PLAINTIFF'S
EXHIBIT
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¶ 9593 FIELD MEMORANDUM PROVIDES FURTHER GUIDELINES ON TREMOLITE AND TALC

Back reference: ¶ 6802.1.

Field Information Memorandum #74-92 was issued by OSHA on November 21, 1974, in order to establish further policy guidelines concerning tremolite and talc that are not asbestiform or fibrous (see ¶ 9485). Text is as follows:

FIELD INFORMATION MEMORANDUM #74-92

To: OSHA Assistant Regional Directors and Area Directors

Subject: Tremolite and Talc

1. *Background:*

The attached letter from Assistant Secretary of Labor John H. Stender gives further policy guidelines in regard to tremolite and talc that are not asbestiform or fibrous.

2. *Policy Change:*

In order to be considered abestiform or fibrous the following criteria will be used by the Salt Lake City Laboratory of OSHA:

A. Particles must appear to be fibrous rather than as crystals or slivers.

B. The maximum diameter of a fiber to be counted is 3 microns.

C. The maximum length of a fiber to be counted is 30 microns.

D. The length-to-width ratio must be 5 or more to 1, that is, 5 times or more longer than wide.

E. The separate or individual fibers must contain fibrils or the "bundle of sticks" effect, unless they are at a nondivisible stage. A fibril cannot be subdivided and would be counted, if it meets the other criteria. The electron microscope may be used to prove the fibrous nature of the particles. The length-to-width ratio of 5 or more to 1 is not meant to imply that other particles are not hazardous.

3. *Sample Collection and Submission:*

If the Compliance Safety and Health Officer (CSHO) is reasonably sure that the talc or tremolite is fibrous or asbestiform, he will sample following the OSHA Sampling Data Sheet # 2 for asbestos.

In all other cases for talc or tremolite, he will (1) sample following the Sampling Data Sheet #2 for asbestos and (2) sample using the midget impinger for non-asbestiform, non-fibrous talc or tremolite. When impinger samples are taken, an air sample must be collected following OSHA Sampling Data Sheet #3 for crystalline silica for determining the percent quartz at the Salt Lake City OSHA Laboratory.

Midget impinger samples must be analyzed within 24 hours after collection for the results to be valid. Therefore, arrangements must be made by the Industrial Hygienist with a local laboratory concerning the analyses prior to making the inspection. *These samples are not to be sent to the OSHA Laboratory, Salt Lake City; They will not be analyzed there.* If the Industrial Hygienist is certain that the talc or tremolite is asbestiform or fibrous, impinger samples may be omitted from the inspections.

4. *Results and Interpretation:*

(1) Results from the impinger samples will be used if the talc or tremolite is non-asbestiform or non-fibrous. Table G-3 of 1910.93 would apply. The Time Weighted Average (TWA) for talc or tremolite that is non-asbestiform, non-fibrous is 20 millions of particles per cubic foot of air by the light-field count method.

(2) The laboratory will give two results for the talc or tremolite that is abestiform or fibrous submitted for analyses of asbestos. One for definite asbestiform fibers meeting the criteria of 5 or more to 1 and one for those fibers meeting the older asbestos criteria, namely those particles having a

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length to width ratio of 3 or more to 1. Samples having a 5 or more to 1 length to width ratio and meeting the other criteria of paragraph #2 *Policy Change* would mean that fibrous or asbestiform talc or tremolite is present. Therefore, the standard for asbestos, 1910.93a, would apply.

This guidance is temporary and may change as a result of findings from an on-going NIOSH study on this subject.

Any questions may be directed to Mr. Charles McClure, Division of Occupational Health Programming, Occupational Safety and Health Administration, Washington, D. C. 20210, telephone 202-961-2726.

October 9, 1974

Mr. H. B. Vanderbilt
President
Chief Executive Officer
R. T. Vanderbilt Company, Inc.
30 Winfield Street
Norwalk, Connecticut 08855

Dear Mr. Vanderbilt:

This is in reply to your letter of September 26, concerning your request for relief from the asbestos standard for your talcs containing nonfibrous tremolite, actinolite, and anthophyllite.

My letter of August 6 stated that non-fibrous or non-asbestiform minerals such as non-asbestiform tremolite are not within the scope of the asbestos standard and, therefore, the provisions of that standard do not apply to talc containing non-asbestiform minerals.

NIOSH is currently conducting a thorough investigation into the exact minerals to which talc workers were exposed in those studies where asbestosis or other adverse medical effects were found.

Pending the receipt and evaluation by OSHA of the report by NIOSH on this investigation, if you have scientific evidence that the naturally occurring talcs, prior to processing by milling or crushing, do not contain fibrous or asbestiform tremolite, antophyllite, actinolite or other asbestiform minerals, you may certify to your customers that the talc does not contain asbestos.

Fibrous, asbestiform minerals such as fibrous tremolite means naturally occurring asbestiform minerals which prior to or after crushing and processing, contain fibers made up of fibrils.

Sincerely,

/s/ John H. Stender
John H. Stender
Assistant Secretary of Labor

¶ 9594 FIELD MEMORANDUM ON REVIEW OF STATE POSTERS

Back reference: ¶ 6590.

Field Information Memorandum #74-94 was issued by OSHA on November 22, 1974, concerning the review of state posters based on adopted regulations § 1952.10. Text is as follows:

FIELD INFORMATION MEMORANDUM #74-94

To: Assistant Regional Directors

Subject: Review of State Posters

Field Information Memorandum #74-59, dated July 12, 1974, instructed you to provide advisory opinions to the States on the acceptability of State posters on the basis of proposed regulations attached to that memorandum.

Final regulations on State posters requirements have now been published. You should have all State posters currently in the region reviewed on the basis of the final regulations, (29 CFR 1952.10) published in the Federal Register on November 5.

Review and submission of the posters to the National Office should be done in accordance with 29 CFR 1953, Changes to State Plans.

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