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with Asbestos Exposure and Pulmonary Disease

SCOTTS
THE LAWYERS
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John P. Kennedy
Vice President &
General Counsel

December 5, 1978

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Gentlemen:

To confirm the oral report given on November 29 to your agencies, some information relating to one of our chemical fertilizer Plants has come to the attention of Scott which may or may not be reportable under the various statutes administered by your respective agencies. We have resolved any doubt on this question by this letter in an effort to fully advise you and seek your cooperation in dealing with the matter.

Dr. John Prior, of Ohio State University, who was retained through our Company Physician to interpret X-rays and provide expertise in his specialty of pulmonary disease, advised that in his practice he had encountered three instances of bloody pleural effusion of the lungs. Dr. Prior also advised that this represented an unusually high incidence of such a finding. All three patients had been employed by Scott either currently or in the past for periods ranging from four to twelve years.

O M Scott & Sons, A Subsidiary of ITT - Marysville, Ohio 43040, (513) 644 0011

Our Company Physician followed up on these cases and it was subsequently learned that in all three of the individuals lung tissue biopsies had been performed. Neither of the biopsies revealed tumor cells or asbestos bodies; however, chronic inflammatory changes and pleural fibrosis were detected. The clinical history of these individuals virtually rules out mesothelioma as a possibility and makes the presence of any other malignancy unlikely. At the time of Dr. Prior's report, Scott had not encountered any findings of this type in our medical program on Plant employees. However, within the last two weeks, another case of bloody pleural effusion was found from the X-rays of a current employee who has worked in Scott's Plants for approximately twenty years. Clinical study is currently underway.

A review of the published literature on bloody pleural effusions has not located any report of a response of this type associated with the materials found in Scott Plants or other chemicals. Nor were any published reports found in which asbestos exposures were associated with this type of response. This point is emphasized in particular because pleural reactions are apparently a common finding with asbestos exposure and the Scott Plant where these individuals were employed does use vermiculite, which has been found to contain low levels of fibrous tremolite (a form of asbestos).

By way of background The O. M. Scott and Sons Company is a manufacturer of lawn care products which are produced in our Chemical Plants in Marysville, Ohio. Since its inception over 20 years ago the Trionized Process at the Scott Chemical Plant has relied upon vermiculite as the inert carrier on which the fertilizer and, in the case of combination products, fertilizer plus pesticide chemicals would be applied to form our finished products. Almost all of our retail fertilizers and fertilizer-pesticide combination products are produced from this Process. Raw vermiculite ore is mined and classified in Montana and South Africa, and shipped to Marysville. In the Trionized Plant the ore is then expanded with heat so that its layered structure accords out creating a greater surface for the fertilizer material to be applied to.

Scott has advised its affected employees of the presence of asbestos in the Plant and maintained a regular program of air sampling, employee physical examinations, Plant clean-up and various equipment/facility changes to assure compliance with OSHA standards. In addition, Scott has secured analysis of its final products by independent laboratories, which uniformly indicate that no fibers can be found in the final product and that the use of such products present no fiber exposure. Scott has also shifted its purchase pattern of vermiculite so that a significant share of the vermiculite used is from sources with either no fibers or significantly lower levels of fibers.

However, as a result of the employee physical examinations instituted, the chest X-ray films of one employee were interpreted in 1976 as being compatible with asbestosis. Another employee was suspected of having an X-ray exhibiting early evidence of asbestosis, but subsequent X-rays have ruled this finding out. Neither of these employees were experiencing any symptoms of asbestosis or any disability; but, both were advised of this finding and transferred to other jobs out of the Trionized Process Plant. Scott advised all employees affected of the findings and tried to explain the risks involved. Examinations performed since have not revealed any additional employees to have evidence of asbestosis.

We have no reason to believe our current Plant situation presents any risk of asbestos-related problems since it is in compliance with OSHA asbestos standards. Based upon the low levels of fibers reported in our Plant at this time, the physicians involved have advised us that these findings do not indicate a current asbestos hazard to our workers, if in fact the effusions are related to the occupational exposures at Scott at all.

In summary, the situation presented is a perplexing problem. There is no medical evidence or literature indicating these four cases are due to occupational exposures in the Scott Plant. Yet, the fact remains a cluster of four cases of this type would not be expected to be found in a much larger population than Scott's 500-600 workforce. Adding to this uncertainty is the fact that this condition has apparently arisen several years after plant exposure, but not within the expected timing of asbestos-like problems.

Based upon the questions asked at the meeting held on November 29, 1978, with representatives of EPA and OSHA to report this situation and the data requested by the three representatives of OSHA who visited our Chemical Plant the mornings of November 29 and 30 on this issue, the following data is enclosed with each copy of this letter:

1. List of Current Chemicals
2. Results of Air Sampling in Chemical Plant
(1/1/76 to Present)
3. Notices to Scott Employees

Dr. Prior's report on the details of the clinical history of the four individuals will be ready within two weeks and a copy will be forwarded as soon as we receive it from Dr. Prior. Additional data will also be forwarded as completed on prior chemicals and other topics discussed at the meeting on November 29.

At this stage considerable question remains with respect to the cause, the meaning and the effects of these findings of pleural effusion. We have selected Dr. W. Clark Cooper of Berkeley, California, as an independent source of medical expertise.

We will keep you advised as our investigation of this matter proceeds. We would appreciate any information your agencies could provide on similar situations coming to your attention. We would also ask to be advised of any further reporting or other actions necessary on our part to secure compliance with the statutes administered by your respective agencies. Finally, we would ask that agency contacts be coordinated so that duplication of reporting can be minimized.

Yours very truly,

John P. Kennedy
Vice President &
General Counsel

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Enclosures