FILE NAME: Drywall Spackling Compounds (DWSC)

DATE: 1977 June 14

DOC#: DWSC030

DOCUMENT DESCRIPTION: Letter to US Consumer Product Safety Commission from Johns-Manville with Handwritten Notes & Attached Typed Note

JUN 1 5 1977

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Executive Offices

June 14, 1977

Hon. S. John Byington, Chairman
U.S. Consumer Product Safety Commission
1111 18th Street, N.W.
Washington, D.C. 20207

Dear Chairman Byington;

Thank you for the opportunity to appear before the Commissioners on June 9 regarding asbestos. I hope that my presentation assisted the Commission in its investigation of consumer products containing asbestos.

During the presentation, several questions were raised for which I promised to provide answers. In addition, on June 10, Commissioner Pittle forwarded a list to me setting forth 19 additional questions. Listed below are my responses, which have been kept relatively brief in view of your request for a prompt reply.

Responses to Questions Posed During June 9 Presentation

Attached is a copy of Johns-Manville's policy statement on sales of asbestos fiber. This policy statement has been amended to include our refusal to sell asbestos fiber for inappropriate and irresponsible end uses, that is, end uses which on the basis of current knowledge may result in an uncontrolled and hazardous exposure to asbestos fiber.

Our definition of a "locked in product" is an asbestos containing product in which the fibers have been cemented together by a bonding agent, coating, binder or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, uncontrolled and hazardous exposures to asbestos are not likely to occur. Asbestos-containing products not meeting this definition would be considered as containing "free-form" asbestos. Examples of products in which the asbestos fibers are "locked-in" include, but are not limited to, vinyl asbestos floor tile, resilient sheet flooring, packings and gaskets and fiberated asphalt coatings.

We do not manufacture drywall spackling or patching compounds of any kind.

We have attached a list of those companies of which we are aware who presently manufacture or sell spackling and patching compounds. Some of these companies may still be formulating their products with asbestos.

no explanation offered

Although we endorse the Commission's action on April 28, we are convinced that these products should not be declared "imminent hazards" pursuant to Section 12 of the Consumer Product Safety Act. There is no evidence that their presence and use presents an "imminent and unreasonable risk of death, serious illness, or severe personal injury". It is not possible at this time to determine the effects on J-M if the Commission were to make an imminent hazard determination.

An analysis of to Comparative risks mandate that the Commission recommend the consumers that they safely remove any simulated log embers and fireplace ash containing asbestos. Since the asbestos fibers are "free-form" in such products, airborne concentrations of asbestos can readily be generated by various mechanisms. Therefore, this product should be removed from the home as a safety precaution.

During the Commission's meeting on June 9, there was a discussion relative to the advisibility of monitoring and measuring airborne concentrations of asbestos fibers generated in the home as the result of the presence of simulated log embers and fireplace ash containing asbestos. We do not recommend that the Commission take such action. Such tests are unnecessary, inasmuch as one must recognize that these products clearly contain "free-form" asbestos which could become airborne. Testing is not necessary to establish this potential. We recommend that consumers take the following steps to remove simulated log embers and fireplace ash containing asbestos. A pump spray container (i.e. window cleaner or hair spray container or a plant mister) should be filled with water and sprayed on the product until it forms the consistency of paste or sludge. All areas, such as the inside walls of the fireplace, hearth and fireplace utensils, where free fiber may be present, should also be sprayed with water to prevent the generation of airborne concentrations of fiber. A small shovel should then be used to remove the material, which should be placed in a heavy duty dust-proof plastic bag. Wet cloths should be used to remove any remaining material from the fireplace and utensils. These cloths should be inserted, unwashed, into the plastic bag. The plastic bag should be sealed and disposed of promptly in a trash can, and in such a manner as to avoid bag breakage.

about what EDF said 3 weeks earlier

The consumer should not have any physical contact with this product until it is wetted in the above described manner. The use of free flowing water on this product should be avoided. Also the consumer should not open the fireplace flue before or during this operation, as a down draft could be created.

During my presentation, I was requested to provide a list of asbestos-containing consumer products. First, it should be noted that the overwhelming majority of asbestos-containing products are not manufactured and sold for ordinary public consumer use. For example, approximately 85% of all asbestos-containing products manufactured by Johns-Manville are sold directly or indirectly to the construction industry for commercial application. Virtually all of the remaining 15% is sold for commercial-industrial application. Public consumer use of most asbestos-containing products is infrequent, as these products are not customarily marketed for such end use. Since learning of the Commission's action on April 28 and the announced study of other asbestos-containing consumer products, we have commenced the preparation of such a list. When completed, this list will set forth those asbestos-containing products which could be deemed "consumer products" under Section 3 of the Consumer Products Safety Act and will include a determination as to whether such products represent locked-in and appropriate uses for asbestos fiber. This list will be made available to the Commission staff as soon as it is completedthis summer.

Responses to Written Questions Submitted by Commissioner Pittle*

1. The majority of Johns-Manville's sales and shipments of asbestos fiber are made directly to manufacturers. Approximately 10% of all asbestos fiber shipments are sold through distributors. Approximately 80% of those sales made through distributors are direct shipped by Johns-Manville to the manufacturer, with billing to the distributor. Therefore, it is our best estimate that less than 2% of J-M sales of asbestos fiber are sold and shipped directly to a distributor for resale. Distributors normally purchase 20-ton truck loads or 50-ton rail shipments of mixed fiber grades.

They should stop these sales

2. Over the years, we have made efforts through direct contract and discussions to find out the uses for which our distributors sell asbestos fiber. In recent times, we have taken steps to educate our customers, including distributors, with regard to appropriate versus inappropriate uses of asbestos fiber.

3. As a matter of policy, J-M has educated its customers regarding the hazards associated with exposure to asbestos. Since health problems associated with asbestos have been occupationally or para-occupationally related, we have concentrated our efforts over the years on advising all customers, including distributors, of the risks associated with uncontrolled occupational exposures. Our written policy statement on sales of asbestos fiber has stated for the past few years that we will refuse to sell asbestos fiber

*List of Questions attached.

to customers who fail to meet applicable governmental regulations on asbestos exposure, and who thereby might endanger the health of their employees.

4. As stated previously, our sales policy statement has been amended to include our refusing to sell asbestos fiber for end uses which, on the basis of current knowledge, may result in an uncontrolled and hazardous exposure to asbestos fiber.

5. A list of major uses for Johns-Manville asbestos has been attached.

6. The major producers, importers and agents of asbestos include: Lake Asbestos; Carey-Canadian; Bell Asbestos; Asbestos Corp. Ltd.; Cassiar Asbestos; Calaveras Asbestos; Vermont Asbestos Group; Union Carbide; Atlas Asbestos; Hedman Mines; Hurley Development Corp.; North America Asbestos Corp.; and Special Materials. There are probably 25 or more smaller companies acting as distributors or agents of asbestos in the United States.

7. Our recommended method for removing simulated log embers and fireplace ash containing asbestos has been set forth above.

8. Johns-Manville is experienced in regard to cleaning asbestos spills and debris.

9. At our manufacturing facilities, J-M utilizes vacuum cleaners with high efficiency internal filter systems for cleaning up asbestos spills. In addition, within the vacuum cleaner canister itself, a disposable, dust-proof plastic bag is incorporated for waste collection and disposal.

10. It would not be practical for J-M to physically assist in any removal of fake fireplace ash from consumer homes. We would be willing to assist in recommending appropriate disposal techniques.

11. Johns-Manville does not produce tape and patching compounds of any kind.

12. To the best of our knowledge, we currently do not sell asbestos to others for the manufacture of tape and patching compounds.

13. We discontinued the sale of asbestos fiber for that purpose during 1976.

14. The limited supply of asbestos fiber is 1976 forced an analysis of the priority uses for asbestos. As a result,

HA! What bull!

(NRDC petition in '76 alerted J-M lawyers to their liability)

the sale of asbestos fiber for tape and patching compounds was eliminated to allocate the available supply of asbestos fiber to critical and essential uses meeting important societal needs. Since that time, it has become part of our policy not to sell asbestos fiber for inappropriate uses. Therefore, the sale of fiber for this purpose has not been resumed.

15. We have advised all sales personnel and known users that it is our policy not to sell asbestos fiber for tape and patching compounds. We have refused orders from customers who manufacture these products.

16. We endorse the discontinuance of the manufacture of consumer patching compounds containing asbestos. However, we know of no evidence to support HRDC's original request to ban these products pursuant to the Federal Hazardous Substances Act, nor to support their more recent request to ban these products as "imminent hazards" pursuant to Section 12 of the Consumer Product Safety Act. We do endorse the Commission's action on April 28 to ban these products under Section 8 of the Consumer Product Safety Act.

17. In past years, less than 0.8% of worldwide J-M fiber sales went for the manufacture of patching compounds. There is no way for us to determine the percentage of this fiber that was utilized for the manufacture of consumer patching compounds. Obviously, the major market for patching compounds was commercial, rather than consumer.

inconsistency unexplained: why ban it at all then?

18. As stated previously, we do not believe that these products (consumer patching compounds containing asbestos) should be declared "imminent hazards" pursuant to Section 12 of the Consumer Product Safety Act. Although we endorse the Commission's action to ban consumer patching compounds containing asbestos, there is not evidence that their presence and use presents an "imminent and unreasonable risk of death, serious illness, or severe personal injury".

19. If the Commission desires additional information regarding patching compounds, we suggest that the manufacturers of such patching compounds be contacted.

Since my presentation last week, I have had an opportunity to review the June 3, 1977 memorandum from Steven Bayard, Ph.D./SPSC entitled, "Risk of Respiratory Cancer Due to Low Level Exposure to Asbestos From Spackling and Joint Taping Compounds." Although time considerations prevent a detailed point critique of Dr. Bayard's model and assessment, one particular aspect of his projection needs correction.

Dr. Bayard states: "... this model is to be used for low exposure estimates. It does not fit the data for high or long term exposure data." However, the one data point used by Dr. Bayard to fit the model came from what is universally recognized as high exposure data (i.e. the Mt. Sinai-Patterson, N.J. cohort). Althought some of the exposures in this cohort were only a few months in duration, the airborne concentrations of asbestos fibers to which these individuals were exposed were clearly quite high.* The estimated average exposure of 30 f/cc for this period, while highly subjective, nevertheless indicated extremely high, not low, exposures. Airborne concentrations of asbestos fibers to which a consumer may be exposed when using asbestos-containing patching compounds bear no relation to the exceedingly high exposures of the Paterson cohort.

In conclusion, I would like to emphasize a particularly relevant and significant point which I raised in my presentation last week. All too frequently, it has been assumed that asbestos disease has been caused by mild, intermittent exposure to asbestos. "Conjugal and neighborhood cases" are usually cited in support of this erroneous assumption. In fact, such exposures were not mild, nor intermittent. Years ago, it was not uncommon for workers to return home with their clothes heavily laden with asbestos fibers. As a result high airborne concentrations of asbestos fibers were generated in the home. As recognized by Selikoff and others, the impregnation of drapes, rugs, furniture, etc. with asbestos fibers and the constant resuspension of fibers in the respirable range creates an exaggerated hazard with regard to the conjugal case for the following reasons:

(a) 24-hour, 7-day-a-week exposure

(b) Absence of any environmental engineering controls

(c) Potential exposure of the entire age spectrum, from infancy through senesence

(d) An exaggereated opportunity for co-factors to be operating (smoking and household pulmonary irritants)

(e) An opportunity for repetitive high-short peak exposures (shaking out work clothes).

Individuals living in the immediate neighborhood surrounding asbestos operations were also exposed in past years to significant levels of fiber, due to the lack or ineffectiveness of environmental controls at that time. As indicated during my presentation, there is no evidence to indicate that the general population is at risk from exposure to asbestos.

* It is important to emphasize that exposure dose is the product of concentration of the agent multiplied by the duration of exposure.

What evidence does exist indicates the lack of any such risk.

I hope that the above information is responsive to the questions which have been posed. If you need any additional information or clarifictation, please let me know.

Cordially,

Paul Kotin, M.D.

cc: All Commissioners
Francine Shacter

JOHNS-MANVILLE POLICY STATEMENT ON SALES OF

ASBESTOS FIBER WORLDWIDE

JohnsManville is Canada's largest producer of chrysotile asbestos with a projected production level in 1976 of 720,000 tons at the Jeffrey mine and 80,000 tons at the Advocate mine. Also, J-M is the largest single consumer of asbestos in the U.S. and Canada in the manufacture of asbestos containing products.

In addition, we are expanding our asbestos production in 1976 at Jeffrey mine and allocating additional funds for the purpose of finding and bringing to production new asbestos sources to alleviate the present and expected shortages.

It is apparent, then, that asbestos fiber is of great importance to Johns-Manville, first to supply this essential mineral to industry and second to manufacture products with it internally.

The corporate policy of Johns-Manville on environmental health is stated as follows:

> "It is our Company's policy to equip our plants for the highest degree of personal safety-providing it is technically possible and economically feasible to do so. When technology is not available-or when it is not fessible economically from a competitive standpoint to make these installations-we will elect to discontinue a particular operation rather than knowingly endanger the health or life expectancy of a single employee."

We are convinced that asbestos fiber can be produced and used safely and we are installing equipment and expending funds at our asbestos mines and asbestos-using plants to meet this objective. Further, as asbestos fiber concentrations in the workplace are reduced, injuries to employees and resulting damages will eventually diminish.

Based on this preamble, we can state the Johns-Manville sales policy, as follows:

1) We will continue to produce and market asbestos fiber on a worldwide basis, recognizing that we cannot as our customers to accept liability properly belonging to J-M for health problems resulting from the responsible use of our asbestos fiber.

2) We will continue our efforts to inform, educate and provide information to our customers on the safe use of asbestos in order to facilitate our customers' ability to comply with applicable governmental regulations and safe practices relating to the use of asbestos. We will continue to offer and provide educational material to our customers so that they can informa and educate their employees on the safe use of asbestos.

3) We will reserve the right to refuse to sell asbestos fiber to customers who fail to meet applicable governmental regulations on asbestos exposure and thereby endanger the health of their employees, and expose J-M to unwarranted liability. In countries where there are no governmental regulations on asbestos exposure, accepted industrial hygiene practice shall apply.

4) We will continue our research and development efforts in order to find and implement improvements such as new and improved forms of asbestos, (e.g. blocks and pellets) and better packaging and shipping methods to reduce the possibility of excess exposure to asbestos fiber.

the new stuff on refusing sale for unsafe end uses is not mentioned- this must be the unamended sales policy

Spackling/Patching Compound Manufacturers

Georgia Pacific - Portland, Oregon
Girard Paint - Montgomeryville, Pa.
U.S. Gypsum - Chicago, Ill.
Melco Manufacturing - Kansas City, Mo.
Bonder International - Kirkwood, Mo.
Proko Co. - Cambridge City, IN.
Ruco Mall Products - Atlanta, Ga.
Kaiser Gypsum -
Lone Star Industries - Seattle, WA.
Koach Paint - Dallas, TX.
National Gypsum - Buffalo, NY
Rapid Systems - Kansas City, Mo.
Murco - Ft. Worth, TX.
Supro Cork - Orlando, Fl.
Kelly-Moore Paint - San Carlos, Ca.
Hamilton Materials - Orange, Ca.

Major Uses of J-M Asbestos

Asbestos-Cement Sheet

Asbestos-Cement Pipe

Floor Tile

Asbestos-Latex Backing for Resilient Sheet Flooring

Asbestos Paper - Roofing

Asbestos Paper - Other

Friction Materials

Textiles

Asphalt Coatings

Automobile Undercoatings

Plastics

Beater Add Gasketing

Sheet Gasket/Packing

Caulk, Sealants, Adhesires

Chlorine Calls

the Desk of

JOHN S. AUTRY

June 10, 1977

NOTE FOR DR. KOTIN

Paul,

These questions were received from Commissioner Pittle's office this afternoon. Will you please advise me when a response to them has been written and forward me a copy. Thanks.

John

(P.S. The attached was dexed to you and Dick Carter this afternoon. I am forwarding the originals for your files.)