***Air and Liquid Systems Corp. v. DeVries*, 139 S.Ct. 986 (2019)**

Plaintiffs Kenneth McAfee and John Devries alleged that they developed cancer due to exposure to asbestos incorporated with certain pumps, blowers, and turbines aboard the US Navy vessels on which they worked. The equipment required the asbestos to function and can release asbestos fibers into the air, which may cause various illnesses if inhaled. Several defendant manufacturers, including defendant, Air and Liquid Systems Corp., delivered said equipment in “bare-metal” condition without any asbestos. The asbestos was incorporated after delivery. The district court granted the manufacturers’ motion for summary judgment on the grounds that manufacturers should not be liable for harm caused by parts later added by a third-party—the so-called “bare-metal defense.” The Third Circuit vacated and remanded, holding that a manufacturer of a bare-metal product may be liable for a plaintiff’s injuries suffered from later-added asbestos-containing materials if the use of the product with the asbestos was foreseeable.

The Supreme Court affirmed on different grounds. The Court held that in the maritime tort context, a product manufacturer has a duty to warn when (i) its product *requires* incorporation of a part; (ii) the manufacturer knows or has reason to know that the integrated product is likely to be dangerous for its intended uses; and (iii) the manufacturer has no reason to believe that the product’s users will realize the danger. The Court reasoned that the foreseeability standard applied by the Third Circuit is too broad and would impose a heavy burden on manufacturers to predict how their product might be used with other products or parts. The Court also reasoned that the bare-metal defense goes too far in the opposite direction, as the product manufacturer will often be in better position to warn than the manufacturer of the later-added part. Finally, the Court described several similar scenarios where a product in effect would “require” the later-added part in order for the integrated product to function as intended: a) a manufacturer who directs that a part be incorporated; b) a manufacturer who makes a product with a part that it knows will require replacement; and c) a product that would be useless without the part.