

FILE NAME: Scotts (SCTS)

DATE: 1981 Jan 20

DOC#: SCTS008

DOCUMENT DESCRIPTION: CPSC Letter with Results from Sample
Collection - Laboratory-Compliance Summary Attached



157 2 2 1981

PLAINTIFF'S
EXHIBIT
SCO-17

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Cleveland Regional Office
55 Erieview Plaza
Suite 520
Cleveland, Ohio 44114
(216) 522-3886

January 20, 1981

Mr. John P. Kennedy, Vice President & General Counsel
O.M. Scott & Sons
- A Subsidiary of ITT-
333 N. Maple
Marysville, OH 43040

Dear Mr. Kennedy:

On 7/18/79 an investigator from this office collected a sample (E-860-1705) of Scott's Turf Builder Lawn Fertilizer, 27 - 3 - 3, net weight 27 3/4 lbs., which was subsequently screened by our laboratory for asbestos content.

Dispersion staining characteristics were found to indicate a trace amount of chrysotile asbestos; no quantitative analyses were performed.

We regret any inconvenience to you regarding the inordinate delay in receiving this information.

Sincerely,

Paul E. Phillips
Compliance Officer
(216)-522-7150

Cleveland Resident Office
Federal Office Bldg., Rm. 3031
550 Main Street
Cleveland, Ohio 44102
(216) 864-2672

Detroit Resident Office
McNamara Federal Bldg.
Rm. M-24
477 Michigan Avenue
Detroit, Michigan 48226
(313) 226-4040

SC-000650

LABORATORY/COMPLIANCE SUMMARY

1. CASE NUMBER

E-860-1705

2. LABORATORY SUMMARY

PRODUCT: *Scott's Turb-Builder*

CONTAINER:

ANALYSIS: *The sample was screened for asbestos. Dispersion staining characteristics are similar to chrysotile asbestos. Dispersion staining of dust present in the product is similar to chrysotile asbestos. The amount of asbestos appearing material was not quantitatively determined but qualitatively would be considered as a "trace."*

Original to CLE : Copy to CERM, ESHC

Info Copy

3. NAME AND TITLE

Gale D. Wyr, Director
Division of Chemical Analysis*Steven K. Parth*

4. DATE

12/11/79

5. COMPLIANCE CONCLUSIONS AND RECOMMENDATIONS

6. HHS SECTION 11(c) REPORT SENT TO:

7. NAME AND TITLE

8. DATE

LABORATORY REPORT		1. PRODUCT Scott's Turf Builder Fertilizer		2. SAMPLE NUMBER E860-1705	
3. SEALS: ☐ BROKEN ☒ INTACT ☐ NONE ☐ NONE		4. DATE RECD. 8/21/79	5. RECEIVED FROM JH	3. LABORATORY ESHL	
7. DESCRIPTION OF SAMPLE Sample was received in a brown box with no labeling. Inside this was contained one bag of "Scott's Turf Builder" enclosed in a plastic bag with the following label: E-860-1705, 7/23/79, Du Wayne Kapelid. Seal was broken by JH, 9/7/79. Bag was labeled E-860-1705, 7-15-79, DAK, sub C.					
8. LABELING Bag labeled in part: Scott's Turf Builder Lawn Fertilizer. Caution: Keep out of reach of children. Eye contact with contents may cause irritation. Flush eyes with water as soon as possible.					
9. LOT/BATCH/SERIAL NUMBER N/A			10. NET CONTENTS. 27 3/4 lbs (12.59 Kg)		
11. CONTAINER Fertilizer is contained in a heavy gauge paper bag, 5 layers thick, one being plastic. It is sealed at the top with tape drawn on the bag.					
12. PRODUCT DESCRIPTION Product consists of small, large granules. Guaranteed Analysis of Scott's is given as: 27% Total Nitrogen, 0.7% ammoniacal, 19.5% water soluble, 6.5% water extractable; Phosphoric acid (P ₂ O ₅) 3%; Soluble potash (K ₂ O) Derived from micronutrient phosphate, molybdenum, zinc, iron, manganese, and potassium.					
13. SUMMARY OF ANALYSIS Product was received for laboratory by polarized light microscopy. A portion was taken from the bag and ground with a mortar and pestle. Part of this was then mounted in one drop 1.540 + one drop 1.550 AD Dispersion Stain. Under polarized light a scan of the entire 18mm diam. field indicated less than 10 fibers present. These fibers turned blue in 1st order red at an 8:00/2:00 angle and exhibited nearly parallel extinction. With the vertical stop, the colors seen were E/W, blue green, 6600 and N/S, red magenta, 6500. The smallest annular stop shows orange/red E/W and green-yellow N/S. Indications are the fibers are phytolite asbestos.					
14. RESERVE SAMPLE Unused portion was returned to Gloria Toward, Sample Custodian.					
15a. ANALYST SIGNATURE <i>Robert J. Jody</i>		15b. DATE 8/21/79	15c. HOURS ✓	16. SPL. TYPE	
17a. CHECK ANALYST SIGNATURE		17b. DATE	17c. HOURS	18. PROJECT	
19a. REPORT CHECKED BY		19b. DATE	19c. HOURS		
20a. REPORT SENT TO:	20b. DATE	ATTACHMENTS		PAGE 1 OF 1	

U.S. CONSUMER PRODUCT SAFETY COMMISSION SAMPLE COLLECTION REPORT							
1. REPORT TYPE A. OFFICIAL B. NON-OFFICIAL C. DOCUMENTARY		2. FLAG FIELD C1a		3. HOME A.C. C1c		4. SAMPLE NUMBER E-860-1705	
5. COLLECTING OFFICE C1a		6. ASSIGNMENT NO. STL 79-0276		7. DATE OF COLLECTION 7-18-79		8. PRODUCT CODE 1053	
9. PRODUCT NAME Lawn Fertilizer				10. MODEL Turfbuilder			
11. MANUFACTURER OR IMPORTER'S NAME G.H. Scott and Sons Co.		12. IDENTIFICATION NO. CIN 2.8		13. SENT BY OR FOR HEB/CEPD		14. DATE SENT 7-23-79	
15. OTHER PRODUCT IDENTIFICATION DATA Bag labeled in part "Scotts Turf Builder LAWN FERTILIZER America's favorite fertilizer for use on all lawns and dachshunds. Exclusive TRIMIZED process for long-lasting feeding. NET WEIGHT 27 3/4 LBS. **27-3-3 CAUTION: PLEASE KEEP OUT OF THE REACH OF CHILDREN. EYE CONTACT WITH CONTENTS MAY CAUSE IRRITATION. FLUSH EYES WITH WATER AS SOON AS POSSIBLE. **Guaranteed Analysis Scotts & Sons Marysville, Ohio 43040 TB-W"							
16. REASON FOR COLLECTION SUSPECTED VIOLATION A. FINE B. OPEN C. F.A. D. OTHER E. OTHER							
17. ANALYSIS NEEDED DOC REF Collector per STL 79-0276 for suspected asbestos contamination. Contact Tim Jones HEB/CEPD 482-6614 for analysis directions.							
18. MANUFACTURER G.H. Scott & Sons 133 E. Maple Marysville, Ohio 43040		19. DROPPED of Vermiculite W.R. Grace Co. Libby Libby, Montana American Vermiculite South Africa		20. DEALER Same as 18			
21. SIZE OF LOT SAMPLED est. 10,000 bags		22. NET VAL OF LOT AFTER SAMPLING \$70,000		23. COST OF SAMPLE No Charge		24. DATE SHIPPED & DOC. REF. Not obtained	
25. SUP-PORTING DOCU-MENTS ATTACHED 25A. INVOICE NO. & DATE Not obtained		25B. SHIPPING RECORDS NO. & DATE Not obtained		25C. AFFIDAVIT BOMER'S NAME, TITLE & DATE John Kennedy Vice President and General Counsel 7-18-79			
26. SAMPLE SIZE, METHOD OF COLLECTION & PREPARATION 4 bags selected at random from warehouse stock, bags opened by firm under laboratory conditions and approx. 2 lbs. removed for their sample, bags resealed, placed in plastic bag after identification as in bk. 23, plastic bag sealed with CPSC 164 as in bk. 24, two bags held in reserve in R.P. and two bags placed in chd. boxes for shipment, CPSC 165 placed in box before sealing.							
27. IDENTIFICATION ON SAMPLE E-860-1705 7-18-79 D.A.E. Sub 1-4"				28. IDENTIFICATION ON SEAL E-860-1705 7-23-79 D-Wayne Karpelis"			
29. SAMPLE DELIVERED TO Cin. P.O.		30. DATE 7-23-79		31. ORIGINAL REPORT/RECORDS SENT TO C1c			
32A. LABORATORY III Wash Sp. Custod.-HEB/CEPD				32B. LABORATORY I/II None			
33. SAMPLE KEPT IN LOCKED AUTO OR OFFICE UNTIL SEALED. Notice, Receipt and affidavit attached to original of CR. Send Report of analysis to: John Kennedy at address of Manufacturer.							
34. RELATED SAMPLES None				35. TIME EXPENDED: A. LINE FORCE ACTIVITY 8 B. MANAGEMENT 1 C. SUPPORT D. TOTAL 1 E. TRAVEL 3			
36A. COLLECTOR'S NAME & TITLE D-Wayne Karpelis Investigator		36B. COLLECTOR'S SIGNATURE & DATE [Signature] 7-23-79		36C. REVIEWER'S NAME & TITLE [Signature] 7-23-79		36D. REVIEWER'S SIGNATURE & DATE [Signature] 7-23-79	

HOME AREA OFFICE COPY

SC-00065

INSPECTION-INVESTIGATION COVER SHEET

1. AREA OFFICE Cleveland		2. OPERATION Insp. <u>XXX</u> Inv. _____		3. DATE 7-18-79		4. REPORT NO.	
5. ESTABLISHMENT NAME O.M. SCOTT AND SONS						6. FIRM IDENTIFICATION NO.	
7. ESTABLISHMENT ADDRESS 333 N. Maple Marysville, Ohio 43040				8. RELATED FIRMS Subsidiary of ITT			
9. PRODUCTS INSPECTED Turf Builder Fertilizer products				10. OTHER REGULATED PRODUCTS None			
11. ESTAB. TYPE Manufacturer		12. ANN. SALES		13. PRODUCTS INSPECTED \$ <u>Not given</u> Units <u>Not given</u>		14. OTHER REG. PRODS. \$ <u>Not given</u> Units _____	
15. TOTAL (Inc. non-reg.) \$ <u>110 Million</u>		16. IS BUSINESS Rec. <u>95</u> % Sold <u>90</u> %		17. SAMPLES COLLECTED E-860-1705		18. PROJECT 40 163 22	
19. HOURS 5		20. REASON FOR INSPECT/INVEST.-DOC. REF. STI 79-0276					
21. EMPLOYEE'S NAME DuWayne Kapelis				22. TITLE Investigator 8133		23. SIGNATURE <i>DuWayne Kapelis</i>	
24. ENDORSEMENT Investigation was initiated to determine the extent of asbestos contamination in this firms vermiculite products. Inspection reveals that the firm is aware of possible trace contaminations with asbestos and has initiated an in-house program to diminish employee exposure to asbestos and as a corollary to diminish exposure to free asbestos in the vermiculite product. Tests by Scott (attached) indicate no free asbestos in the finished consumer product. Sample E-860-1705, Scotts Turf Builder, was collected. NAI							
25. ENDORSEMENT DATE 8/7/79				26. DISTRIBUTION CIRAO CTNW P D CERN TONDC			
27. ENDORSER'S NAME Harry J. Jettke				28. TITLE Supervisory Investigator		29. SIGNATURE <i>[Signature]</i>	

SC-0007

O.M. Scott & Sons Co.
333 N. Maple
Marysville, Ohio 43040

EIR
7/18/79
DAK

SUMMARY

This limited inspection was done under STI79-0276, concerning asbestos contamination in the firm's vermiculite containing products.

Credentials were shown and a Notice of Inspection given to Mr. John P. Kennedy, General Counsel, who supplied most of my information.

Mr. Kennedy explained that the firm's fertilizer products contain vermiculite, which in its raw material state contains some asbestos. The firm, in co-operation with OSHA and EPA, has been working to lower employee exposure to asbestos.

I asked Mr. Kennedy if any testing was done on the firm's finished products. He supplied test results (Exhibit A) which show that while small amounts of asbestos are sometimes in the vermiculite, none is found in the finished product. Asbestos testing was done under use situations and no asbestos was found.

Mr. Kennedy stated that there was no consumer hazard. I explained Section 15 of the CPSA to Mr. Kennedy and supplied him with a compilation of CPSC's laws.

Exhibit B contains the firm's catalog with the vermiculite containing products indicated.

Sample E-860-1705 was collected consisting of four approximate 27 lb. bags of Scotts Turf Builder. Mr. Gary Smith accompanied me on my sample collection. Each bag was opened by the firm and two pounds (approximate) removed for their duplicate sample. The separating was accomplished in the firm's laboratory.

SPECIFIC STI QUESTIONS

1. Formulation - Specific data not given. The Turf Builder is a vermiculite base (carrier) which is heated which causes it to "pop" similar to pop corn which gives more surface area for absorption. The chemical-nutrient portion is then sprayed on to the vermiculite.
2. Vermiculite is received from either:
 - a. W.R. Grace Co.
Libby, Montana
 - b. American Vermiculite Co.
South Africa
3. No free asbestos is present in the finished product according to Mr. Kennedy.

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O.M. Scott & Sons Co.
333 N. Maple
Marysville, Ohio 43040

EIR
7/18/79
DAK

4. No hazard since no exposure.
5. See exhibit B.
6. No significant complaints have been received on asbestos problems with the firm's products. Examination of the firm's files confirmed this statement.

Mr. John Kennedy requested that he be the firm's CPSC contact.

DuWayne Kapelis

DuWayne Kapelis
Investigator
CLEAO

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U.S. CONSUMER PRODUCT SAFETY COMMISSION		1. AREA OFFICE ADDRESS RM 3031 550 MAIN CINCINNATI OHIO	
2. NAME OF INDIVIDUAL Gary Smith		3. TITLE OF INDIVIDUAL Manager Dist. Commerce	
4. FROM WHERE 019 Scott St		5. DATE 7-18-79	
6. NUMBER AND STREET 333 W. Maple		7. CITY AND STATE (Include Zip Code) HARPSVILLE OHIO	
8. SAMPLES COLLECTED (Describe fully. List lot, serial, model numbers and other positive identification) The following samples were collected by the Consumer Product Safety Commission pursuant to Section 27(f) of the Consumer Product Safety Act (15 U.S.C. 2074(f)) and/or Section 11(b) of the Federal Hazardous Substances Act (15 U.S.C. 1274(b)) and/or Sections 5(c) and (d) of the Flammable Fabrics Act (15 U.S.C. 1194(c) and (d)) and/or Section 704(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(c)) [Authority for sample collection made in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.)], and receipt for said samples is hereby acknowledged. Sections cited are quoted on the reverse side of this form. 4-29 10 bags Tuff Builder (SOFT SAMPLES REMOVED) 6-20-79 Production Date 1-4 PM			
10. AMOUNT RECEIVED FOR SAMPLE \$ 0.00		11. SAMPLES WERE ☒ PURCHASED ☐ BORROWED (To be returned)	
12. COLLECTOR DUNYNE KAPLIS		13. SIGNATURE Du Wayne Kapels	

CPSC FORM NO. 101-1 (Rev. 10-78)

RECEIPT FOR SAMPLES

