

PLAINTIFF'S EXHIBIT

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MARCH 28, 1978 TELEX NER. 1478

ATTN BERNARD LINCOLN

THE CURRENT SITUATION REGARDING TALC IS THAT ON MARCH 14, 1975, FDA DEFERRED ANY REGULATORY ACTION ON ASBESTOS CONTAINING TALC USED IN FOODS, N DRUGS, OR PACKAGING MATERIALS UNTIL COMPLETION OF FURTHER ANALYTICAL AND BIOMEDICAL RESEARCH. FDA ACKNOWLEDGED AVAILABLE SCIENTIFIC AND MEDICAL INFORMATION DOES NOT WARRANT BANNING TALC CONTAINING ASBESTOS IN FOOD. IN CONJUNCTION WITH OTHER AGENCIES IT WILL CONDUCT RESEARCH INTO THE POTENTIAL HEALTH HAZARDS OF INGESTED ASBESTOS. UNTIL SUCH TIME THAT POSITIVE DATA ARE AVAILABLE, FDA CONCLUDED THAT "A PROHIBITION ON THE USE OF ASBESTOS CONTAINING FILTERS IN THE PROCESSING OF FOOD AND BEVERAGES AND OF ASBESTOS CONTAINING TALC AS A FOOD OR FOOD ADDITIVE ... IS UNWARRANTED DUE TO A LACK OF SUFFICIENT DATA."

OSHA RECOGNIZES TREMOLITE AS MAJOR COMPONENT OF INDUSTRIAL AND COMMERCIAL TALC. THIS HAS LED TO DISPUTE WITH AT LEAST ONE COMPANY REGARDING THE DEFINITION OF ASBESTOS. THE DISPUTE CONCERNED OSHA METHOD OF IDENTIFYING ASBESTOS IN TALC. "A REPORT ON THE FIBER CONTENT OF EIGHTY INDUSTRIAL TALC SAMPLES OBTAINED FROM AND USING THE PROCEDURES OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION"WAS PUBLISHED BY THE U S DEPARTMENT OF COMMERCE, NATIONAL BUREAU OF STANDARDS IN 1977. ANOTHER REPORT FROM THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF MINES, IS ENTITLED "SELECTED SILICATE MINERALS AND THEIR ASBESTIFORM VARIETIES". AM MAILING EXCERPTS OF THIS REPORT.

NIOSH STUDY IN 1977 DEMONSTRATED RESPIRATORY SYMPTOMS AND CHANGES IN 93 MINERS AND MILLERS IN NEW YORK STATE. AM SENDING A SUMMARY OF THIS REPORT FROM OCCUPATIONAL SAFETY AND HEALTH REPORTER 1977.

THE AIA/NA NEWS AND NOTES 28 FEBRUARY 1978 PAGE 5 GIVES A PROGRESS REPORT ON EPA FEEDING STUDY. SUMMARY STATES: "NO INDICATION OF INCREASED DEATHS OR OTHER BIOLOGICAL EFFECTS IN AY TEST GROUP TO DATE."

HOPE THE ABOVE IS OF VALUE TO YOU.

REGARDS

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TO: DR H C LEVINSOHN

DO YOU KNOW THE CURRENT SITUATION REGARDING TALC?
FOR EXAMPLE, WERE THE PROPOSED F.D.A RULES PUELISHED
IN THE FEDERAL REGISTER, VOLUME 38, NUMBER 188 OF FRIDAY
28 SEPT 1973 EVER ADOPTED ? WHAT ARE THE PRESENT VIEWS ON
ASBESTOS CONTENT ?

REGARDS LINCOLN""
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