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WASHINGTON — The R.T. Vanderbilt Co. says it would suffer "irreparable harm" if the government finalizes a rule that would classify minerals in its St. Lawrence County talc as asbestos.

The preliminary version of the rule, known as an asbestos standard, was published by the Occupational Safety and Health Administration (OSHA) June 20, 1986, but its application to the Vanderbilt talc has been postponed three times, the latest delay until July 21, 1989.

In a letter dated the same day as the 1986 ruling, from Attys. Dennis M. Race, Daniel Joseph and David G. Sumner to Assistant Labor Secretary John A. Pendergras, who runs OSHA, Vanderbilt argued that evidence supporting the exclusion of "non-asbestos minerals" from the asbestos standard "remains un rebutted."

The section of the rule Vanderbilt has been fighting would put some of its non-asbestos minerals in the same category as asbestos fibers because they are at least three times longer than they are wide.

Vanderbilt argued that OSHA was relying almost entirely on testimony from the National Institute for Occupational Safety and Health (NIOSH), whose 1980 study linked lung disease among Vanderbilt talc miners and millers in St. Lawrence County to exposure to asbestos-like minerals in the talc.

NIOSH offered "no scientific bases for its recommendation," the Vanderbilt letter maintains, "no scientific argument, compelling or otherwise, to support its definition."

The letter said that if the issue wound up in court the company was "confident that OSHA cannot support its choices and that Vanderbilt will prevail on the merits after judicial review of the standards."

In the letter, which was attached to an internal NIOSH report of a controversial study of talc miner mortality that had been concealed from NIOSH Director J. Donald Millar and from several NIOSH scientists who conducted the 1980 survey, Vanderbilt said it could "demonstrate more than adequately the irreparable harm" to the company and that the proposed rule "will force Vanderbilt out of the business of mining and marketing industrial talcs."

All the talcs mined by Vanderbilt at its Gouverneur Talc Co. facilities contain the minerals in question, the letter observed, and their presence in non-asbestos form "makes these talcs more commercially desirable" than those that do not have them.

The lawyers said the rule would mean that "the full range of OSHA monitoring, housekeeping, hazard communication, medical surveillance and associated record-keeping requirements for asbestos will not be imposed upon Vanderbilt's customers."

"The promise of increased regulation and expense, combined with the stigma of 'asbestos,'" they said, will definitely have a profound and permanently deleterious effect upon Vanderbilt's sale of industrial talc and, eventually, will cause Vanderbilt to cease operations entirely."

It was after OSHA received the lawyers' letter that it agreed to the first postponement of making the new rule effective as it applied to Vanderbilt talc.

OSHA has declared, however, that until the rule becomes final it will stick to a 1972 standard that has the same impact on the Vanderbilt product.

FROM BACK PAGE