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FOR FURTHER INFORMATION
CONTACT: PETER GREENE
(202) 872-0320

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OSHA SERVES A CORPORATE CLIENT:
IGNORING ASBESTOS IN
VANDERBILT INDUSTRIAL TALC

Peter A. Greene
Staff Associate
Health Research Group

December 13, 1976

Public Citizen

December 13, 1976

Dr. Morton Corn
Assistant Secretary of Labor
for Occupational Safety and Health
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Dr. Corn:

We submit to you the attached report, entitled "OSHA Serves a Corporate Client: Ignoring Asbestos in Vanderbilt Industrial Talc."

You are well aware of the long, intense effort by the R.T. Vanderbilt Company, Inc., of Norwalk, Connecticut, with talc mines in New York State, to keep its illegal "temporary relief" from OSHA's legally constituted asbestos standard.

Though the special privileges for Vanderbilt originated with your predecessor, Mr. John Stender, you have assumed full responsibility for the wrongdoing, since you know the facts yet refuse to take action to stop them.

To briefly summarize:

1. OSHA promulgated a legal asbestos health standard in 1972, including the mineral tremolite in its definition of asbestos.
2. Vanderbilt, one of the ten largest talc producers in America, but not alert enough to comment on the asbestos standard before its implementation, undertook a persistent campaign, starting in 1973, to substantially revise the standard to exclude the tremolite in its talc from the definition of asbestos. The campaign included pressure from five members of Congress, three of whom recently received campaign contributions from Hugh B. Vanderbilt, company president.
3. Instead of requiring that Vanderbilt's request go through the rule-making procedures set out in the Occupational Safety and Health Act--comment, hearings, substantiation of decision--some high ranking OSHA personnel dreamed up a "temporary relief" mechanism to avoid public rulemaking.
4. This relief consisted of two parts: (a) allowing Vanderbilt to certify the absence of asbestos in its talc without providing scientific evidence to verify this claim; and (b) redefining the

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dimensions and characteristics of an asbestos fiber to exclude tremolite particles from coverage in the standard even though they are, in fact, a form of asbestos.

5. In contradiction to the policy of OSHA's leaders, other government officials have found that workers are exposed to asbestos while using Vanderbilt talc. These findings have been made by the National Institute for Occupational Safety and Health (NIOSH), and by OSHA's own field compliance officers, and confirmed by an administrative law judge.

6. Even you, we understand, have expressed strong doubts as to the validity of OSHA's current relief to Vanderbilt.

7. All the while, workers in the mines, in factories using Vanderbilt talc, and consumers doing home repairs with spackling compound and the like, are exposed to asbestos in the talc.

Yet you refuse to take decisive action to end Vanderbilt's privileges.

We know that NIOSH and the National Bureau of Standards are currently studying the mineralogical and medical aspects of Vanderbilt talc. We fully support these studies.

However, we deplore the fact that OSHA thinks it proper, and the scientists at NIOSH and NBS agree, that enforcement of the legal asbestos standard in effect be suspended, pending the outcome of the scientific studies. This subverts the legal system and turns the basic values of due process on their head.

It tells citizens that only the naive need testify at public hearings, since the real changes go on behind closed doors. Once one company gets a foothold within OSHA, others are sure to follow. That is one reason why you must immediately root out all illegal procedures.

The other reason to end Vanderbilt's special arrangement, of course, is to save the health of the persons who handle the talc.

Though OSHA exercises only partial jurisdiction over the use-cycle of Vanderbilt talc (MESA, the Mining Enforcement and Safety Administration, surveys the mines and mills; the Consumer Product Safety Commission controls consumer goods), the actions of OSHA are highly prominent and influential to the other agencies.

We, therefore, propose the following steps:

1. Immediately retract Field Information Memorandum 74-92, which redefined Vanderbilt asbestos fiber as non-asbestos fiber.

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2. Immediately retract Secretary Stender's letter to Vanderbilt allowing the company to self-certify--contrary to fact--the "lack" of asbestos in its talc.

3. Individually warn all identifiable manufacturers using Vanderbilt talc that the talc contains asbestos and must be handled in compliance with OSHA's asbestos standard. Cooperate with the Consumer Product Safety Commission to warn consumers and label all asbestos-containing talc.

4. Give top priority to inspection of all plants using Vanderbilt talc.

5. Investigate the personnel and the procedures which allowed such an illegal series of events to occur and persist for so long. Dismiss those persons found to be responsible.

6. Reform internal procedures to require: (a) public listing, access, and records of all meetings between OSHA officials and extra-agency parties; (b) public release of all requests for modification or explanation of health and safety standards, and all replies.

The charges contained in this report are serious. They deserve your personal attention and most rapid reply.

Sincerely,

Peter A. Greene

Peter A. Greene
Staff Associate

Sidney M. Wolfe
Sidney M. Wolfe, M.D.
Director

Enclosure

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