

**FOR IMMEDIATE RELEASE****April 10, 2006**

WLF URGES NIOSH TO DISCIPLINE DOCTORS FOR IMPROPER TESTIMONY ON ASBESTOS

(In re B Reader Code of Ethics)

The Washington Legal Foundation (WLF) filed a petition today with the National Institute for Occupational Safety and Health (NIOSH) urging the agency to establish a program to receive claims of improper expert testimony by NIOSH-approved experts and to censure or suspend the NIOSH-issued credentials of those who provide improper testimony. The petition is in response to evidence that some NIOSH-approved doctors have been involved in advancing large numbers of unsupported claims of asbestos and silica injuries.

NIOSH is the unit of the Centers for Disease Control that issues credentials to radiologists who evaluate lung X-rays for occupational injury; the radiologists certified by NIOSH are known as B readers. In its petition, WLF argued that the crisis in asbestos litigation – which has led to the bankruptcy of numerous major companies – has been fueled in large part by improper recruitment of claimants. These claims frequently originate with mass X-ray screenings organized by plaintiffs' attorneys. The petition details evidence that unscrupulous plaintiffs' attorneys frequently retain compliant B readers who will find signs of asbestosis or other asbestos-related conditions whether it is there or not.

Petitioner WLF is a nonprofit public interest law and policy center based in Washington, D.C., with supporters nationwide. Since its founding in 1977, WLF has engaged in litigation and advocacy to defend and promote individual rights and a reasonable and balanced civil justice system. In the area of asbestos litigation, WLF has frequently participated as an amicus in pending lawsuits to present a public interest perspective on the present crisis. Most recently, WLF filed a brief in the Mississippi Supreme Court in *3M Company v. Johnson*, 895 So. 2d 151 (Miss. 2005), successfully urging the Court to overturn a record \$150 million asbestos product liability judgment awarded to six men, none of whom was injured.

WLF's Legal Studies Division has published numerous papers from leading practitioners detailing the current crisis in asbestos litigation. In the past year, these publications included Mark A. Behrens and Andrew W. Crouse, *High Courts Reject Premises Liability For Secondhand Asbestos Exposure*; Mark D. Taylor, *Solving The Great Asbestos Bankruptcy Heist*; and John S. Stadler, *Judge's Silica Opinion Exposes Manufactured Tort Claims To Antiseptic Sunshine*.

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For further information, contact WLF Senior Vice President for Legal Affairs David Price, (202) 588-0302. A copy of WLF's petition is posted on its web site, www.wlf.org.