

Kenneth L. Sales *#
Stephen J. Tillman
Linda J. Wallbaum
Robert L. Catlett, Jr.
Joseph D. Satterley #
Philip Harrison Cade*
J. Key Schoen
Rex Dunn
J. Robert Shelton^
Paul J. Kelley
David G. Bryant
Paul J. Ivie



1900 Waterfront Plaza
325 West Main Street
Louisville, Kentucky 40202
(502) 589-5600 • (502) 814-5500 Fax
www.STWLaw.com

Of Counsel:
Raymond L. Sales

Paralegals:
Angie Southers
Dana French
Tammy Owens

Paducah Office:
Kenneth L. Sales
Joseph D. Satterley
Rick A. Johnson
P. O. Box 730
Paducah, KY 42002

April 12, 2010

VIA: Facsimile: (513) 533-8588
Federal Express/Priority Overnight

Dr. John Howard, Director
NIOSH
Mail Stop C-34
4676 Columbia Parkway
Cincinnati, OH 45226

**RE: *Asbestos Fiber & Other Elongated Mineral Particles:
State of the Science & Roadmap for Research, Version IV,
Revised Draft Document for Public Review & Comment***

Dear Dr. Howard:

This letter is to serve as a commentary on the above-referenced draft document. I would like to bring to your attention information that R.T. Vanderbilt and their representatives and lobbyist have not previously disclosed to NIOSH. There have been numerous confirmed cases of malignant mesothelioma among the employees in the Talc mines in Upstate New York. There have also been many instances of an asbestos-related lung cancer and asbestosis from the workers. R.T. Vanderbilt and their corporate managers have known this for many, many years, but have failed to disclose this to the public and to NIOSH.

In addition to R.T. Vanderbilt's workers dying from asbestos-related diseases, there have been many instances where workers of R.T. Vanderbilt's customers have died from asbestos-related disease. I will give just one example.

In 2007, a jury unanimously determined that R.T. Vanderbilt was the predominant company responsible for causing the death of Flora Franklin. Mrs. Franklin died of malignant mesothelioma and had extensive amounts of talc, tremolite and anthophyllite in her lung tissue. R.T. Vanderbilt admitted to selling millions of pounds of their minerals to Mrs. Franklin's employer, Florida Tile, which incorporated the R.T. Vanderbilt product into their ceramic tile. The jury also unanimously determined R.T. Vanderbilt fraudulently concealed the fact their minerals contained asbestos fibers. R.T. Vanderbilt appealed the judgment, but the Kentucky Court of Appeals unanimously affirmed this jury verdict. Four months later in January 2008, R.T. Vanderbilt claimed to have ceased their mining operations of their talc products.

R.T. Vanderbilt, for many years, told their customers their product did not contain asbestos fibers, but there are numerous instances to prove otherwise. Going all the way back to 1925, the New York State Bulletin on the Geology of the Gouverneur Quadrangle stated in discussing minerals in the region: "Asbestos. Fibrous tremolite, or brittle asbestos, is not uncommon in the walls of the talc mines, one or both of which may be constituted of tremolite schist." (See attached Exhibit 1).

In 1943, an article published by Dr. Siegel, et al, entitled "The Dust Hazard in Tremolite Talc Mining, Including Roentgenological Findings in Talc Workers" clearly demonstrates the minerals and fibers coming from the mines in Upstate New York have the capability of causing asbestos-related diseases. The conclusion of the study states, "**This study identified tremolite talc as a silicate dust capable, like asbestos, of causing a disabling pneumoconiosis ... In light of these findings, exposure to tremolite talc dust must be considered to constitute a definite industrial hazard requiring control of dust by suitable engineering methods.**" (See attached Exhibit 2).

Numerous documents demonstrate workers have developed asbestos-related diseases. These records are all part of the public record in litigation involving R.T. Vanderbilt's product as asbestos-containing. A court decision from New York in 1976 entitled "*Boney v. Gouverneur Talc Company*" wherein the appellate courts determined Mr. Boney's death from lung cancer was a result of asbestos exposure. He worked in the talc mines in Upstate New York. (See attached Exhibit 3). In that case, a chemist for International Talc, Clifford Kitts, testified that the talc contained asbestos.

Next, attached are medical records from 1975 of another Gouverneur Talc employee named Elias Shipple. He developed lung cancer with a severely diseased lung. His lungs had extensive fibrous materials identified by an autopsy. (See Exhibit 4).

Another mine worker named, Dale Harmer, whose pathological description included asbestos bodies within his lung tissues. Mr. Harmer worked from 1969 to 1974 for International Talc in Upstate New York and from 1974 through 1990 he worked at the Gouverneur Talc mines. A medical examination revealed similar types of disease of that of severe asbestosis. He had crackles within both bases of his lungs. He had clubbing of the fingernails and biopsy materials found he had very high numbers of asbestos bodies from his exposure. (See attached Exhibit 5).

R.T. Vanderbilt corporate representatives have admitted that many workers of the talc mines and mills have developed and died from malignant mesothelioma. For years R.T. Vanderbilt and its attorneys tried to keep this a secret, but I was fortunate to have a Judge in Kentucky rule that these worker's compensation claims were not confidential. If R.T. Vanderbilt attempts to bring expert testimony to claim the minerals are non-asbestiform and do not cause asbestos disease, please inquire about the following individuals: George Evans (See attached Exhibit 6); Lawrence Malbeuf (See attached Exhibit 7); Robert Rice (See Exhibit 8); Ray LaBow (See Exhibit 9); and many others.

NIOSH should request R.T. Vanderbilt produce all worker's compensation records related to dust diseases of the lungs for all of its employees. If you do that, you will find there are numerous other workers who have developed lung-related diseases such as talcosis, silicosis, pulmonary fibrosis, and the same types of lung conditions caused by asbestos exposure. I suspect a detailed analysis of the medical records for these individuals will demonstrate asbestos fibers throughout the tissue.

Continuing with other workers' death, attached is the autopsy report of Arthur House another employee who worked in the mines in Upstate New York. His autopsy demonstrates pleural plaques, ferruginous bodies and states, "Ferruginous bodies are seen with mineral description with the lungs. They are most common seen with cases of asbestosis." (See attached Exhibit 10).

Mr. Linton Hance also developed mesothelioma. (See attached Exhibit 11).

The medical records and autopsy report from Ralph J. Brown likewise demonstrated that he worked in the talc factory and had numerous ferruginous bodies throughout his lungs. The records indicate that the ferruginous bodies also known as the asbestos body is not specific for asbestosis, but "tremolite is known to form asbestos like bodies and induce interstitial fibrosis. (See Exhibit 12).

Next, the autopsy report of Charles Forsyth demonstrates he suffered from asbestosis, pleural plaques and defused interstitial fibrosis. Once again, he was an employee in the talc mines. (See Exhibit 13).

Likewise, Lester Merritt developed pulmonary asbestosis after working 23 years in talc packing. He developed this disease at the age of 49 in 1982. (See Exhibit 14).

Murray Baker in 1989 was diagnosed and suffering from asbestosis with honeycombed lungs and pleural plaques. Anthophyllite, tremolite and chrysotile asbestos were all identified in his lung tissue. He was a longtime working at the Gouverneur Talc Company. (See Exhibit 15).

Norman Palmer in 1977 had a lung mass which, by a pathologist, was determined to have ferruginous bodies consistent with asbestos fibers. (See Exhibit 16).

Frederick Weir in 1980 developed lung cancer and the pathology report demonstrated he had numerous clusters of asbestos bodies within his tissue. He suffered from asbestosis and pleural plaques according to the diagnosing pathologist in Upstate New York. He once again was a talc employee. (See Exhibit 17).

Thomas Eugene McGuinness in 1994 was diagnosed by another pathologist was suffering from defused pleural fibrosis and asbestosis. The report indicated the asbestosis bodies are easily found within the lung sections and can be seen singly or in clusters within alveoli in many places of the lungs. (See Exhibit 18).

I believe there are numerous other employees of the talc mines that developed asbestos-related diseases that R.T. Vanderbilt have failed to share with NIOSH and scientists who it has employed to help it lobby the government.

On June 1, 1966, R.T. VANDERBILT put out a brochure about their NYTAL products. In that brochure they admit asbestiform varieties are common within the minerals in their mines. In 1966, R.T. Vanderbilt did not concern themselves with the fact that their mine products were considered to be asbestos materials because regulatory limitations had not yet been enacted. After the OSHA regulations were enacted in the early 1970's, R.T. Vanderbilt individually and by and through industry organizations became extremely concerned about the economic impact the regulations on asbestos would have on their profits. There are numerous letters from R.T. Vanderbilt produced in the course of discovery wherein they fought to keep OSHA and NIOSH from classifying cleavage fragments as asbestos

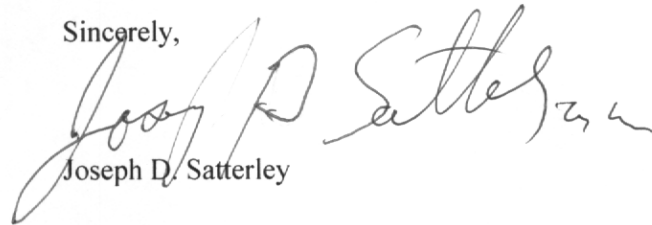
I am enclosing on a disc recent sworn testimony from R.T. Vanderbilt's corporate risk manager, John Kelse, along with all exhibits introduced through his testimony. In the trial in Mrs. Franklin's case in 2007, R.T. Vanderbilt chose not to bring Mr. Kelse to testify. However, Paul Vanderbilt, the executive vice-president of R.T. Vanderbilt was subpoenaed to testify by me. He agreed that should it be determined the minerals from their mines caused mesothelioma then that product should be banned from sell and use. Likewise, Dr. C.S. Thompson, another longtime R.T. Vanderbilt proponent of the continuation of the sales of minerals from their mines, testified for R.T. Vanderbilt. Once again, Dr. Thompson agreed that should a determination be made that their minerals caused people to develop mesothelioma and die of cancer, their product should be banned. A unanimous jury not only determined R.T. Vanderbilt's products caused Mrs. Franklin's death, but also determined they acted with such disregard to the health and safety of Mrs. Franklin, that they awarded damages for punitive conduct to punish R.T. Vanderbilt for their corporate conduct. As I stated above, now R.T. Vanderbilt claims they quit mining these products.

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Accordingly, the whole purpose for R.T. Vanderbilt's continued attempts to have NIOSH weigh in and make some type of finding that talc products in their mines is not the same as asbestos is so they can continue to attempt to argue this in court cases throughout the country. They are hoping NIOSH will not be properly advised regarding the total number of deaths of asbestos-related diseases that have occurred from their workers. They financed the Honda study a few years ago, but intentionally withheld from the researcher conducting that study much of the crucial information that I am sharing with you today. They arbitrarily cut off the dates for including folks with mesothelioma and other asbestos-related diseases in 1990. If R.T. Vanderbilt's hired experts come to testify, I would ask them why they have not considered much of the evidence I am presenting to you today.

The bottom line to the talc/asbestos debate is no matter what you call it, if it causes people to develop asbestos diseases and cancer, such as mesothelioma, it is a dangerous product and should be regulated. If it has the same qualities and characteristics as asbestos and causes the same types of diseases, why should the minerals from their mines be exempted from the regulation? I will be more than happy to talk with you in more detail regarding what my investigations have found, and I would be more than happy to testify in any proceeding in the future. I appreciate your close consideration to the information I have provided to you and I am hopeful NIOSH will do the right thing and not allow R.T. Vanderbilt to alter the science in their favor. Full disclosure from them must occur.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph D. Satterley". The signature is fluid and cursive, with a large initial "J" and "S".

Joseph D. Satterley

JDS/tlm
Enclosures