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February 19, 1980

Susan Bennett King, Chairman
Consumer Product Safety Commission
Washington, D. C. 20207

Dear Chairman King:

On February 14, 1980, the Commission reviewed a draft General Order for Submission of Information on consumer products containing asbestos. We are very disturbed that the Commission should be considering publication of a General Order before it examines the comments which are to be submitted today in response to the Advance Notice of Proposed Rulemaking. We are even more disturbed, however, by the Commission staff's apparent failure to appreciate the enormous burden this General Order would place on industry.

In summary, the General Order would require an appliance manufacturer such as General Electric to submit information on some fourteen classes of home appliances. For products manufactured within the past ten years, we would be required (a) to specifically identify each product model containing asbestos (b) to give dates each model was manufactured, (c) to describe how asbestos was used in the product, including thermal, electrical or stress abrasion, exposure to water and exposure to air, (d) to identify the kind of asbestos used and its distributor and manufacturer, (e) to describe the promotion, marketing and use pattern of the product, and (f) to identify possible substitute materials and the effect of their use on some seven characteristics of the product. For products manufactured within the past three years we would have to state the number of units of each product manufactured each year. In addition, we would have to state whether asbestos was used in each model of each product manufactured over the past twenty years.

The staff estimates that for a company such as General Electric, completion of this report would require 40 hours of accounting and/or legal services, 24 hours of purchasing, production control or engineering staff time, 20 hours of management time and 20 hours of clerical time. This is an extraordinary understatement of the time which would in fact be required.

The burden of replying to the General Order will fall almost exclusively on purchasing and engineering personnel. We have not had time to estimate the amount of their time which would be re-

quired, but it would be measureable in man-years rather than man-days. The task described by the General Order is enormously difficult, time-consuming and expensive. We suggest, in fact, that it might well be impossible to respond fully and accurately to the General Order regardless of how much time and effort were to be expended.

To understand why this is so, one must examine industrial purchasing practices. When an appliance manufacturer orders parts or materials, it normally specifies a desired functional performance, not a chemical content. He would not usually know, therefore, whether the insulating part of a switch or a control or a motor contained asbestos or whether the plastic used in a moulded part had been reinforced with asbestos fibers. As a consequence, existing records will not disclose whether parts or materials contain asbestos except in those few cases where the manufacturer specified its use. The effort which would have to be made to determine whether or not, and if so specifically where, how and why, asbestos was used in every component part of every model of a product produced over a ten-year period defies quantification. Please understand that there is, for example, hardly an insulating part of any one of these appliances which might not conceivably have contained asbestos.

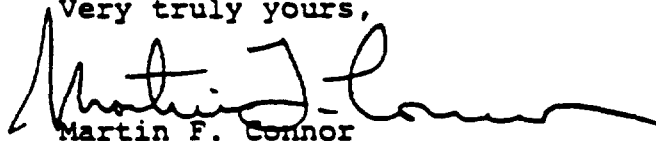
The minimum, then, which would be required to make the General Order manageable would be to limit its scope to uses of asbestos which were affirmatively specified by the manufacturer.

More fundamentally, however, there is no justification whatsoever for what will be an enormously expensive exercise when the Commission has not yet established that any of the products in question are likely to present an unreasonable risk of injury by virtue of asbestos fiber emissions. The Commission does not have to have ten years' worth of information from 1200 manufacturers to determine, for example, whether prima facie the use of asbestos in clothes washers constitutes an unreasonable risk of injury. What it needs is to get data on 1979 or 1980 model clothes washers and then arrange for some tests. Depending upon the results of such a modest inquiry, the Commission could then determine whether fuller investigation would be appropriate.

In short, there is no justification at this early stage of the proceeding for going back beyond current or very recent production.

I would appreciate it if you would give this request the most careful consideration. We certainly have no desire to appear recalcitrant, but we do believe that the proposed Order imposes burdens far beyond the staff's conception. If you would like to discuss this subject, we and other industry representatives would be pleased to meet with you.

Very truly yours,



Martin F. Connor

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