

Mr. Harvey
II

R. T. VANDERBILT COMPANY, INC.
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May 13, 1977

Mr. John M. Dement
National Institute for Occupational Safety
and Health
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, Ohio 45226

Dear Mr. Dement:

Thank you for the opportunity to review the final draft of the NIOSH industrial hygiene study of the Gouverneur Talc Company, number 1 mine and mill. We have the following comments:

Page 1, page 61: References to the Brennan vs. Borg Warner OSHRC case as substantiation of "significant contamination levels of both fibrous tremolite and fibrous anthophyllite" is misleading and inaccurate; the conclusion drawn is improper in that it is based upon one decision by one Administrative Law Judge, which is not final and the case is currently on appeal.

We take vigorous issue with your proposed statement on page 61 "Users of talcs from this mill have also been shown to have excessive fiber exposures." on the basis that it is not supported by the weight of the evidence as it exists today. In two contested OSHA citations involving R. T. Vanderbilt talcs, Ray Marshall vs. Flamingo Tile Corporation (OSHRC Docket No. 76-1847) and the Secretary of Labor vs. Wenczel Tile Company of Florida (OSHRC Docket No. 76-1847), all allegations of asbestos in Vanderbilt talcs were withdrawn for lack of evidence to support the charges. Thus the weight of authority today is that our talcs do not contain asbestos. (copies attached)

Page 2: It would be more accurate, and lead to a better understanding of the situation at Gouverneur if you would make it clear that the Gouverneur Talc Company also produces industrial talcs which Vanderbilt admits to containing asbestos, and are so labelled. Your inclusion of Material Safety Data Sheets for the labelled, fibrous talc products, IT Fiber No. 1, IT Fiber No. 2 without reference to the fact that these products contain the required OSHA asbestos label is misleading.

Page 3: In line 2 the date 1973 for the acquisition of the International Talc Company should be 1974.

Page 3: The correct number for the Local of the United Steel Workers Union at Gouverneur is 4979.

Mr. John M. Dement

2

May 13, 1977

Page 5: On line 6, the depth of the main shaft is 1250 feet, not 1100.

On line 8, the number of active stopes is 26, not 6. On any given day only 6 or 7 of the 26 stopes are being used.

Page 9: In the second paragraph the number of reported accidents is incorrect. The numbers you have used are "frequency" numbers, i.e., number of accidents per million man hours. The actual number of lost time accidents in 1974 were 9 in the mine and 2 in the mill.

Page 10: Under the heading Potential Health Hazards, the indication of tremolite, anthophyllite and serpentine as potential health hazards without qualifying the form of these minerals deemed to be hazardous, is unwarranted. If tremolite asbestos, anthophyllite asbestos, and chrysotile are meant to be indicated as health hazards, then the proper qualification should be used.

Page 17, 28 and 37: Tables 3, 10 and 13 should indicate whether total fibers or only those greater than 5 micrometers were counted. In Table 3, what does the note, "Percent =90 of all fibers analyzed" signify?

Page 26: The sentence in lines 5-6 is very misleading. It should be eliminated, or another sentence should be added to indicate that counts of identified asbestos fibers greater than 5 micrometers vary from about 0.3 fibers/c.c. to about 3.2 fibers/c.c. This would be a much better indication of asbestos exposure as defined by existing regulations.

Page 31: In the last two lines, "The asbestiform nature of these fibers may be appreciated by observation of their "fibril" structure" - why make such a distinction if your contention that a 3:1 aspect ratio is a valid criterion of a fiber.

Page 50: In Table 18, the excessive counts listed under 1976 measurements should be eliminated or explained. It is obvious from other dust count data in the report that dust control in the mine and mill have steadily improved over the period the company has been in business. A sudden increase in counts to abnormal levels up to 8 and 10 times greater needs adequate explanation, or the data should be eliminated as being misleading.

Page 51: What is meant by the last sentence in the first paragraph? Whose "reasonable" definitions of "fiber" are you referring to?

Page 60: In the Study Protocol of the proposed industrial hygiene study at Gouverneur it is stated that NIOSH will conduct its investigations in cooperation with the Mining Enforcement and Safety Administration (MESA).

We see no evidence in this report of input from MESA other than your use of their data. In particular we see no evidence of mining expertise input in the Conclusions and Recommendations listed on page 60.

R. T. VANDERBILT COMPANY, INC.

Mr. John M. Dement

3

May 13, 1977

Since our mines and mills are, and always have been under the jurisdiction of MESA and its preceding agencies within the Department of Interior, it would seem appropriate that any recommendations for corrective actions should come from the proper authority.

All the dust collection systems and general atmospheric dust conditions within the Gouverneur Talc Company operations up until this time have met with the MESA requirements or have been modified to comply with any appropriate regulation. For example, our employees have been provided with respiratory protection when exposed to significant quantities of dust, and have been encouraged to wear dust masks meeting MESA approval whenever appropriate.

As long as the Gouverneur operations come under MESA jurisdiction, we believe that only MESA recommendations for specific actions are appropriate. The recommendations on page 60 appear to be only those of NIOSH or OSHA.

We are also concerned with the discrepancies in mineral analyses between the participating laboratories, not only in quartz but in the analysis for talc constituent minerals.

Sincerely,

Allan M. Harvey

Allan M. Harvey, Manager
Technical Development Department

AMH:slb
Enclosure

cc: Dr. Aurel Goodwin - MESA