Georgia-Pacific

Intracompany memo

Glenn Wilson
Tom Withycombe
Gene Burch

PLAINTIFF'S EXHIBIT
GP-262

to	Mr. T. P. Mitchell	location	Washington, D. C.
from	J. M. Peters	location	Washington, D. C.
subject	Consumer Products Safety Commission - Asbestos Petitions	date	April 28, 1977

This morning the Consumer Products Safety Commission (CPSC) unanimously voted (4 present, 1 absent) to grant the petition: to ban Spackling Compounds containing asbestos (HP 76-18); Spackling Compounds containing Tremolitic Talc (HP 77-9); and fireplace log systems using asbestos fibers to simulate embers and ash.

The Commission was deadlocked on the statutory procedure to use in implementing the above action. The two options are:

1. Declaration of an "imminent hazard" under the Federal Hazardous Substance Act, 701(e) which upon publication in the Federal Register makes the ban effective immediately.
2. Publication of the proposed ban under Section 8 of the Consumer Products Safety Act which requires Federal Register notice of the proposed rulemaking, a comment period, possible hearing and final notice.

Upon the return of absent Commissioner Kushner, he will be polled as to the procedure he favors. If necessary, the CPSC will meet the first of next week (May 2) for further discussion and a vote on the procedure to use. The CPSC general counsel will prepare a briefing memo on the two procedural options.

The two Commissioners favoring the use of the "imminent hazard" ban argued this was the most expeditious procedure since it would take the products off the market immediately. They also made reference to the repurchase requirement. The two favoring use of Section 8 of the CPSA indicated their concern that the imminent hazard ban would set a precedent for future Commission action on products containing asbestos and also could involve lengthy hearings and court cases.

The CPSC also unanimously agreed to instruct the staff to prepare a briefing package within the next 30 days on other consumer products containing asbestos, i.e., paints, children's molding clay, and on asbestos substitutes and their possible hazardous affects. See attached NRDC letter of April 27.

Pls. make copies for Portland personnel listed and distribute"

J. M. P.

JMP:ms
Attachment

U.S. Consumer Product
Safety Commission • Washington, D.C. 20207

NEWS RELEASE

Office of Public Affairs
Media Inquiries: 202/634-7780
77-42

FOR RELEASE
THURSDAY
APRIL 28, 1977

CPSC BANS USE OF ASBESTOS IN CERTAIN CONSUMER PRODUCTS

WASHINGTON, D.C. (Apr. 28) -- The U.S. Consumer Product Safety Commission (CPSC) today announced plans to ban consumer patching compounds containing asbestos or asbestiform tremolitic talc as well as artificial fireplace logs and ashes containing asbestos.

The Commission's action today was in response to petitions before it. According to the Commission, asbestos can be a cancer-causing substance and has been shown to be harmful to humans if inhaled.

The Natural Resources Defense Council, a public interest group, joined by Consumers Union, asked CPSC to ban the use of asbestos in consumer patching (spackling compounds. The Commission also granted (in part) a petition from the Health Research Group regarding a ban of asbestiform tremolitic talc in spackling compounds because of the cancer risk from free-form asbestos fibers.

Patching compound sold to consumers is either premixed or in dry powdered form for mixing with water. It is applied to sheet rock either to fill a hole or mask a seam and, when dry, is sanded smooth. Asbestos fibers may be released into the air during mixing and/or sanding.

Rachel Scott, a consumer, and the Environmental Defense Fund petitioned CPSC to ban asbestos used as ashes for gas fireplaces. This product is intended to simulate flowing ashes.

- More -

RECEIVED
MAY 2 1977

The Commission has directed its technical staff to provide, within the next few days, recommendations for consumer disposal of these three products. Additionally, the staff will be gathering information for the Commissioners on other consumer products containing asbestos along with recommendations for possible regulatory action.

The Commission expects to determine which legal route to take in banning these three products in the next few days.

-30-

GPO 917-182

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

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE & FEES PAID
U.S. CONSUMER PRODUCT
SAFETY COMMISSION

U.S. MAIL

AN EQUAL OPPORTUNITY EMPLOYER

FIRST CLASS MAIL

Return this newsletter to above address if you do NOT wish to receive it or if change of address is needed, indicate change, including ZIP CODE.

A01308700 023 001
GEORGIA-PACIFIC CORPORATION
CORPORATE DIRECTOR
R L GIPSON
900 S W FIFTH AVENUE
PORTLAND OR 97204

NEWS RELEASE

DATED MATERIAL - USELESS IF DELAYED