FILE NAME: Henry Company (HC)

DATE: 2003 Sept 29

DOC#: HC005

DOCUMENT DESCRIPTION: Exhibit 13 - Letter from the EPA to Henry Company

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 29 2003

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Warner Henry, Chairman and CEO
Henry Company
2911 Slauson Avenue
Huntington Park, CA 90255

Dear Mr Henry:

I am writing to you concerning the language used in the Technical Data Sheets for a number of your asphaltic roofing products. An example of this language is contained in the "Description" section from the Technical Data Sheet for #208R SBS Rubber Modified Wet Patch Roof Cement which reads as follows:

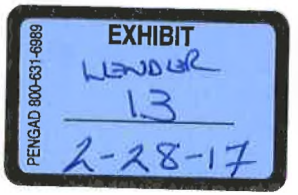
> The outstanding handling properties and durability of this product come directly from its reinforcement with encapsulated chrysotile asbestos. This mineral fiber, when encapsulated in asphaltic roofing products, is recognized as harmless by the US EPA, OSHA, and Consumer Product Safety Commission.

We are formally requesting that you provide EPA with your basis for the statement that EPA recognizes this product as harmless. To the best of my knowledge, the Agency experts on asbestos in the Office of Pollution Prevention and Toxics have never made such a statement, and the Agency has not taken a position that a product such as that referenced in the Technical Data Sheet identified above is harmless.

I would appreciate a response from you in writing, within 14 days, identifying the basis for your statement that EPA considers your asphaltic roofing products to be harmless. If you can not supply any definitive basis for the statement, the Agency expects that you will immediately remove from your Technical Data Sheets (and any other documents you may produce) any suggestion that EPA considers your asphaltic roofing products to be harmless, and would appreciate receiving confirmation that the statements have been removed.



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I look forward to hearing from you within the next 14 days. Nothing in this letter should be construed as a waiver of EPA's right to refer any issue addressed herein to any appropriate state or federal authority. If you have any questions or comments, you may contact Tom Simons of my staff at 202-566-0517.

Sincerely,

Maria J. Doa

Maria J. Doa, Ph.D
Acting Director
National Program Chemicals Division

cc: Robert Perlis,
Office of General Counsel

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