



PACO TEXTURES MEMO

TO: Svend Stubb

FROM: Doug Merrill

February 23, 1981

SUBJECT: CONSUMER PRODUCT SAFETY COMMISSION REPORT

The attached information from the United States Consumer Product Safety Commission required reporting the manufacture of Texture Paint. Do you think that #1112 Keltex or any other Kelly Moore product would be classified as Texture Paint? Please advise.


DWM/jlp

Attach. (8)

KMX 01349

CERTIFIED

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one).		
☒ Show to whom and date delivered..... 15¢		
☐ Show to whom, date, & address of delivery... 35¢		
☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢		
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢		
2. ARTICLE ADDRESSED TO: Kelly Moore-Paco Division San Carlos, California 94070		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	103495	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE		
4. DATE OF DELIVERY		POSTMARK
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS

★ GPO : 1974 O - 527-803

KMX 01350

CERTIFIED



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

JAN 30 1981

RECEIVED

Kelly Moore-Paco Division
San Carlos, California 94070

Dear Sir or Madam:

Enclosed is a general order on consumer products containing asbestos. The general order is issued pursuant to section 27(b)(1) and section 5 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2076 (b)(1), 2054).

The order, which has been published in the Federal Register, requires all firms who have manufactured or imported any of the consumer products listed in the general order since January 1, 1978 to report certain information to the Commission.

Please note that responses to the order should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 by February 20, 1981. If you have any questions, please direct them to Mr. Gale Wyer, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301)492-6957.

Sincerely,

Sadye Dunn
Secretary

Enclosures

- 1) copy of general order
- 2) copy of letter to Society of Plastics Industries clarifying general order



KMX 01351



U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Jan. 29, 1981

OFFICE OF THE
GENERAL COUNSEL

Mr. Bob Sherman
Society of Plastics Industries
3150 Des Plaines Ave.
Des Plaines, Illinois 60018

Dear Mr. Sherman:

This letter is in response to your recent telephone inquiry concerning the coverage of the Commission's general order on asbestos-containing consumer products (December 22, 1980, 45 FR 84384).

Section 3(b) of the order provides that "any product or product component fabricated from a plastic molding compound in which the filler or reinforcing material includes asbestos is exempt from reporting, provided that the component contains at least 50 weight percent plastic resin." You request clarification of this section since you state that some plastic parts currently used in consumer products might have a composition of 2 percent asbestos, 40 percent wood flour, and 49 percent resin, thus requiring reporting, while a hypothetical product of 49 percent asbestos and 51 percent resin need not be reported.

We have consulted with the Commission's technical staff concerning this question, and they indicated that the intent of the general order is not to require reporting of molded plastic components containing encapsulated asbestos which do not release asbestos fibers during the life of the product. Therefore, we have concluded that materials in which asbestos is incorporated into a molded plastic substance need not be

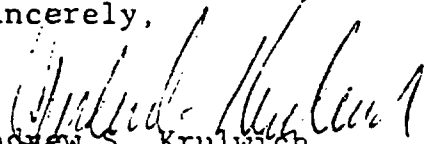
KMX 01352

Mr. Bob Sherman
Page -2-

reported under the general order, provided that the plastic components do not contain more than 50 percent by weight of asbestos and contain sufficient resin to ensure that the finished plastic component does not release asbestos fibers during the life of the product.

I hope this information is helpful.

Sincerely,



Andrew S. Krulwich
General Counsel

cc: Arthur Harris
Quarles and Brady
780 N. Water St.
Milwaukee, Wisconsin 53202

KMX 01353

Federal Reserve Bank of St. Louis

**Monday
December 22, 1980**

Part IV

**Consumer Product
Safety Commission**

**Consumer Products Containing Asbestos;
General Order for Submission of
Information**

KMX 01354

CONSUMER PRODUCT SAFETY COMMISSION**Consumer Products Containing Asbestos; General Order for Submission of Information****AGENCY:** Consumer Product Safety Commission.**ACTION:** General order for submission of information.

SUMMARY: The Commission orders manufacturers and importers of specified categories of consumer products to furnish the Commission with information concerning the use of asbestos in the products, the form in which asbestos is present in the products, the purpose served by the asbestos, the marketing and use patterns of the product, and information on any testing of the products for asbestos fiber emission.* Information on the identity of possible substitutes for the asbestos is also sought. The Commission believes that such information will assist it in determining whether any regulatory action is warranted to protect consumers from any risk of injury associated with asbestos in consumer products.

DATES: Firms shall furnish the required information on or before February 20, 1981. Firms are required to report any changes in the information (or new uses of asbestos in the consumer products) within 30 days of the change for a one year period following publication of this order in the Federal Register. The order expires December 22, 1981.

ADDRESS: Information required by this order should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7770 (for legal questions), or Gale Wyer, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, 202-492-6957 (for technical questions and questions concerning the applicability of this order to a particular product).

*A majority of the Commissioners—Chairman King and Commissioners David Pittle, Edith Sloan, and Stuart Statler—approved the final draft general order in all respects. Commissioner Sam Zagoria joined in approval of the general order except as to one question specifying certain economic information to be submitted. Commissioner Zagoria has issued a separate opinion on his point of disagreement which is on file in the Office of the Secretary of the Commission.

SUPPLEMENTARY INFORMATION:**A. Purpose and Basis for the Order**

The Commission is conducting an investigation in order to determine whether regulatory action is necessary to protect consumers from the risk of injury that may be associated with consumer products containing asbestos. This order requires manufacturers and importers of certain categories of consumer products to provide information concerning the use of asbestos in their products. Firms are required to furnish information concerning certain uses of asbestos in specified consumer products manufactured or imported since January 1, 1978, the purpose served by the asbestos in these products, the marketing and use patterns of the products, information on substitutes for asbestos, and information on any testing of the products for asbestos fiber emission. This order is issued under the authority of sections 5 and 27(b)(1) of the Consumer Product Safety Act (CPSA), 15 U.S.C., 2054, 2076(b)(1).

The Commission believes that information obtained as a result of this order will assist the Commission in determining whether any regulatory action is warranted to protect consumers from any risk of injury associated with asbestos in consumer products. The Commission emphasizes that this order is purely investigatory; no final regulatory decisions have been made concerning the products listed in the order.

B. Background on Asbestos

Asbestos is a group of fibrous minerals that are flexible, resistant to moisture, characterized by high tensile strength, and resistant to extreme heat. In many consumer products, asbestos in the form of asbestos paper provides a thermal and electrical insulating barrier. Asbestos is also used in certain consumer products, such as building materials, to provide strength and stability.

On the basis of present information, the Commission is concerned that consumer products containing asbestos can pose a health hazard if asbestos fibers are released into the air, and are, thereby, available for inhalation. A large body of animal data and human epidemiological studies suggests that all major types of asbestos are carcinogenic in humans. The hazard may be undetectable by the consumer in the ordinary use of asbestos-containing products, since some asbestos fibers may be visible only by means of optical or electron microscopy. Epidemiological studies have demonstrated increased incidence of asbestos-related diseases,

including lung cancer and mesothelioma (a cancer of the linings of the pleura and peritoneum) among occupationally exposed workers and also increased incidence of mesothelioma among nonoccupationally exposed populations. Autopsy studies of lung tissues of residents in urban areas in many parts of the world indicate that the general population is being exposed to asbestos from the general environment. Once inhaled, asbestos fibers may remain lodged in the lungs and other tissues for life.

C. Commission Actions Concerning Asbestos

In response to the problem of asbestos exposure from consumer products, the Commission has issued rules banning certain patching compounds and emberizing materials containing respirable asbestos. (16 CFR 1304 and 1305, 42 FR 63354, December 15, 1977.)

The Commission has also been concerned with the use of asbestos in hair dryers in light of information initially indicating that a significant proportion of 50 to 60 million hair dryers used by consumers or in the chain of distribution contained asbestos, and could possibly release asbestos fibers. As a result of negotiations between the Commission's staff and firms which share approximately 95% of the consumer hair dryer market, the firms agreed to cease production and distribution of hair dryers containing asbestos and to offer consumers some form of repair, replacement, or refund for the hair dryers containing asbestos. The Commission's concern with hair dryers containing asbestos has been broadened to include hair dryers used by consumers in commercial hair dressing establishments.

Tests of hair dryers containing asbestos have been performed for CPSC by the National Institute of Occupational Safety and Health (NIOSH) of the Department of Health, Education and Welfare to aid in the determination of emission of asbestos fibers from the hair dryers. The findings of the final NIOSH report were reviewed by Dr. William J. Nicholson of the Mount Sinai School of Medicine. Dr. Nicholson in his comments stated that while the risk to an individual from the intermittent use of an asbestos-emitting hair dryer is less than that from many current occupational asbestos exposures, the large number of individuals that may be exposed clearly calls for the elimination of the exposure.

The Commission has issued a joint Advance Notice of Proposed Rulemaking (ANPRM) with the Environmental Protection Agency (EPA)

on Commercial and Industrial Use of Asbestos Fibers and Consumer Products Containing Asbestos. (44 FR 80056, October 17, 1979.) The Commission's ANPRM solicited general information on the use of asbestos in consumer products and described the Commission's proposed regulatory approach to asbestos in consumer products. In the ANPRM the Commission announced its intention to issue general and special orders requiring firms to submit information on the use of asbestos in specified consumer products. The Commission also stated its intention to coordinate the gathering of information under the orders with the information-gathering activities of EPA and to share information with EPA. To minimize any possible duplication with the general inquiries made by the CPSC or EPA ANPRM, this order states that firms need not provide under the order any information which they have previously submitted voluntarily under the CPSC or EPA ANPRM. Respondents to the order are simply required to state that a piece of information has previously been submitted to either CPSC or EPA, and to describe where the information may be found in the earlier submission.

The comment period on the CPSC ANPRM expired on February 18, 1980. The Commission staff has conducted a review of the comments received.

Comments relating to the issuance of general and special orders on asbestos-containing products and comments on the selection criteria for products to be included in the orders are briefly discussed below. (In the ANPRM the Commission announced its intention to select consumer products containing asbestos for priority attention in its investigation based on the following criteria: (1) the number of units of the product estimated to be in use by consumers; (2) the form and location of the asbestos in the product; (3) the frequency, duration, manner, and location in the consumer's environment of product use; (4) the likely availability and feasibility of substitutes for asbestos in the product; (5) the relative ease of data collection and analysis by the Commission and the reporting burden on industry; and (6) the degree of potential overlap of CPSC reporting requirements with the information-gathering efforts of other regulatory agencies.)

Several commenters suggested that in order to reduce the cost burdens to manufacturers, Commission information-gathering activities should be limited to current production and to those applications where there is known

respirable asbestos fiber release. It should be noted that the order covers certain uses of asbestos in products manufactured or imported since January 1, 1978. The order, then, only covers current and recent production but does not seek information on products which would no longer be in the chain of distribution. The order, however, is not restricted to applications where there is known fiber release because the Commission does not have this information and one of the purposes of the order is to assist in the acquisition of such information.

The Commission has received comments on the selection criteria for inclusion of products in the order. The Commission notes that the criterion concerning the form and location of the asbestos is an underlying factor relevant to the question of asbestos fiber emission from a product; the criterion is not phrased in terms of fiber emission because the Commission generally does not have adequate information on which specific consumer products containing asbestos release fibers. Several commenters questioned the appropriateness of criteria 4, 5, and 6, listed above, stating that while these criteria may influence regulatory action, they should not affect the gathering of information on hazardous products. The Commission disagrees and notes that it has carefully considered the reporting burden on industry as well as possible duplication with EPA information—gathering efforts in preparing the present reporting requirement. The order is directed to specific industries which are believed to produce asbestos-containing products; any subsequent orders will be geared to other segments of the asbestos product industry. As to feasibility of substitution for asbestos, this factor will affect any Commission regulatory initiative in this area; therefore, it is also relevant to choosing those consumer products which may warrant priority attention at the investigation stage.

D. Products Subject to the Order

In order to determine the scope of the potential problem posed by consumer products containing asbestos, CPSC commissioned studies to determine what categories of consumer products contain asbestos. A list of products derived from these studies was published as an Appendix to the Commission's Advance Notice of Proposed Rulemaking on Consumer Products Containing Asbestos Cited above.

The Commission is requiring manufacturers and importers of the specific consumer products or categories of consumer products described below

to provide information to the Commission under the order. The Commission has reason to believe that these products may contain asbestos and should be included within the scope of the order. The list of consumer products subject to the order represents only a selected number of all known asbestos-containing consumer products. Products were selected for inclusion in the order on the basis of the criteria set forth in the Commission's ANPRM, discussed above. The inclusion of a product in the order does not represent or imply any determination by the Commission or its staff concerning any hazard to consumers presented by the product. The inclusion of a product represents only a determination that further investigation of the product is warranted. Similarly, exclusion of asbestos-containing products from the list in this order does not imply that the Commission will not consider such products in the future. The Commission is continuing to study all products containing asbestos and may request information on other products in subsequent orders.

E. Information—Gathering Efforts

The Commission is aware that EPA is planning to issue a proposed rule under section 8(a) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2607(a)) which would require reporting to EPA of specified information by asbestos manufacturers, importers, and processors. The Commission is also aware that certain firms will be required to report information to both EPA and CPSC. In some instances, a firm may be required to report substantive information to both agencies; in many cases, however, a firm responding to the CPSC general order will only need to identify itself (name, address, name of technical contact person, name of product, and name of asbestos material in the product) in responding to the EPA rule. In an effort to minimize the reporting burden on firms, CPSC is requesting firms to report in units which can be used by both agencies. Furthermore, EPA has indicated that it will prepare its section 8(a) rule in such a fashion so that any information, other than the above mentioned identity information, which is provided to the Commission under the general order and can be obtained from the Commission, need not be separately submitted to EPA.

F. Trade Secrets or Confidential Information

If a firm believes that information furnished in response to the order is a trade secret or proprietary or

confidential or financial information under 5 U.S.C. 552(b)(4) of the Freedom of Information Act, or is exempt from disclosure under section 6(a)(2) of the CPSA, 15 U.S.C. 2055(a)(2), or 18 U.S.C. 1905, the firm must request confidential treatment at the time the information is submitted or within 10 working days of the submission and substantiate the claim of confidentiality. Requests for confidential treatment will be handled in accordance with the Freedom of Information Act as amended, 5 U.S.C. 552, the Commission's regulations under that act, 16 CFR Part 1015, and 15 U.S.C. 2055(a)(2). In accordance with 16 CFR 1015.18, requests for confidentiality must: (1) specifically identify the exact portions of the document claimed to be confidential and state the basis for the claims; (2) state whether the information claimed to be confidential has ever been released in any manner to a person who was not an employee or in a confidential relationship with the company; (3) state whether the information is commonly known within the industry or is readily ascertainable by outside persons with a minimum of time and effort; (4) state how release of the information would be likely to cause substantial harm to the company's competitive position; and (5) state whether the submitter is authorized to make claims of confidentiality on behalf of the person or organization concerned. Information submitted may be released if a written request for exemption is not made in accordance with § 1015.18.

The Commission intends to share all data received in response to this order with EPA. This includes information which contains or relates to a trade secret or other matter referred to in section 1905 of Title 18. The Commission will work out an appropriate security arrangement with EPA for any trade secret information shared with that agency.

The Commission believes it has the authority to share confidential information with EPA despite the provisions of section 6(a)(2) of the CPSA (15 U.S.C. 2055) which in general restrict the Commission from disclosing trade secrets to other federal agencies. On August 17, 1977, the Commission issued an opinion explaining, in another context, its decision to share certain confidential information with EPA. As indicated in that opinion, the Commission regards section 28(a)(2) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2625(a)(2)) as a limited exception to section 6(a)(2) and as ample authority for disclosure to EPA where the Commission believes such disclosure is appropriate. Section

28(a)(2) of TSCA explicitly allows EPA access to all information in the possession of another agency which is necessary for administering TSCA.

As indicated above, EPA plans shortly to propose a rule under section 8(a) of TSCA which would require reporting to EPA by asbestos manufacturers, importers, and processors. Because of this soon expected EPA effort, the Commission has decided, despite its ability to share all information, that if a firm specifically objects, in responding to this general order, to the sharing of trade secret information with EPA, the Commission will not share the information with EPA. The Commission recognizes that some firms may wish to provide the confidential information directly to EPA. On the other hand, firms which do not object to the sharing of confidential information with EPA will not have to provide the same data to EPA. To minimize duplication between reporting requirements of the two agencies, EPA has informed the Commission that it will prepare its section 8(a) reporting forms so that any substantive information, which is provided to the Commission under the general order and which can be obtained from the Commission, need not be separately submitted to EPA.

G. Handling of Information Received Under the Order

During the preparation of this order as well as during the period of General Accounting Office (GAO) review of the order under the Federal Reports Act, 44 U.S.C. 3512, industry commenters expressed concern that the release of confidential as well as other sensitive information received by the Commission under this order might unduly cause business harm. Industry representatives urged that the Commission make determinations of risk before gathering and releasing sensitive business information.

The public dissemination of information in Commission files may occur in essentially two ways. First, the Commission is authorized under section 5(a)(1) of the CPSA to "collect, investigate, analyze, and disseminate injury data, and information, relating to the causes and prevention of death, injury, and illness associated with consumer products . . ." Second, aside from any purposeful or affirmative disseminations of information by the Commission, the Commission is required, with certain restrictions, to make publicly available, documents under the Freedom of Information Act (FOIA) (5 U.S.C. 552). The relevant restrictions for release of such information are contained in section

552(b) of Title 5 and section 6(a)(1) of the CPSA relating to trade secret and other proprietary data. In addition, section 6(b) of the CPSA, with certain exceptions, requires the Commission to provide advance notice to manufacturers prior to disseminating information pertaining to specific brand name products and to take reasonable steps to assure that the information is accurate and that the disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the Act.

Section 6(b) has recently been held by the U.S. Supreme Court to apply to material disseminated under FOIA as well as to affirmative disclosures. *GTE Sylvania, Inc. v. Consumers Union*, 100 S. Ct. 1194 (1980).

The Commission recognizes the sensitivity of some of the information that may be submitted under this order and has established certain procedures to safeguard the information.

Information from reports received under the order will be extracted by a committee of Commission economists, health scientists, and technical information specialists, all of whom will be cleared for access to confidential business information. (See Commission regulations at 16 CFR Part 1017.) The data extracted will be computerized in two files: one containing product identification information and one containing manufacturing and sales data. The computerized files will be decipherable only by knowledge of what data occupies what computer record location (known only to the committee filling out the data sheets and to the one programmer who will generate reports). In addition, the Commission's computerized files will not be available by simple access to the computer terminals but will be maintained as stored data sets with only persons cleared for access to confidential business information able to receive reports.

The Commission will abide by the provisions of the Freedom of Information Act and its own statute prior to releasing to the public any information received under the order. The CPSA, at section 6(a)(2) as mentioned above, prohibits the Commission from releasing information which contains or relates to a trade secret or other matter referred to in section 1905 of Title 18. The Commission will follow this provision, except, as noted in the order, trade secret information may be provided to EPA, unless a firm objects. Prior to any release of information to EPA, the Commission will obtain assurances from EPA that any trade secret information

provided to that agency will be held confidential by EPA. In addition, prior to any public release of information, the Commission will take reasonable steps to ensure that the information is accurate and that the disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the CPSA. The Commission will also comply with the advance notice provisions of section 6(b)(1) as applicable.

H. Who Must Report

Firms that are now manufacturing or importing the products listed in the order and firms that have been manufacturing or importing the products listed in the order since January 1, 1978 are required to report. Specific information on the use of asbestos in the listed products, however, is only sought for any uses of asbestos in the products where the asbestos material is located so that it is directly exposed to air, including air circulating through the product. (As explained in the order, internal insulation material containing asbestos on wiring and on power cords and materials in which asbestos is incorporated into a molded plastic substance need not be reported.) In addition, firms that begin to manufacture or import such asbestos-containing products within a one year period until December 22, 1981, are required to report on these uses of asbestos.

To avoid duplicative reporting, in cases where production or importation facilities for products listed in the order have been sold since January 1, 1978 by one firm to another, one response to this order (either from the new or previous firm) is sufficient if notation is made in the response of what firm owned the facilities during what period of time. All current and previous owners, however, remain responsible for the completeness and accuracy of the data submitted.

I. Additional Information

The reporting requirement contained in this order has been approved by the U.S. General Accounting Office under the Federal Reports Act number B-180232 (S81 001) and expires on December 22, 1981.

Failure to respond to the order is a prohibited act under section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3) and, may subject the manufacturer or private labeler to civil or criminal penalties under sections 20 and 21 of the CPSA, 15 U.S.C. 2069, 2070. The furnishing of false reports is prohibited by 18 U.S.C. 1001.

J. The Order

This general order is issued pursuant to section 27(b)(1) and section 5 of the Consumer Product Safety Act (15 U.S.C. 2076(b)(1), 2054).

(1) The Commission hereby orders manufacturers and importers of the products listed in paragraph (2) to furnish the Commission with information specified in paragraph (3). This order applies to all firms that are now manufacturing or importing such products or that have been engaging in these activities since January 1, 1978. The order also applies to any firms that begin to manufacture or import such products within a one year period until December 22, 1981. If particular information has previously been submitted to the Commission or the Environmental Protection Agency (EPA) in response to either agency's Advance Notice of Proposed Rulemaking (ANPRM) on Asbestos (44 FR 60056, October 17, 1979) the information need not be resubmitted. Manufacturers and importers shall state that a piece of information has previously been submitted to EPA or the Commission under the ANPRM and shall describe with particularity where the information may be found in the earlier submission.

(2) *Scope of the Order.* This order applies only to the products listed below which are also consumer products, as that term is defined in the CPSA.

"Consumer product" is defined as any article or component part, produced or distributed for sale to, or for personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

The following products are subject to the order:

Broilers
Barbecue fires starters (electric)
Deep Fryers
Frying pans and grills (electric)
Mixers (electric)
Ovens and ranges
Popcorn poppers
Slow cookers
Clothes washers and dryers
Dishwashers
Refrigerators
Curling irons (electric)
Electric blankets
Texture paint
High-temperature wallboard
Safes, kilns, safety boxes, filing cabinets, and incinerators

Manufacturers and importers of any products listed above which are not customarily produced or distributed for sale to or use or consumption by, or enjoyment of a consumer, or which are specifically excluded from the definition of "consumer product" under section

3(a)(1) of the CPSA (15 U.S.C. 2052(a)(1)) are not required to furnish information under the order.

(3) *Information to be furnished.* The following information shall be furnished under the order for the products listed above:

(a) State the name of your firm and the address of your principal place of business. Specify whether you are a manufacturer or importer of the product concerning which you are submitting information.

(b) In products currently manufactured or imported by your firm, are asbestos materials used which are located so that they are directly exposed to air, including air circulating through the product? In other words, asbestos materials which, because of the design of the product, are totally enclosed such that the asbestos component is not exposed, even in part, to the ambient air within the product need not be reported on. Internal insulation material containing asbestos on wiring and power cords which is covered by an outer material which isolates asbestos from the air need not be reported. In addition, any product or product component fabricated from a plastic molding compound in which the filler or reinforcing material includes asbestos is exempt from reporting, provided that the component contains at least 50 weight percent plastic resin.

(c) In products manufactured or imported by your firm since January 1, 1978, are asbestos materials used which are located so that they are directly exposed to air, including air circulating through the product? In other words, asbestos materials which, because of the design of the product, are totally enclosed such that the asbestos component is not exposed, even in part, to the ambient air within the product need not be reported on. Internal insulation material containing asbestos on wiring and on power cords which is covered by an outer material which isolates the asbestos from the air need not be reported. In addition, any product or product component fabricated from a plastic molding compound in which the filler or reinforcing material includes asbestos is exempt from reporting, provided that the component contains at least 50 weight percent plastic resin.

(d) If the answer in response to questions (b) or (c) is yes, provide the following information, in the order listed, for each type of product. To facilitate review of the information, you are requested to provide the information in charts or by other means that will relate each item of information to a particular type of product.

KMX 01358

(i) Give adequate identification information (e.g. brand name, style, model number, production date code number or other available identifying information) for each product so as to identify clearly those specific products containing asbestos. State the number in units (and also in the manner reported to the Bureau of the Census if your firm reports figures to the Bureau) of each type of product manufactured or imported in 1978, 1979, and 1980 by your firm. Specify dates during which your firm manufactured or imported the product.

(ii) Describe how the asbestos material is used and the purpose that it serves in the product(s), including a description of such factors as the location of asbestos material in the product; thermal, electrical, or mechanical stresses on the asbestos material; any intentional exposure of the material to water or the possibility of accidental wetting during cleaning; or any exposure to an air stream or open air path.

(iii) If you are the manufacturer of the product, describe the kind of asbestos material used (e.g., paper, millboard, textile, or other), and identify the distributor and manufacturer of the material.

(iv) Describe the usual marketing and use patterns of each product identified, including: approximate range of selling prices or price lists or schedules; promotional materials (to the extent they relate to potential consumer uses); general distribution channels (e.g., wholesale only, catalogue sales only, wholesale and retail); regional distribution patterns (e.g., nationwide, Northwest only); and intended uses, functions, and applications.

(e) Identify any possible substitute materials you are using or developing for the asbestos in each product identified (use common, chemical, and trade names). Describe the potential effects, if any, of the use of the identified substitutes on production, cost, prices or sales of these products or on the performance, durability, utility, or other characteristics of the products. Describe the length of time that would be required to incorporate such substitutes in each product.

(f)(i)(A) Has your firm or anyone on its behalf conducted any tests of any of the products identified above to determine whether the products release asbestos fibers during reasonably foreseeable conditions of use and misuse.

(B) If the answer to the previous question is yes, provide a description of such tests and a summary description of the results and furnish complete copies of the test protocols and results.

(ii)(A) Do you know of any other tests or studies not sponsored or conducted by your firm regarding the release of asbestos from the consumer products listed in this order?

(B) If the answer to the previous question is yes, provide a description of such tests, a summary description of the results, and an explanation of where and how the reports may be obtained.

(ii) Provide the name, address and telephone number of a person in your firm with whom the Commission staff could discuss these tests or testing of asbestos in consumer products in general.

(g) Provide the name, title, address, and telephone number of the person filing the response to this order and of the highest level official in your firm responsible for ensuring the accuracy and completeness of the response.

(4) *Confidentiality of information.* Requests for confidential treatment of information submitted will be handled in accordance with the Freedom of Information Act as amended, 5 U.S.C. 552, the Commission's regulations under that act, 16 CFR Part 1015, and 15 U.S.C. 2055(a)(2). The Commission intends to share all information received in response to this order with EPA, except that firms may specifically object to the sharing of trade secret information with EPA and then this information will not be shared.

(5) *Time and place for submission of information; obligation to keep information current; obligation to submit new information.* The required information shall be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 so as to be received on or before February 20, 1981.

The response shall be signed by a responsible executive officer of the firm. Failure or refusal to respond to this order is a prohibited act under section 19(a)(3) of the CPSA (15 U.S.C. 2068(a)(3)) and may subject the manufacturer or importer to civil or criminal penalties under sections 20 and 21 of the CPSA (15 U.S.C. 2069, 2070). The furnishings of false reports is prohibited by 18 U.S.C. 1001.

Any changes in the information shall be submitted within 30 days of the change, until the expiration of the order on December 22, 1981. This provision applies to manufacturing or importing new products containing asbestos as well as to any changes in existing products.

(15 U.S.C. 2070(b)(1), 2054, 2068(a)(3), 2069, 2070)

Dated: December 16, 1980.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 80-3888 Filed 12-22-80; 2:46 am]

BILLING CODE 6350-01-01

KMX 01359

would you like to know

if any changes have been made in certain titles of the CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the LSA (List of CFR Sections Affected), the "Federal Register Index," or both.

LSA (List of CFR Sections Affected)
\$10.00
per year

The LSA (List of CFR Sections Affected) is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Federal Register Index **\$8.00**
per year

Indexes covering the contents of the daily Federal Register are issued monthly in cumulative form.

Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR Indexes and the LSA (List of CFR Sections Affected) will continue to be mailed free of charge to regular FR subscribers.

Mail order form to:
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

There is enclosed \$_____ for _____ subscription(s) to the publications checked below:

..... LSA (LIST OF CFR SECTIONS AFFECTED) (\$10.00 a year domestic; \$12.50 foreign)

..... FEDERAL REGISTER INDEX (\$8.00 a year domestic; \$10.00 foreign)

Name _____

Street Address _____

City _____ State _____ ZIP _____

Make check payable to the Superintendent of Documents

KMX 01360