FILE NAME: RT Vanderbilt (RTV)

DATE: 1974 July 16

DOC#: RTV069

DOCUMENT DESCRIPTION: J-M Memo - Tremolite Asbestos & RTV's Denial the Tremolite in Their Talc is not Asbestos

Johns-Manville

Internal Correspondence

To: F. J. Solon, Jr.

Date: July 16, 1974

From: R. P. Carter

Copies: File & Chrono

Subject: TREMOLITE ASBESTOS

Ever since August 12, 1972, when the Food & Drug Administration published a proposed regulation which would prohibit the use of talc containing asbestos in food and food packaging materials, R. T. Vanderbilt Company, a leading talc producer, has taken the position that the tremolite in their talc is not fibrous, but acicula (needle-like), and therefore cannot be considered "asbestos."

Sid Speil, Bill Streib, Dick Lamar and other personnel from J-M, including myself, have attended meetings with Vanderbilt to explore their rationale for such a position. Our Research people have always taken the position that they cannot agree with Vanderbilt's approach, as tremolite is fibrous, but have wished them luck in convincing various government agencies on their position.

Not only has Vanderbilt taken such an approach with FDA, but similarly through meetings, letters and petitions, with other government agencies -- all of this intended to convince them not to classify all tremolite as "asbestos."

Thusfar, Vanderbilt has been successful with two government agencies, EPA and MESA. On May 3, 1974, EPA published an amendment to its April 6, 1973 National Emission Standard for Asbestos, wherein they added the term "commerical asbestos" to distinguish between asbestos that is produced as a product and asbestos that occurs as a contaminant ingredient in other materials. The purpose of adding the term "commercial asbestos" was to make it clear that materials that contain asbestos as a contaminant only, are not covered.

In the May 3 amendment, EPA indicated that questions were raised concerning the applicability of the standard to manufacturing operations that used talc. EPA indicated that when their regulations were first proposed, talc mines were not covered by the EPA proposed standards; this was also intended to indicate that manufacturing operations that used talc or other materials contaminated with asbestos were not covered by the standard.

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In addition, the information available to EPA at the time of promulgation (April 6, 1973) did not demonstrate that the mining and milling of such materials were major sources of asbestos emissions. Therefore, such materials and manufacturing operations in which they are used are excluded from the EPA Asbestos Emissions Standard.

On July 1, 1974, the US Department of the Interior (MESA) published an asbestos standard for metal and non-metallic open pit mines. In this standard, MESA distinguished between "tremolite asbestos" and "non-asbestiform tremolite."

Tremolite asbestos, under MESA's standard, is covered by a five fiber per cc standard, whereas non-asbestiform tremolite is covered by the ACGIH TLV for tremolite, 5 million particles per cubic foot. MESA, in the standard, indicated that non-asbestiform tremolite which occurs in talc deposits is not mentioned in the definition, therefore, it is not covered. Further, MESA pointed out that on May 8, 1973, a public symposium was held in Washington, D.C., to receive data on talc dust hazards in the metal and non-metallic mining industries. At that time, medical data based on both human and animal studies were presented, supporting the opinion that talc and talc-with-tremolite are not as hazardous as chrysotile and other true asbestos minerals.

I spoke this week with Dr. Aurel Goodwin, Chief of Health Standards for MESA, to ascertain how MESA distinguishes between "tremolite asbestos" and "non-asbestiform tremolite." Dr. Goodwin said that MESA has no exact definition that makes such a distinction, but indicated that "a fiber must look like a fiber"; that is, have an aspect ratio of at least 50-to-1 or 100-to-1, and not merely a 3-to-1 aspect ratio in accordance with OSHA's definition of asbestos.

In addition, MESA agrees with Vanderbilt's position that a distinction should be made between those particles which are truly fibers and those which are needle-like in shape (acicula particles). Dr. Goodwin said further that in all the talc samples they have analyzed, they have detected no asbestos fibers. This apparently supports their conclusion that tremolite, as it exists in commercial talc, is not fibrous.

Dr. Goodwin is presently checking to determine whether or not MESA has examined J-M talc. If not, MESA is agreeable to examining J-M talc to determine if the tremolite it contains is or is not fibrous.

Last week Bob Bacon, Assistant to the President of R. T. Vanderbilt Company, called me to report on a meeting he had on July 2, 1974, with John Stender, Alexander Reis, Howard Schulte and Dan Boyd of OSHA. Bacon reported that Stender was quite sympathetic to Vanderbilt's position and asked Reis: "Why are you holding these people hostage?" According to Bacon, Stender also told Reis that: "OSHA should'nt base standards on things not proven to be guilty." Bacon left the meeting quite optimistic that OSHA would modify its definition of the term "asbestos." Bacon further noted that Dan Boyd, Chief of OSHA's Office of Standards, will visit Vanderbilt's talc mine in New York State on July 19.

It is uncertain at this time whether or not OSHA will modify its present definition of the word "asbestos", in accordance with Vanderbilt's position as was recently done by MESA. However, last week when Ed Fenner, as Chairman of AIA's Technical Committee, met with John O'Neill of OSHA, O"Neill requested that AIA's Committee prepare a new definition of the term, "asbestos."

Notwithstanding the recent action taken by EPA and MESA, Bill Reitze and I do not believe that OSHA will modify its present asbestos standard to conform to the recently promulgated MESA standard. Reitze spoke yesterday with Howard Schulte, Deputy Assistant Secretary for Occupational Safety & Health to check the result of Vanderbilt's meeting with OSHA. Schulte reported that Dan Boyd and someone from NIOSH in Salt Lake City, will visit Vanderbilt's mine this week and will take talc samples to determine if the tremolite present is fibrous or acicula. According to Schulte, even if the tremolite is found to be non-fibrous, OSHA is not planning to change its current asbestos standard with respect to tremolite. However, OSHA would grant Vanderbilt a variance from the OSHA asbestos standard and similar variances to other talc producers whose tremolite content is non-fibrous. However, Schulte told Reitze no decision with respect to Vanderbilt's request will be made until mid-August at the earliest. In the meantime, he cautioned that OSHA has cited and will continue to cite talc producers and their customers for violations of OSHA's asbestos standard.

These recent developments raise a question as to whether J-M should begin to insert "warning" labels on its commercial talc packages. As I see it, three alternative courses of action are available to us. First, we can go ahead with our agreed upon label. Second, we could simply caution with respect to talc dust at the present time, until OSHA makes a decision with respect to tremolite. Third, we could take no action whatsoever until OSHA makes a decision.

I would suggest we very promptly call a meeting of the J-M personnel involved to review the current situation and make an interim or final decision. I hope this memo will be helpful as background material to be read by all attendees prior to that meeting.