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ACTS FACTS

THE MONTHLY NEWSLETTER FROM

ARTS, CRAFTS AND THEATER SAFETY (ACTS)

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RT VANDERBILT TO CEASE TALC PRODUCTION

www.rtvanderbilt.com (Posted 1/11/08)

R.T. Vanderbilt Co., Inc., announced its decision to discontinue its NYTAL® and CERAMITALC® industrial talc product line, and to cease talc production at its Gouverneur Talc Division by the end of 2008. (The company will continue to mine and process wollastonite, which is sold under the trade name VANSIL®, at the facility.)

R.T. Vanderbilt has been processing talc since 1948. The volume of production at the Gouverneur facility reportedly dropped from over 200,000 tons in 1988 to approximately 80,000 tons today, an amount representing less than 7% of their total revenue in 2007.

Hugh B. Vanderbilt, Jr., chairman and chief executive officer, said "My father, my grandfather and I all believed strongly in this business, but the market for this product line has dropped steadily over the years while business costs have continued to increase. In the end, we ran out of options. We sincerely regret the impact this will have on the affected employees and on the community."

Roger K. Price, president and chief operating officer of RT Vanderbilt says, "To allow our customers adequate time to reformulate their products, we made the decision to maintain production through 2008, and we will be providing technical assistance to them as well." He said further that "In the coming weeks, we will also be discussing the impact of these decisions with the union that represents our hourly employees and with our salaried employees who are affected."

COMMENT. In ACTS opinion, they are closing because 30 years of data and recent lawsuits linking this talc with asbestos-related diseases including mesothelioma has finally turned the tide.

TALC "DEBATE" REPORTED IN CERAMICS MONTHLY

Ceramics Monthly, Feb, 2008 pp. 58-61; Mar, 2008, p. 10 & www.ceramicartsdaily.org

In the February *Ceramics Monthly*, there was an article written by Jeff Zamek claiming to fairly present both sides of the talc debate. On one side, Zamek quoted defense witnesses for talc manufacturer RT Vanderbilt in the trial recently lost to the widow of a potter who died from an asbestos-related cancer. These witnesses said the talc was safe. And as an opposing view, Zamek presented the opinion of Dr. Woodhall Stopford, the toxicologist for the Arts and Crafts Materials Institute. ACMI's position is that they will no longer certify products containing the talc, but that the talc is not really hazardous (see *ACTS FACTS* 7/07).

A fair presentation of the opposing view would be that of the National Institute for Occupational Safety & Health (NIOSH) or any of many other experts who say the talc contains asbestos. In addition, Zamek did not disclose to the editors of *Ceramics Monthly*, or to readers, that he was an expert witness for Vanderbilt in that trial. This is unethical, and *Ceramics Monthly* promised to present a more balanced view in the April issue. Until then, my rebuttal to Zamek's article can be viewed at: <http://www.ceramicartsdaily.org/magazines/Ceramics%20Monthly/currentissue.saspx>.

5 YEARS AFTER THE RHODE ISLAND PYRO DISASTER

New York Times, AP files, 2/2/08 & 2/17; *Staten Island Advance*, A17, 2/18/08; & many others.

Many newspapers and TV stations covered the 5 year anniversary of the February 20, 2003 fire that claimed the lives of 100 nightclub patrons in a fire at the Station nightclub in West Warwick, Rhode Island. The blaze began when pyrotechnics used by the 1980's rock band *Great White* ignited highly flammable soundproofing foam around the band platform.

The many articles about the aftermath of this fire covered some of the multitudes of lawsuits related to the disaster. Some are brought by family members and dependants of the dead. Others are brought by over 200 people who were injured especially those who have lost ears, eyes, and noses, or use of their hands. Many are still having surgeries to try to restore their ravaged bodies.

Many of the lawsuits are being pursued by those who can no longer work due to their injuries. The majority of the injured were blue collar workers such as waitresses, house painters, and contractors. Most had no personal savings or income protection. Their Social Security Disability payments are not enough to provide a decent life. Funds raised in the early days after the fire and the state's Crime Victim Compensation Program awards averaging \$8,800 per person ran out long ago.

Everyone connected to the fire seems to be involved in one or more of these lawsuits. Even WPRI-TV station and their cameraman, Brian Butler, are being sued. Butler captured the most complete record of the early moments of the fire. His video showed the rapid spread of flames and the frantic rush for the exits. Butler has been accused of getting in the way of people fleeing. The TV station and the survivors and victims' relatives have reportedly reached a tentative \$30 million settlement.

This is the largest settlement of several reached so far with the dozens of people and companies being sued. There are still dozens of defendants in the case, including Anheuser-Busch, Clear Channel Broadcasting, several urethane foam manufacturers, the state of Rhode Island and members of *Great White*. Club owners Jeffrey and Michael Derderian were also sued but have received bankruptcy protection.

The criminal cases against the three men charged, that is, the two club owners and the pyrotechnician, were resolved in 2006 though plea deals. Daniel Biechele, the former *Great White* tour manager who pled guilty to igniting the pyrotechnics, is due to be released on parole this month after serving less than half of his four-year on sentence. Michael Derderian, one of the brothers who owned the club, was also sentenced to four years in prison. His brother, Jeffrey, was spared prison time and was sentenced to community service.

COMMENT. As ACTS pointed out at the time of the fire, none of these three men, or the band members and the agents who encouraged and paid Dan to use pyrotechnics without a license, or the Fire Marshal who did not enforce the regulations against using pyrotechnics without his approval, or the salesman who sold the club owners packing foam rather than the more expensive fire-retarded acoustical foam, or the club owners whose doors did not always open in the right direction for evacuation--none of them--did anything constituting more than a misdemeanor. Yet the combined effect of these many small misdemeanor violations resulted in a crime of immense proportions.

No story could better illustrate why it is important to follow regulations and rules to the letter.