PLAINTIFF'S EXHIBIT WRG-1107

UNITED STATES GOVERNMENT

U.S CONSUMER PRODUCT SAFETY COMMISSION

Memorandum

0639948

TO The Commission
Through: Sadye E. Dunn, Secretary DATE MAY 9 1980
Through: Andrew S. Krulwich, General Counsel
Through: Stephen Lemberg, Assistant General Counsel
FROM Carole Roth, OGC

SUBJECT Draft Revised Asbestos General Order; BALLOT VOTE - due c.o.b. May 15, 1980

Please indicate your vote below on the attached revised draft general order concerning asbestos-containing consumer products and return the ballot to the Office of the Secretary by c.o.b. May 15, 1980. We are transmitting the revised draft by ballot vote at Commission request. However, if any Commissioner wishes to consider this matter orally at a Commission meeting, he or she should contact the Office of the Secretary for scheduling.

1. Approve the revised general order on asbestos as drafted.

_____ (Signature) _____ (Date)

2. Approve the revised general order on asbestos with specified changes:

_____

_____

_____ (Signature) _____ (Date)

3. Do not approve the revised general order.

_____ (Signature) _____ (Date)

4. Abstain.

_____ (Signature) _____ (Date)

Comments/Additional Instructions;

Attachment

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Attached for Commission consideration is a revised draft general order directed to manufacturers (including importers) and private labelers of specified categories of consumer products containing asbestos. Also attached for the Commission's information is a supporting statement to be used to obtain clearance of the order from the General Accounting Office, in accordance with the requirements of the Federal Reports Act, 44 (U.S.C. 3512.) The revised order and supporting statement were drafted by this office and have been extensively reviewed by the Bethesda staff.

The Commission considered an earlier draft of the order in February and instructed the staff to prepare a revised version to be circulated by ballot vote. The revised draft, attached, incorporates some of the changes suggested by various Commissioners.

The revised draft also incorporates changes recommended by the Environmental Protection Agency (EPA). Specifically, this draft states that the Commission intends to share all data received in response to the order with EPA, including trade secret information, unless a firm specifically objects to sharing trade secret data. As the draft order points out, in August of 1977 the Commission voted to share certain confidential information with EPA based on its view that section 26(a)(2) of the Toxic Substances Control Act (TSCA) creates a limited exception to section 6(a)(2) of the CPSA, which generally restricts the Commission from disclosing trade secret information. (Section 26(a)(2) allows EPA access to all information in the possession of another agency which is necessary for administering TSCA). This draft order is consistent with that 1977 Commission opinion in that it states that the Commission has the authority to share