FILE NAME: Sherwin Williams (SW)

DATE: 1973 July 13

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DOCUMENT DESCRIPTION: Letter from RT Vanderbilt to SW RE Caution Labels

R. T. VANDERBILT COMPANY, INC.
230 PARK AVENUE
NEW YORK, N.Y. 10017

CABLE ADDRESS
BILTVAN NEW YORK

cc - CRM
FRS
J Dillman

G. F. H
JUL 17 1973

July 13, 1973

The Sherwin-Williams Company
101 Prospect Avenue, N. W.
Cleveland, Ohio. 44115

D.A.A.
JUL 16 1973

Att: Mr. D. A. Ayres

Dear Mr. Ayres:

This is in reply to your recent letter calling to our attention that shipments of NYTAL 300, your code 62-32-00, contained no type of caution label on the bags. This is correct. We have never been requested by you or any customer before to follow such procedure. Actually we mine and manufacture our NYTAL products under the jurisdiction of the U. S. Bureau of Mines, Department of Interior, and ship under the Department of Transportation. There are no directives of which we are aware requiring us to affix a caution label.

The O.S.H.A. regulation from the U. S. Department of Labor you refer to applies to consumers of these products for the "Safety and Health" of their employees during their use as far as exposure to dust is concerned. This we feel must be handled by the consumer, providing what he feels is best in his own plant or plants.

As you are aware, we, as do other talc producers, feel that the O.S.H.A. directive, including "non-asbestiform tremolite" in the asbestos definition was not only unfair but technically inaccurate. We have protested this position and at a recent hearing in Washington, D. C., with the Deputy Director of O.S.H.A. were successful in being granted the right to petition the correctness of the definition. The new petition will be filed the week of July 16, 1973 in Washington. We are hopeful that O.S.H.A. will view this in the same light as did the E.P.A. in a reversal of their definition, which originally included tremolitic talcs. A copy of this E.P.A. letter is included for your information.

Consequently, Mr. Ayres, we feel it is too early to take the action you have requested. We are hopeful this problem will be solved in our favor in 60-90 days - and therefore your favor - with no labels being required by you. As mentioned before, we have had no other such request from any customer as yet, and we would prefer not to label - at least until the pending conditions are acted upon.

Very truly yours,

R. T. VANDERBILT COMPANY, INC

H. W. Howard
Product Manager

HWH:mm

The recommendations for use of our materials are based upon tests believed to be reliable. However we do not guarantee the results to be obtained