

FILE NAME: RT Vanderbilt (RTV)

DATE: 2007 Apr 30

DOC#: RTV003

DOCUMENT DESCRIPTION: Associated Press Article - NY Family Says  
Talc Caused Deaths

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### NY Family Says Talc Caused Deaths

Monday April 30, 4:16 pm ET

By William Kates, Associated Press Writer

#### Upstate NY Family Says Deaths Cause by Talc Exposure

SYRACUSE, N.Y. (AP) -- Relatives of a 67-year-old man filed a lawsuit Monday against a mining company after he became the third family member to die from a rare cancer he allegedly contracted from exposure to asbestos-tainted talc.

The death of Donald Lozo in August 2005 from the asbestos-related cancer mesothelioma "is a statistical improbability" unless he contracted it from exposure to talc while working for the Carbola Talc Mine east of Watertown, said Patrick Timmins, the attorney representing Lozo's estate.

The mine ceased operations in the early 1970s and its assets and liabilities now belong to R.T. Vanderbilt Co. of Norwalk, Ct., according to the lawsuit.

Vanderbilt officials were not aware of Lozo's lawsuit and had no immediate comment.

However, Vanderbilt has remained steadfast in its position that its industrial talc does not contain asbestos and does not pose a cancer risk. The company noted, its talc is not classified or regulated as a carcinogen by the U.S. Occupational Safety and Health Administration or the Mine Safety and Health Administration.

The lawsuit accused Carbola and 75 other defendants of being negligent, careless and reckless in permitting Lozo to work in dangerous and unsafe conditions and failing to warn Lozo and other employees about the possible dangers of talc exposure.

The lawsuit seeks unspecified compensatory and punitive damages. It also seeks a jury trial.

Lozo's sister, Catherine Lozo Gerber, and his mother, Mary, also died of mesothelioma, according to the lawsuit filed in U.S. District Court. Timmins filed a separate lawsuit in 2005 on behalf of Gerber's estate.

Mesothelioma is an extremely rare disease associated with asbestos exposure and without hereditary basis, occurring in approximately only 1 out of 100,000 persons, and even less frequently in women, according to court papers.

Alfred Lozo, Donald's father, began working at the Carbola mine in the 1930s. For decades Alfred Lozo would return from work at the mine with talc dust on his clothing and in the family car. Mary, Donald and Catherine were constantly exposed to this asbestos-laden talc dust, which also made its way into the Lozo residence when it was released from the talc operation into the air, Timmins said. Alfred Lozo died of silicosis, a lung disease caused by inhaling silica dust.

Donald Lozo worked for Carbola for more than a decade in the 1950s and early 1960s. He experienced further exposure while continuing to work as an iron worker.

"Talc mine workers had no reason to think that the mineral was dangerous," Timmins said.

The lawsuit claimed that scientists for years have noted the high rates of mesothelioma in New York talc mining counties, including Jefferson County.

Additionally, published studies have independently confirmed a total of at least 15 mesothelioma deaths among talc workers in New York State, said Robert Komitor, another attorney representing the Lozo family.

Komitor also said the National Institute of Occupational Safety and Health and New York State Department of Health have previously concluded New York talc was contaminated with asbestos.