

FILE NAME: Drywall Spackling Compounds (DWSC)

DATE: 1977 Apr 15

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DOCUMENT DESCRIPTION: Barry Castleman Notes - "How Consumers are Killed by Incompetent Bureaucrats"

How Consumers are Killed by Incompetent Bureaucrats

The central thing here is that FTC attorney Mark Heller has been compiling a dossier on asbestos-containing consumer products, with ample assistance from me. Now that CPSC has decided to look beyond spackling compounds, they need information on the other products before they can ban other products. I had hoped Mark would finish getting his memo and its valuable attachments through FTC by now, but the package will not go to the FTC Commissioners until next week, and they have to give notice a week before they take it up for action.

CPSC's staff coordinator Francine Shacter has spoken with Mark several times in the past. However, rather than note the FTC activities in her briefing document to the Commission, she engaged Mark in arguments. So the Commissioners, who have no record on asbestos-containing consumer products except spackle, were overjoyed to learn from me 2 days ago that FTC has this material. Since I was hired as a consultant, I referred them to FTC saying I was not at liberty to release the stuff but Mark would help them to it. Byington's assistant, Chris Candela, an attractive woman in her early 30's, called Mark to ask for the stuff, and then dispatched Francine to go get it. Well, Mark dislikes Francine intensely, and he did not want to show the file to a bureaucrat who might have face-saving motives in reporting to the CPSC commissioners. He told Candela that he could face a year in jail for showing his file to a CPSC staffer, but if she would get a letter from the CPSC Chairman (her boss) he could move it fast and give her satisfaction. Candela thought he was being nasty and called me to ask why. I said maybe he thinks Francine is incompetent or something, I know he has had some arguments in their phone calls. Or maybe he has a mean boss who doesn't bend the rules for anyone but the Chiefs, I don't know really. She then asked me something leading and I wound up saying that the staff presentations Wednesday were deplorable and somebody better give the Commissioners a decent record so they will be able to ban some products and not get nailed in court. I went on to say the Bureau of Epidemiology should be renamed and criticize Francine's inclusion of Kraybill's tripe on cancer thresholds in the briefing paper. I told her for God's sake get someone over to FTC who knows what he's doing, there's really a lot of useful material in Mark's files.

Mark waited until 6 for Candela's call yesterday, and she missed him this morning. He had his secretary tell her to call him at 11:30 and he'd be there. She had some guy call his Bureau chief instead to complain that he was intransigent, ~~intransigent~~ Mark then got on the phone and told her what he thought of all that. Eventually he got her to get Byington to send a letter to FTC. In the meantime, they were invited to go through his file without making copies or notes. By early next week, all restrictions should be dropped by FTC's general counsel. That'll give CPSC about 8 days to digest the data. Fortunately, the reviewers will be going to be from the offices of Byington and at least one Commissioner (I think it'll be Janne Gallagher from Pittle's office, which is very good).

As we got to the end of this incredible tale of assholedom, I said, "Jesus, Mark. Think of those poor people who pay the bill for all these shenanigans. What a sad performance, people who can't even use the telephone fucking around while the Commission's stated deadline for action is less than 2 weeks off." He said the taxpayers don't have as much grief as he does. I said yeah, but they're out there getting killed.

Friday, 5 PM.

April 15, 1977