FILE NAME: Talc (TALC)

DATE: 1973 Aug 29

DOC#: TALC453

DOCUMENT DESCRIPTION: Memo - RE Meeting to Address Food Grade Talc Specification to be Proposed by FDA

Johns-Manville

Internal Correspondence

To: P. A. Martinson - 2 West

Date: August 29, 1973

From: R. S. Lamar - R&D Center

Copies: See below

Subject: OUR MEETING AUGUST 24, 1973 - FOOD CHEMICAL NEWS, AUGUST 20, 1973 - F D GRADE TALC SPECIFICATIONS TO BE PROPOSED BY FDA

Following our meeting of August 24, 1973, there were several informal discussions concerning J-M giving up their interest and spinning off the Desert Minerals talc business. "The battle for tremolitic talc is just too tough". It is this writer's opinion that to give up for this reason would be a tragic mistake. J-M must make a firm stand right here and right now!

If this regulation is allowed to pass, then later what is to prevent a similar ban on the use of TRANSITE pipe for water transmission? Still later glass fiber and virtually every other segment of our business will be subject to similar scrutiny and irresponsible control. You can be sure that these regulatory agencies are not going to stop with tremolitic talc! Any success will move them on with more vigor to other more vital parts of our total J-M business. This is not just a Celite problem. It relates to large and vital segments of other J-M business. We must fight them every step of the way and especially when we feel that we are right and are being unjustly treated.

In this particular case, we believe that the FDA has acted arbitrarily, capriciously, and unfairly. Dick Carter stated during the meeting that FDA officials had apparently admitted to him that they had ignored our formal presentation (see letter April 20, 1973, and attachments Richard Carter to Allan T. Spiher, Jr., FDA) and in this case were reacting to political pressures. Is the FDA intended to be a political organization?

The entire question here is no longer just medical or scientific. There is a very fundamental legal question. What are our constitutional rights? Does the Federal Government have the right to act in this manner, ignoring facts, and simply to act emotionally or politically? Do we have the right to demand that they prove medical or scientific justification for their actions? They have acted similarly in the past with respect to DDT and cyclamates. In these cases great harm was done to the producers of these chemicals. The bans imposed on the use of these chemicals were contradictory to the facts. We are now in a similar position.

P. A. Martinson - 2 West August 29, 1973

In the past, J-M's position has always been based on what we considered to be the truth and the best possible scientific evidence. We do not favor an abandonment of this approach. We do believe, however, that we have been far too timid and too reserved in our dealings with these Governmental officials.

We must change our tactics. We must go on the offense. Any legal action, suit, injunction, etc., that stands any possible chance of blocking the FDA should be tried. We must make it quite clear that we do not intend to accept this new control without a fight. The total resources of J-M must be committed to this battle. In the final analysis, it is a battle for survival -- not just the talc business.

The FDA officials have already demonstrated that they are politically motivated. They respond to fear. Let's do everything we can to intimidate them, to make them fear us.

The debilitating effects of this battle and the tactics we have used to date are beyond estimation. This has greatly interfered with the orderly conduct of our business. The attention of our salesmen has been diverted and diluted. It has become increasingly difficult to carry on a creative marketing or research program. Our defensive position has drained our energies and our resources. This must be changed!

Recent tests (see report August 27, 1973, V. E. Wolkodoff to R. S. Lamar, NB 4393-10, 11) have shown that even Reeves Canadian talc will not meet this new FDA requirement. Not only is our present talc business in jeopardy, but now our Canadian talc development is no longer a viable new venture.

R. S. LAMAR

RSL/rs

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