GRACE

Construction Products Division

PLAINTIFF'S EXHIBIT WRG-746

TO: J. W. Wolter

DATE: July 9, 1981

FROM: E. S. Wood

SUBJECT: NIOSH Epidemiological Study Of Libby

cc: R. J. Bettacchi
J. Danel - Enoree
H. A. Eschenbach
O. M. Favorito
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MSHA has reviewed its request of NIOSH to conduct an epidemiological study of all present and past employees at our Libby Mine. They have reached a decision to go forward with the requested study.

The pincipal purpose of the study is now indicated to be investigation into the health effects of tremolite asbestos. This is particularly important to MSHA since it now appears that NIOSH may have to recommend separate standards for each of the different types of asbestos. The effect of the "benzene decision" is to require demonstration of significant risk to health for each material to be regulated. Regulation of broad generic classes of materials leaves the standard vulnerable to an argument that each individual's material risk has not been considered in arriving at the standard. In addition, the study is desired for its scientific value since no information is available in the scientific literature with respect to the similarities and/or dissimilarities of disease patterns caused by exposure to tremolite asbestos. The existing literature relies primarily on studies of the commercial forms of asbestos such as chrysotile and crocidolite. Finally, since MSHA wishes to continue promulgation of separate standards for the mining industry, one gets the impression that this study will be important in their recommendations for any lowering of the existing MSHA asbestos standard.

In return for our cooperation, MSHA has offered to keep us fully informed as to the progress of the study, and to use their influence to assure that NIOSH does likewise, to provide predistribution copies of all draft documents for our review and comments, and to refrain from personalizing the study as a "W. R. Grace" study.

We should proceed with a cooperative posture making certain that the promised review steps are followed, that actions are not taken with such

haste that they are scientifically unsound or procedurally ill-advised, and that the study, itself, is done thoroughly and professionally so that its results will be based on facts rather than conjecture.

Most of our meeting with MSHA was dedicated to reviewing the purpose of the study. Since our last meeting, the stated purpose of the study had changed (MSHA denied that their intentions had changed) to focus principally on a study into the health effects of tremolite asbestos. While they maintained that ultimately they wish to study the health effects of vermiculite if they could find a "pure vermiculite" environment to study, they agreed that Libby was unlikely to be useful in this regard.

Tom Shepich, acting Deputy Assistant Secretary for MSHA, agreed to respond to our letter of June 29th and to present a clear statement as to the purpose of the Libby study as a part of this response. The letter would be first reviewed with NIOSH so that it represented a jointly-agreed purpose.

Following receipt of this letter, a meeting would be arranged between MSHA, NIOSH and Grace to begin the process of settling any differences which may remain and, presumably, to provide for a collaborative effort between Grace, MSHA and NIOSH.

As this activity will be going forward and will, undoubtedly, last for two or three years, some more formal organizational structure is required to cope with this and other asbestos environmental issues. I believe that an additional attorney is needed in the Legal Department who would serve as focal point for all information coming to CPD and going from CPD to the various federal environmental agencies. In addition, someone must be designated in each of the various parts of Zonolite to develop the required information and to serve as a resource to the Legal Department. I would like you to give some thought to who that person should be at Libby, Enoree and for the expanding plants. By July 24th, I would hope to have a decision on whether someone will be designated as information conduit in Mario's office. By that same date, I would like you to suggest the appropriate person in Libby, Enoree and the expanding plants.

ESW/acd

E. S. Wood