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1966

DAVIS, GILBERT, LEVINE & SCHWARTZ

Hon. John Stender

-7-

July 19, 1973

standards were never intended to cover the manufacturing of paints or coatings when commercial or industrial talc is used as an ingredient." This was made even clearer by the Environmental Protection Administration in its letter of June 20, 1973 to Mr. Allen Harvey of R. T. Vanderbilt Company, Inc. (attached hereto as Exhibit 10), wherein it was stated that " * * the asbestos standards do not apply to any manufacturing processes that use commercial or industrial talc as an ingredient * * * " (emphasis added). Said Administration consequently plans to amend its regulations to make this clear. From the foregoing, we believe it obvious that the granting of the proposed modification will not have adverse environmental impact.

Conclusion.

For all of the foregoing reasons, we submit that the inclusion of non-asbestiform tremolite in the asbestos standard is an error, which error should be corrected. Accordingly, we request that Table G-3 and the asbestos standard be amended as we have proposed in Appendix 1. Neither the safety nor the health of the American worker will be adversely affected by such amendment, which amendment will effectively preserve the jobs and livelihoods of thousands.

Very truly yours,

Paul C. Gibney, Jr.

PBGibney, Jr./rw

Enclosures:

Petition - 5 additional copies
Appendix 1 - 6 copies
Appendix 2 - 6 copies
Photomicrographic Study - 3 copies
Appendix 3 - 6 copies
Appendix 4 - 6 copies
Photos of slides accompanying
Appendix 4 - 2 copies
Appendix 5 - 6 copies
Appendix 6 - 6 copies
Appendix 7 - 6 copies

1967

12 - Letter from Vanderbilt Dir. Research & Development to Asst. Dir. Health & Safety,
U.S. Bureau of Mines, dated March 23, 1972 (Pages 1967-1968)

AL. BALVEY

H. I. VANDERBILT COMPANY, INC.

33 WINFIELD STREET
EAST NORWALK, CONNECTICUT 06855

CABLE ADDRESS
SILVERMAN NEW YORK

March 23, 1972

Mr. S. M. Jarrett
Assistant Director Health and Safety
U. S. Bureau of Mines
4015 Wilson Boulevard
Arlington, Virginia

Dear Mr. Jarrett:

Mr. McCarthy and I appreciated the time you and your staff gave us last Tuesday in Washington. This letter will briefly review our conversation outlining our problems concerning tremolite in our talc products.

Recent regulations and proposed legislation and regulations concerning precautions and standards for handling of asbestos have included tremolite as an "asbestos" mineral and have subjected tremolite to the same restrictions as those in force and proposed for asbestos. Further, in the proposed OSHA asbestos regulations, the total amount of asbestos (and therefore tremolite) in a product is limited to 5% beyond which precautionary labeling would be mandatory.

We are not in accord with defining tremolite as an asbestos mineral. And, we have preliminary scientific data to prove our point. Basically asbestos is defined by the industry -- and indeed by most authorities -- as a hydrated magnesium aluminum silicate with a threadlike form, of high tensile strength, capable of being woven. We know from our investigations utilizing modern scientific techniques such as the electron microscope that the tremolite we find in our ores consists of a mixture of nodules, rods, plates and needles. The tremolite even in the needle form is not soft, threadlike, of high tensile strength but rather is brittle, fragile, and of low tensile strength. We do concede that under low magnifications the needles occasionally appear to be fibrous but in magnifications of from 1200 to 7000, the apparently fiberlike tremolite is seen to be actually crystalline.

We are not aware of any medical evidence which indicates that tremolite per se has caused asbestosis or cancer.

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The recommendations for use of our products are based upon tests conducted in the H.I. Vanderbilt Company, Inc. laboratory and the results of the tests.

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1968

R. T. VANDERBILT COMPANY, INC.

Mr. S. M. Jarrett

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March 23, 1972

At the meeting of the Advisory Committee to OSHA on the question of asbestos, we know that one member of that committee challenged the inclusion of tremolite as an asbestiform mineral. We concur with this challenge. We feel that the classification of tremolite as a form of asbestos is simply a holdover of mineralogical information and definition based on methodology which is now out of date and which has been replaced by new methods such as the electron microscope.

We submit that the hasty inclusion of tremolite as an asbestiform mineral into the asbestos regulations is without foundation and can and will damage our business and the businesses of any other producer of talcs containing tremolite.

In view of the above and in order to scientifically determine the true nature of tremolite and other so-called "asbestiform" minerals, we request the Bureau to initiate scientific studies to clarify and determine precisely the mineralogical differences in these minerals.

We feel that such a study will be of benefit to the talc and asbestos industries and would provide a number of Government agencies, aside from the Bureau of Mines, with definitive scientific data on which to base decisions affecting thousands of workers' jobs and tens of millions of dollars of the American economy.

Our Company (and almost certainly other talc producers) will cooperate in every way possible with the Bureau on such a study.

If favorable consideration is given to this request, we will be glad to elaborate on this letter at another meeting with you at your convenience.

Sincerely yours,

R. T. VANDERBILT COMPANY, INC.



R. C. Bacon, Director
Research & Development Division

RCB:mjh

Cc: Dr. Aurel Goodwin
Mr. Peter McCarthy, International Talc Company
Mr. H. B. Vanderbilt

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1969

13 - Letter from Attorney for Vanderbilt and Subsidiaries to Hearing Clerk, Dept. Health
Education & Welfare, dated October 5, 1972 (Pages 1969-1971)

DAVIS, GILBERT, LEVINE & SCHWARTZ

500 FIFTH AVENUE, NEW YORK, N.Y. 10022

A. M. DAVIS 1900-1970

A. M. GILBERT

JOSHUA LEVINE

PHILIP R. SCHWARTZ

PATRICIA HAYES

THEODORE A. KAPLAN

PHILIP S. REISS

PAUL B. GIBNEY, JR.

ROSE L. GILBERT

LEONARD ORSKIN

EDMOND F. FRIEDMAN

MARTIN A. BENNIX

GERALD D. SCHWARTZ

MILAN BAUM

ALAN D. KROLL

STUART LEE FRIEDEL

MICHAEL D. DITZEL

* ATTORNEYS AT LAW, NEW YORK, N.Y.

HOWARD R. PETER
COUNSEL

CAROL ANDERSON
TAVANII

TELEPHONE

AREA CODE

800-0400

October 5, 1972

Hearing Clerk
Department of Health, Education and Welfare
Room 6-88
5600 Fishers Lane
Rockville, Maryland 20852

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Dear Sir:

We are attorneys for R. T. Vanderbilt Company, Inc. and its
subsidiaries, Gouverneur Talc Company, Inc. and Western Talc
Company, Inc., with offices at 230 Park Avenue, New York, N. Y.,
and for International Talc Co., Inc., a corporation with offices
at 420 Lexington Avenue, New York, N. Y. Vanderbilt and
International are unrelated to one another. Each of the afore-
said companies is a miner and producer of talc.

Reference is made to the "Proposal Regarding Regulation of
Prior-Sanctioned Food Ingredients" (21 CFR Part 121), published
in the Federal Register of August 12, 1972 (37 P.R. 16407).

Our clients have noted with great interest the proposal to ban
talc "containing asbestos-form particles" from food packaging.
We note from the September 22, 1972 letter of the Director of the
Office of Product Technology to Mr. P. F. McCarthy that the afore-
said proposal is directed against fibrous forms which distinguish
asbestos from talc.

Talc produced in the United States generally contains tremolite,
and this mineral has too often been classified with asbestos,
which is truly a fibrous material. Our clients wish to establish,
not only for the benefit of the Food and Drug Administration, but
also for the benefit of other federal agencies asserting jurisdic-
tion on the general question of asbestos, that the tremolite
contained in talc seldom occurs in a fibrous form. Assuming the
establishment of this fact to your satisfaction, non-fibrous
tremolitic talcs should therefore be without the field of your
concern.

Furthermore, it seems that there exists a great deal of confusion
over the mineralogical natures of true asbestos and other minerals

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