PLAINTIFF'S EXHIBIT
GP-1428

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission RGK DATE: May 23, 1977
Through: Office of the Secretary
Through: Margaret A. Freeston, Deputy General Counsel
FROM : Beatrice C. Pitkin, OGC BP

SUBJECT: Asbestos -- Proposed Ban

The attached is a very rough draft of a proposed ban under section 8, CPSA for consumer patching compounds and fireplace ash containing respirable, free-form asbestos. The draft is transmitted for review prior to the staff briefing of the Commission on Wednesday, May 25, 1977.

Although this draft is composed of materials contributed by various bureaus and offices, none of these staff units have had an opportunity to review this draft. Several bureaus and offices have not completed the materials to be contributed to this proposal. In addition the format of the notice is not firmly set. The purpose of this draft is to give the Commission an idea of the scope of the proposal, to raise questions, and to obtain guidance from the Commission on further preparation of the proposal.

In reviewing the draft, the Commission will note that among the matters needing Commission guidance are:

(1) Effective date - BEA is currently exploring application of the ban to goods manufactured, 30, 180 and 360 days after publication of a final rule. A retroactive ban is also possible.

(2) Definitions - It may be that several more products could be defined as consumer patching compounds.

(3) Banning criteria - Technical information is needed on how to detect and/or test noncomplying consumer products.

(4) Compliance strategy - Commission guidance is needed on measures to be used for determining specific products that may be covered by the proposed ban. Under section 27 of the CPSA the Commission can obtain information

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through general orders, special orders (to named persons), subpoenas, and rulemaking. In addition to determining who manufactures the products proposed to be banned, the Commission may use information obtained under section // as to what other products contain respirable, free-form asbestos.

(5) The Bethesda Office will transmit backup information developed by the staff as soon as possible.

Attachment