FILE NAME: Johns-Manville (JMA)

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DOCUMENT DESCRIPTION: Asbestos Fibers in J-M Drywall Products

Johns-Manville

Internal Correspondence

To *See Below

Date August 1, 1977

From: R. P. Carter

Copies: J. S. Autry - Wash. Off.

Subject: CONSUMER PRODUCT SAFETY COMMISSION - PROPOSED RULES TO REGULATE CONSUMER PATCHING COMPOUNDS AND ARTIFICIAL EMBERIZING MATERIALS CONTAINING RESPIRABLE FREE-FORM ASBESTOS

*P. Kotin, M.D.
D. Poutiatine - 2-04
D. Kelleher - 2-04
E. M. Fenner
N. T. Amarino - 1-02
J. F. Reis - 2-04
J. P. Leineweber - R&D
D. H. Markusson - 2-03
W. A. Cooper

Attached is a copy of the Consumer Product Safety Commission's Proposed Rules to Regulate Consumer Patching Compounds and Artificial Emberizing Materials Containing Respirable Free-Form Asbestos, as published in the Federal Register on July 29.

Interested parties are given until August 29 to submit comments. A public hearing on the proposal will be held in Washington on August 15.

As was indicated in Paul Kotin's presentation to the Commissioners on June 9, J-M supports the Commission's intention to restrict consumer contact with and use of these two products.

However, the Commission has recently modified the basis upon which they are exercising jurisdiction over these two products, which gives rise to concern. The Commission is now planning to ban patching compounds containing asbestos based on the recent Anaconda decision, in which the U.S. District Court in Washington, DC held that building materials (in that case, aluminum wiring) could be considered to be consumer products. On this basis, the Commission is proposing to ban those patching compounds marketed for industrial as well as consumer use. The discussion of this issue is far from clear in the attached proposal. In that regard, I refer your attention to the last paragraph in column 1 and the first full paragraph in column 2 on page 38787.

Based on existing distribution channels and consumer contact with and access to these products, the Commission could ban industrial and commercial uses, without reference to the Anaconda decision. Application of the Anaconda

decision, could give the Commission jurisdiction over most J-M products. I have reason to believe that the Commissioners do not fully appreciate the significance and implications of the Anaconda decision and may be amenable to deleting any reference to it in the final regulation.

I have requested time to make a presentation on August 15, and will primarily focus attention on the Anaconda decision and urge the Commission to delete their one paragraph reference to it. Thereafter, I will prepare written comments which will also point out various inaccuracies in the proposal. In both instances, I will endorse the Commission's ban of "consumer" patching compounds containing asbestos. If specifically questioned, I would also support a ban on industrial use based on (1) asbestos fiber not being locked into this product; (2) consumer access to industrial distribution channels; and (3) the likely possibility that contractors would use such products in a consumer's home resulting in some fiber becoming airborne and settling in carpeting, draperies, furniture, etc.

If any of you are interested in reading a copy of the Anaconda decision referred to herein, please let me know.

If there are any objections to or suggestions on my approach as set forth above, please let me know at the earliest possible time.

Dick

R. P. Carter

/jh

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Johns-Manville

Internal Correspondence

To: R. Von Wald

Date: April 8, 1974

From: W. B. Reitze

Copies: G. E. Parker, S. R. Heath, J. A. McKinney, R. P. Carter, F. J. Solon

Subject: ASBESTOS FIBERS IN DRY-WALL PRODUCTS

We have been aware of this problem of asbestos fibers in dry-wall joint cement for some time. In fact, four or five years ago I was coerced into doing some preliminary investigational work for our friend, Irving Selikoff. I suspect that some of this preliminary work as well as a few physical examinations conducted by Selikoff himself are the basis for a forthcoming paper to be presented at the AIHA meeting at Miami during May of this year. These May meetings also will contain references to brake block erosion and subsequent asbestos release to the ambient air. Several of us will be attending these meetings in May, and we will report back.

Regarding exactly what exposure JM might have in these matters, I am not quite sure whether we ever marketed a joint cement. My impression is that we have at one time although we no longer manufacture such a product and have not for several years.

WBR

W. B. Reitze

WBR/lc

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