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PLAINTIFF'S EXHIBIT

UC-3544

UNION CARBIDE

INTERNAL CORRESPONDENCE

METALS DIVISION

P. O. BOX 579 · 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

To (Name) Mr. E. A. Piersall
Division UCC - Metals
Location Grand Junction, CO

Date October 31, 1978

Originating Dept. "Calidria" Asbestos

Answering letter date

Copy to Messrs. R. G. Beverly (w/e)
G. J. Hanks, Jr. "*
E. W. Kantz "*
J. L. Myers "
File

Subject Regulation of Taconite Tailings as Asbestos

Attached, for your information, is more on the EPA actions to regulate all mineral fibers as though they were asbestos. So far we have been able to convince their RECRA people that asbestos is already heavily regulated under NESHAPS and should not be also placed under RECRA. There are problems, however, in that asbestos is on the "priority list" that came out of the EPF/EPA court settlement and it is conspicuous by its absence.

Best regards,

Harrison B. Rhodes

HBR/rmm
Attachment

*J/M letter 10/9/78 only

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Johns-Manville
Sales Corporation

Ken-Caryl Ranch
Denver, Colorado 80217
(303) 979-1000

October 9, 1978

Mr. Joseph Padgett, Director
Strategies and Air Standards Division
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711

RE: Roy Albert's June 28, 1978 Recommendation Regarding the Regulation of Taconite As An Asbestos Cancer Hazard.

Dear Mr. Padgett:

EPA's Carcinogen Assessment Group recently sent us a copy of Philip Cook's June 1, 1978 "DRAFT REPORT - ASSESSMENT OF POTENTIAL ENVIRONMENTAL HEALTH HAZARD ASSOCIATED WITH AIR-BORNE MINERAL FIBERS EMITTED DURING TACONITE ORE PROCESSING." In addition, we received a copy of Roy Albert's June 28, 1978 memorandum to you, setting forth his recommendation that EPA should regulate taconite as an asbestos cancer hazard.

A copy of Johns-Manville's comments on Dr. Cook's draft report and Roy Albert's recommendation is attached for your careful consideration.

We are distressed that Roy Albert, as Chairman of EPA's Carcinogen Assessment Group, would use Dr. Cook's draft report as a basis for recommending that taconite be regulated as an asbestos-cancer hazard. Not only does Dr. Cook's report present a superficial and incomplete assessment of the present state of knowledge, the assessment also contains various inaccuracies which we have noted in our comments. In addition, we question the propriety of relying on any health hazard assessment prepared by one who is trained as a physical inorganic chemist, rather than by one with appropriate scientific credentials.

Furthermore, we disagree with Roy Albert's conclusions regarding the potential health effects of short fibers. There is both human and animal evidence to show that short fiber lengths of asbestos are not fibrogenic or carcinogenic. This evidence is not "suggestive" or "indecisive" as characterized by Roy Albert. Our attached comments refer to the various animal studies which clearly demonstrate that these short fibers are biologically inactive. In addition, McDonald's study of the Homestake Mine found no excess of bronchogenic cancer, or any other tumor, in this population exposed to short fibers. As indicated in our comments, although the

Union Carbide trial exhibit UC-3544: Harrison B. Rhodes to E. A. Piersall Transmitting J-M Letter on EPA Regulatio... Published by AsbestosClaims.Law
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NIOSH study did report an excess of bronchogenic cancer in a smaller cohort of this population, that study is so plagued with scientific inaccuracies that it is being repeated.

It is our hope that EPA would undertake a more complete and objective assessment of the potential environmental health hazards associated with airborne mineral fibers emitted during taconite ore processing before making any decision with respect to the possibility of regulation.

It is our understanding that short fibers of the cummingtonite-grunerite series of minerals are commonplace in the general mining industry. Their presence in taconite ore is not unique. Therefore, if EPA were to accept Roy Albert's recommendation on its face, much of the mining industry would needlessly be regulated as posing an asbestos-cancer hazard.

We would be glad to discuss any questions which you may have regarding the enclosed comments.

Very truly yours,

Richard P. Carter, Manager
Government Affairs
Health, Safety & Environment Department

Enc.

RPC/lc

cc: S. Gage
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W. Barber
M. James
R. Carton
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