

Importance of Fiber Dimensions?

- NIOSH 7400 fiber size cutoff is based on the limitation of the method
 - Short, thin fibers not exonerated – no epidemiology
 - Davis et al (1988) suggests short chrysotile is more potent
 - Yeager et al (1983) suggests short fibers more cytotoxic.
- Substantial human evidence looking at pleural tissue in cases of mesothelioma suggest a role for fibers >5 microns
 - Suzuki (2002; 2005)
 - Dodson (2003)

Importance of Biopersistence?

- Biopersistence data must correspond with the target organ to be meaningful
 - Pleura for mesothelioma – Churg, Roggli, others not applicable
 - Lung for lung cancer etc.
- Must use TEM for tissue fiber burden analysis because short, thin fibers are missed with Scanning Electron Microscopes
 - SEM data is inaccurate/unreliable
 - SEM misses fibers which TEM detects

Importance of Biopersistence?

- Chrysotile has short half life in the lung and causes lung cancer
- Does biopersistence matter at all?
 - Chrysotile causes lung cancer
 - Chrysotile causes mesothelioma
 - No safe level identified for any asbestos type

NIOSH should not rely on potency estimates obtained through meta-analyses of unreliable dose data

- Dose Data from Historical Epidemiology Based on Midget Impinger and Visual is Unreliable.
 - McGill studies unreliable dose estimates. Egilman et al (2003)
 - Crocidolite dose estimates “guesstimations.” Hodgson and Darnton (2000)
- Berman and Crump (EPA 2003) rely on inaccurate dose data and secret industry data – Garbage-in, Garbage-out.
 - Comparing inaccurate doses estimates for different fiber types in epidemiological studies offers confusion and misinformation, rather than additional knowledge

Meta-Analysis is Subject to Manipulation

- Authors choose the data to meta-analyze which opens the process up to influence
- Meta-Analysis is only as good as the data inputs and may amplify the problems with data
- Must be watchful for overstated significance of data.

Meta-Analysis is Subject to Manipulation

- Need thorough, meaningful peer-review by disinterested parties (no real or apparent conflicts of interest). No industry litigation-scientists or industry front groups.
 - No Bruce Case, James Crapo, Ernest McConnell, Arthur Langer, Bertram Price, Kenny Crump, David Bernstein, Dennis Paustenbach, R.J. Lee, Mary Jane Teta, Patrick Hessel or any corporate consultants like Exponent, Chemrisk, Environ
 - No industry front groups like the AIA/NA; International Environmental Research Foundation

Talc/FLCF Cause Disease?

- Need the data from RT Vanderbilt mine/mill experience. Evidence suggest RTV talc is a potent carcinogen
- Why is RTV violating court orders in Illinois and Kentucky forcing them to disclose the occupational diseases at their facility?
- NIOSH should not pass judgment on FLCF without the RT Vanderbilt data
- Speakers with contacts to RTV should be asked about knowledge of RTV talc workers

In 1975 they placed a asbestos caution on their TALC products

496

1877

R. T. VANDERBILT
30 WINFIELD STREET
NORWALK, CONNECTICUT 06855

CABLE ADDRESS
"TALC" - NORWALK, CONNECTICUT
TEL NO - 66-4000
BOX 603-4000

January 2, 1975

Georgia-Pacific Corporation
900 South West Fifth Avenue
Portland, Oregon 97204

Attention: Mr. Edward L. Aasen
Purchasing Manager

Gentlemen:

In the course of our assuming the business of the former International Talc Company, we will continue to market five fibrous (asbestiform) type talcs previously supplied by them, namely:

1. Fiber #1
2. Fiber #2
3. Mouldene
4. 6N Fiber
5. PL Fiber

We intend to label bags containing these products with an Asbestos CAUTION Label as follows:

CAUTION-PRODUCT CONTAINS
ASBESTOS FIBERS. AVOID
CREATING DUST. BREATHING
ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM.

As you know, the fibrous fibers present in these grades, which make them so useful, are the asbestiform fibers normally contained in com-

Now and for the Last 2 decades no Asbestos warning Accompanies their Talc products

Why?

Because they claim "no asbestos"

File: Talc

JM Johns-Manville

Internal Correspondence

To: E. M. Fenner, 1-06

Date: February 18, 1977

From: R. S. Lamar, 3-05

Copies: J. H. Swensen, J. P. Leineweber, W. C. Streib, D, C

Subject: Paper by C. S. Thompson
"Asbestos in Your Future".

I object strongly to an earlier statement on page three regarding "misinformation" supplied by a competitor. Furthermore, in all of Thompson's gobbledygook regarding the mineralogy of Vanderbilt's "talc" at no point does he admit to the fact that their "talcs" contain not only fibrous tremolite but chrysotile and anthophyllite as

I'm afraid that Dr. Thompson long ago gave up any professional ethics he might have had and is now persisting with a program that is not only technically false but even more tragic morally and ethically wrong. He totally ignores the medical consequences of his immorality.

R. S. Lamar

ib

Attachments all copies

CRMC-BEV-000675

Did RT Vanderbilt give Honda all the data?

Ann. Occup. Hyg., Vol. 14, No. 7, pp. 575-585, 2002
© 2002 British Occupational Hygiene Society
Published by Oxford University Press
DOI: 10.1093/annhyg/f00705

Mortality among Workers at a Talc Mining and Milling Facility

YASUSHI HONDA¹*, COLLEEN BEALL², ELIZABETH DELZELL², KENT OESTENSTAD³, ILENE BRILL² and ROBERT MATTHEWS²

¹*Environmental Health Sciences Program, Institute of Health and Sport Sciences, University of Tsukuba, Tsukuba 305-8574, Japan;* ²*Department of Epidemiology, University of Alabama at Birmingham School of Public Health, Birmingham, AL 35294-0022, USA;* ³*Department of Environmental Health Sciences, University of Alabama at Birmingham School of Public Health, Birmingham, AL 35294-0022, USA*

Received 15 August 2001; in final form 6 May 2002

Background: This study evaluated mortality among workers at a talc mining and milling facility.

Methods: Subjects were white men actively employed between 1948 and 1989 and known to have been alive in or after 1950. Analyses assessed cancer mortality during the period 1950-89 (869 subjects) and non-cancer mortality during 1960-89 (782 subjects).

Results: Comparisons with regional general population death rates for 1960-89 indicated that the workers had more than expected deaths from all causes combined [209 observed/160 expected, standardized mortality ratio (SMR) = 131, 95% confidence interval (CI) = 114-150], due mainly to increased mortality from lung cancer (31/13, SMR = 232, CI = 157-329) and non-malignant respiratory disease (NMRD) (28/13, SMR = 221, CI = 147-320). The lung cancer excess was concentrated in miners (18/4.6, SMR = 394, CI = 233-622); millers had only a small increase (7/5.5, SMR = 128, CI = 51-263). An excess of NMRD occurred both in miners (10/4.2, SMR = 241, CI = 116-444) and in millers (11/4.8, SMR = 227, CI = 113-407). The median estimated exposure to respirable dust was 511 $\text{mg/m}^3\text{-days}$ for all exposed employees, 739 $\text{mg/m}^3\text{-days}$

Acknowledgements—This study was supported by a research contract with the R.T. Vanderbilt Co. Inc.

facility in upstate New York. Four retrospective follow-up studies (Brown and Wagoner, 1978; Stille and Tabershaw, 1982; Lamm *et al.*, 1988; Brown *et al.*, 1990) and one nested case-control study of lung cancer (Gamble, 1993) previously assessed the mortality experience of these workers. The most recent of these included observations through 1983

worked and estimated cumulative exposure to respirable dust. Of particular interest were lung cancer and non-malignant respiratory disease (NMRD) mortality patterns.

MATERIALS AND METHODS

Subjects were white men who worked for at least 1 day at the plant from the start of its operations in 1948 through to the end of 1989, whose vital status was

*Author to whom correspondence should be addressed.
Tel/Fax: +81-286-53-2627; e-mail: honda@vaih.t.u.tsukuba.ac.jp

What is RT Vanderbilt hiding?

NO. 04-CI-00274

ANDERSON CIRCUIT COURT

IN RE: ASBESTOS PERSONAL INJURY LITIGATION

JOHNNY FRANKLIN, INDIVIDUALLY, AND AS ADMINISTRATOR OF THE ESTATE OF FLORA FRANKLIN
 PLAINTIFFS
 v.
 GENERAL MOTORS CORP, ET AL.
 DEFENDANTS

ORDER

The Court held a hearing on March 29, 2007 on Plaintiff's Motion for an Order Requesting Sanctions, or in the Alternative, Default Judgment against Defendant, R.T. Vanderbilt, Inc. Plaintiff was represented by Joseph D. Satterley. R.T. Vanderbilt was represented by H. Lane Young and Eric Ludwig. Having considered the record, arguments of counsel, and the Court being otherwise sufficiently advised;

IT IS HEREBY ORDERED that the sanctions against the Defendant, R.T. Vanderbilt is hereby denied at the present time. The Court heard arguments again regarding the requested discovery that was subject to hearing on February 21, 2007. The Court herein reaffirms it's rulings from the hearing on February 21, 2007.

IT IS FURTHERED ORDERED that R.T. Vanderbilt shall fully and completely answer Plaintiff's Interrogatories 4, 10 and 14 within fifteen (15) days of the date of the hearing.

IT IS FURTHER ORDERED that R.T. Vanderbilt must investigate the total amount of money it spent to classify it's talc as non-asbestos containing talc, including obtaining documents from the experts involved and shall obtain copies of all documents from their employees relating to this matter. Furthermore, R. T. Vanderbilt must obtain from their insurance companies, all documents responsive to Interrogatory No. 4. R.T. Vanderbilt shall likewise obtain all of the documentation it has regarding monies paid to Dr. Arthur Langer for any and all work and produce those documents to Plaintiff's counsel within twenty (20) days. R.T. Vanderbilt's counsel advised the Court that they would voluntarily answer Interrogatory No. 14, fully and

ANDERSON CIRCUIT COURT
 JAN D. ROGERS, CLERK
 ENTERED: 4-13-07
 BY: [Signature]

Am. Comp. Reg., Vol. 44, No. 7, pp. 575-585, 2002
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 Published by Oxford University Press
 DOI: 10.1093/oxfordjournals.ajph.a02075

IN THE CIRCUIT COURT
 THIRD JUDICIAL CIRCUIT
 MADISON COUNTY, ILLINOIS

IN RE: ALL GOLDENBERG HELLER)
 ANTOGNOLI ROWLAND SHORT &)
 GORI, P.C., ASBESTOS CASES,)
)
 Plaintiffs,)
)
 vs.)
)
 R. T. VANDERBILT COMPANY, INC.,)
)
 Defendant.)

PLAINTIFFS' MOTION TO ENFORCE THE COURT ORDER REGARDING THE PRODUCTION OF CERTAIN DOCUMENTS DIRECTED TO DEFENDANT R. T. VANDERBILT COMPANY, INC.

Come now Plaintiffs, by and through their attorneys, GOLDENBERG HELLER ANTOGNOLI ROWLAND SHORT & GORI, P.C., and for their Motion to Compel, state as follows:

1. That on January 26, 2007, Plaintiffs' propounded discovery upon Defendant R. T. Vanderbilt Company, Inc. regarding certain issues, specifically as they relate to the production of workers' compensation records.
2. That on April 12, 2007, Plaintiffs sent a letter to Defendant pursuant to Supreme Court Rule 201(k) in an effort to resolve a discovery dispute regarding said Request for Production.
3. That on March 8, 2007, Plaintiffs filed a Motion to Compel the production of the above-referenced documents.
4. That on March 16, 2007, Plaintiffs argued the Motion to Compel and an Order

Graham Gibbs

- Taconite and Talc studies show no increased risk of mesothelioma
 - Talc data is being hidden
 - Taconite data is old – 52 mesos?

Solution:



EPA # 9345.4-06
October 2003

FINAL DRAFT:

**TECHNICAL SUPPORT DOCUMENT FOR A
PROTOCOL TO ASSESS ASBESTOS-RELATED
RISK**

Risk of mesothelioma for chrysotile (95% of that used in U.S.) asbestos exceptionally low and may be zero . . .

Prepared for:

Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency
Washington, DC 20460

Who are Berman & Crump?

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People Search
Principals
Managers

At the forefront of their disciplines for several decades, ENVIRON's senior health scientists are adept at developing innovative, thoughtful solutions to complex problems.

People

Kenny S. Crump, Ph.D.



Office: [Ruston, LA](#)
Position: Principal
Phone: +1 318.251.6985
Fax: +1 318.255.2040
Email [Kenny S. Crump](mailto:Kenny.S.Crump)

Expertise:

Dr. Crump has over 25 years of experience in assessing risk from exposure to toxic materials. Statistical models for assessing risk developed by Dr. Crump have been widely used by regulatory agencies and private groups. He has served on science advisory boards of the USEPA, the National Center for Toxicological Research, the Mickey Leland National Urban Air Toxics Research Center, and the National Institute of Environmental Health Sciences, as well as several committees of the National Academy of Sciences that addressed risk assessment issues. He has experience in assessing risk from exposure to many toxic substances, including asbestos and dioxin. He recently coauthored a document for the USEPA that proposed an improved method for assessing risk from exposure to asbestos. He served on the Royal Society of Canada Expert Panel on Asbestos. He was a member of the USEPA Science Advisory Board Dioxin Reassessment Review Committee on two occasions, and was an advisor to the FAO/WHO Committee on Food Additives that assessed risk from dioxin in food.

Experience:

ENVIRON to sponsor SedComUK Conference:



ENVIRON will be a key sponsor of the first full meeting of SedComUK, the UK sediment community network, scheduled for June 28-29 at the King's Norton Library on the campus of Cranfield University. Steve Rowan, a Principal in ENVIRON's Liverpool, UK, office, will be a keynote speaker.

[complete story >](#)

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Practices

■ Risk Assessment & Risk Management

Risk-based decisions, whatever the context, are the soundest available guides to ensuring adequate human health and environmental protection and, avoiding costly and unnecessarily stringent controls on chemical exposures. ENVIRON has built an outstanding team of scientists and engineers versed in the variety of disciplines and technical skills needed to evaluate and manage health and environmental risks. We offer our clients this unique technical strength and unmatched depth of experience in applying these skills to real-world problems.

We make it a practice to gain a full understanding of a client's specific regulatory or legal context in which it has arisen, and an assessment achieves a realistic definition of the health and environmental risks posed.

After evaluating the risks in the context of prevailing regulatory requirements and our client's business objectives, we develop a risk management strategy to make sure that only necessary and effective management measures are applied.

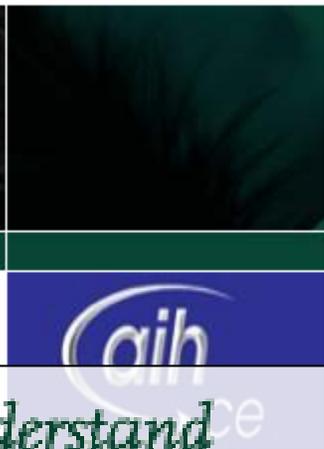
Related Information

[Financial Risk Services in Europe](#)

Publications

[Growing confidence in the redevelopment of Brownfield land](#)

[A risky business or setting the standard?](#)



We understand how the tools of risk assessment can be applied to ensure a more stable and predictable future for businesses.

ENVIRON to present at the American Industrial Hygiene Association (AIHA) 2009 Annual Meeting, C.I.H., Douglas Daugherty, Ph.D., and Ted Bovey will be exhibiting at the 2009 American Industrial Hygiene Conference and Exhibition (AIHCE) which will be held at the McCormick Place Convention Center, Chicago, Illinois.

[read more story >](#)

Kenny Crump created the methodology for the AIA/NA to influence OSHA

Plaintiff's Exhibit
S-UC-151

Asbestos Information Association/North America
22 East 40th Street
New York, N. Y. 10016
212-689-3378

August 3, 1973

Mr. William S. Sneath
President
Union Carbide Corporation
270 Park Avenue
New York, New York 10017

Dear Mr. Sneath:

Over the past two and one-half years, the Asbestos Information Association/North America, of which your company is a member, has played a major role in defending the asbestos industry from unwarranted and irresponsible attacks by government, labor, the press, and

20
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DISTRIBUTION

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| M. K. West | <input type="checkbox"/> |
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Attached for your information is a copy of a presentation made by Matthew M. Swetonic, Executive Secretary of the AIA/NA, to the Asbestos Textile Institute in June. Entitled "Why Asbestos?" the speech outlines the growth of the asbestos-health problem as a national issue, the philosophy of the nation's press with regard to asbestos, and the efforts being made by the AIA/NA to deal with the problem on the medical, legal, governmental, customer and public relations fronts.

Copies for distribution to others within your company.

Sincerely,
John H. Marsh
John H. Marsh
President

CC: William C. Thurber

PLAINTIFF'S EXHIBIT
WV-08296

A 19575

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WILLIAM C. THURBER

PLAINTIFF'S EXHIBIT
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KIRKLAND & ELLIS
MEMBERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Chicago Office
200 East Randolph Drive
Chicago, Illinois 60601
Telex 25-4361
312 867-2000

455 Fifteenth Street, N.W.
Washington, D.C. 20005
Telex 99-690
202 879-5000

Denver Office
1225 Seventeenth Street
Denver, Colorado 80202
303 291-3000

To Call Water Direct
202 879-5066

June 18, 1984

Re: Proposed Standard for Asbestos;
OSHA Docket H-033

Dear Mr. Hall:

On behalf of the Asbestos Information Association/North America, enclosed are the original and three copies of Volumes 5 and 6 of AIA/NA's advance written testimony and documentary evidence. These volumes supplement our initial

supplemental volumes will be delivered to the other major parties in this proceeding with whom we have exchanged or provided testimony, including OSHA staff, the Building Construction Trades Department and Industrial Union Department, AFL-CIO, as well as various industry parties and other groups.

This supplemental submission contemplates the presentation of four additional witnesses. We foresee no difficulty in presenting these witnesses during July 6, 9 and 10, as provided in the Tentative Schedule of Appearances released by OSHA last week, unless extensive cross-examination is planned by OSHA or other parties. We intend to present the majority of our witnesses in panels in order to keep to the schedule. A preliminary schedule for AIA/NA's presentation is attached.

PRESENTATION OF WITNESSES
BY THE ASBESTOS INFORMATION
ASSOCIATION/NORTH AMERICA

Ontario Research Commission
Sheridan Park

and

Marcel Cossette, Ph.D.
Director
Recherche Technologique
Societe Nationale de L'Amiante

Gordon M. Bragg, Ph.D.
Professor

July 9, 1984

Kenny Sherman Crump, Ph.D.
Science Research Systems, Inc.

In our original concept, the Association would limit its activities to providing accurate, unbiased information on asbestos and health to the press, to the public and to interested politicians and other government officials. It must be remembered

Fortunately --- and properly --- the Association has had the wisdom to alter its original limited concept of its proper functions, and now endeavors to assume whatever activities and responsibilities it deems necessary to protect the interests of the asbestos manufacturing industry in the United States vis-a-vis asbestos-health.

These are:

- Medical Affairs
- Legal Affairs
- Environmental Control
- Customer Relations
- Employee Relations,
- Inter-industry Relations
- Publicity and Public Relations
- Government Affairs

A1953C

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

Response to the November 2005 National Stone, Sand & Gravel Association

This document constitutes the United States Environmental Protection Agency Region 9 (EPA Region 9) response to the major findings and conclusions of the National Stone, Sand & Gravel Association report “Evaluation of EPA’s Analytical Data from the El Dorado Hills Asbestos Evaluation Project” prepared by the R. J. Lee Group (R. J. Lee Report). A more detailed analysis will be completed after additional information is received from the R. J. Lee Group and the National Stone, Sand & Gravel Association,¹ and the United States Geological Survey (USGS).

The R. J. Lee Report draws conclusions that are contradicted by the El Dorado Hills data and by generally accepted scientific principles for measuring asbestos exposure.



R.J. Lee Finding #5: “Applying the Latest Science and Definitional Techniques, the El Dorado Hills Study Shows no Significant Exposure to the Type of Amphibole Asbestos Fiber Connected To Health Risk.”

The R. J. Lee Report claims that the latest science for measuring the risk posed by asbestos is the Berman-Crump Asbestos Risk Assessment Protocol (“Berman-Crump”) which proposes that amphibole asbestos fibers which are more than 10 microns long and less than 0.5 microns wide (protocol fibers) are the most toxic. Of the 2,386 fibers which the R. J. Lee Report states the EPA laboratory identified, the R.J. Lee Report concludes that only 7 fibers meet the “Berman-Crump” definition. Therefore, the R.J. Lee Group maintains that EPA has overstated the risk from exposure to asbestos fibers in El Dorado Hills.

EPA Response

The “Berman-Crump” protocol that the R.J. Lee Report references is in fact a draft EPA method. EPA had the method reviewed by a peer consultation panel in 2003. The panel made a number of important recommendations that must be addressed before the method can be used for EPA risk assessments. A number of important revisions have been made to the draft method since 2003, but at this time the method has not been independently peer reviewed. It will not be adopted by EPA as a risk assessment tool unless and until it passes rigorous internal and external peer review.

End