanted an ambulance right on the dock. You was always gettin' undercut, but that was not an outrageous demand. I felt we should say to the employer, "You got six barrels of this stuff? Don't even think about moving it until you got a medical team on the dock with atropine."

I was quite serious about this. What are you gonna do if you drop one of them things? Go get somebody in public services from San Francisco General Hospital?

My point is that we got a longshsore contract that says, "Damn it, you stop work when it's unsafe." It also says that our Pacific Coast Maritime Safety Code is the minimum—there ain't no maximum. The maximum is whatever is unsafe. It don't have to be in the safety code. So worker education is really key. You want the guys to be alert to safety—not just when you're there as the business agent, but so they'll see it on their own and give you a call.

Brother Harvey Schwartz includes these remarks in his excellent and recently published Solidarity Stories -- An Oral History of the ILWU, (Seattle: University of Washington Press, 2009, 347 pp.), pp. 59 - 62.