

January 19, 1978

of his write-up. This was covered in his memo to the Asbestos Study Committee on January 11, 1978. Mr. Weaver felt that most of the comments in the Secretary's critique were valid but that he didn't agree concerning removal of the second sentence concerning mesothelial tumors in persons involved with automobile brake servicing.

It was stated that this pamphlet would assumingly be no longer viable if the FISI is to work on writing up a work practices manual. It is unlikely that the Asbestos Information Association will put out a pamphlet on this subject if the Institute prepares a work practices manual. However, information in this write-up would be of value in writing up a work practices manual. It was suggested that anyone using the introductory section of Mr. Weaver's draft be particularly careful of the wording. No further action is contemplated as concerns this draft pending action taken as regards the Institute preparation of a work practices manual.

CONSUMER PRODUCT SAFETY COMMISSION--RECALL PROCEDURES

The Secretary advised that he had been contacted by Mr. Adrian Comins of the Auto Friction Corporation concerning the Consumer Product Safety Commission and its procedures for recall. He was particularly concerned that if in the future the Consumer Product Safety Commission were to ban the sale of asbestos-containing friction materials, that disastrous costs would be incurred in a major recall. Mr. Comins expressed his concern in a letter that he wrote to the Consumer Product Safety Commission on procedures used during the Tris recall. Mr. Comins wrote indicating his concern that the economic burden of any recall should be borne equally by all members of the distribution chain. He wrote this as a private citizen on his own letterhead and did not bring in the subject of friction materials. The Secretary indicated to Mr. Comins that he did not want to raise the question of banning the friction materials for fear it would put the idea into motion.

The Secretary recently wrote Mr. Comins when CPSC banned the use of artificial emberizing materials and patching compounds. The Consumer Product Safety Commission issued the regulations under the Consumer Product Safety Act (CPSA) rather than under the Federal Hazardous Substance Act (FHSA). By promulgating under CPSA the regulations do not require the re-purchase of products by manufacturers, distributors and retailers. Mr. Comins feels that individuals in the Friction Materials Standards Institute should make their concern known to the Consumer Products Safety Commission by writing them directly. He does not feel that the Institute or Corporations should be involved at this time. He indicated that he was asking the Institute to make a recommendation to its members concerning recall procedures by CPSC. At this point the Committee members indicated that they endorsed the idea of encouraging individuals to write the Consumer Product Safety Commission concerning recall procedures and to advocate that the burden be borne equally. This would be the case if any such regulation were to take place under the Consumer Products Safety Act rather than under the Federal Hazardous Substance Act.

Mr. Fenner indicated that there is a question as to whether friction materials can be considered a consumer product. There is an effort on hand now to expand the definition of a consumer product. There is a litigation involving the Anaconda Corporation concerning wiring used in the residential housing. This has to do with the susceptibility to fires under certain installation conditions with aluminum wire vs. copper wire. This issue is now being

SPNY 004699