

RPM

INTER-ORGANIZATION

MEMORANDUM

PLAINTIFF'S EXHIBIT

BOND-416

S-51

FROM JIM KARMAN

Always provide address to which reply is to be sent

TO JULIUS NEMETH

DATE JUNE 21, 1977

SUBJECT _____

Please use a separate sheet for each subject treated

Julius:

Attached is the draft of the letter concerning the ban on asbestos-containing products.

The letter is good. The only change I would make -- in order to make it even stronger -- would be in the second paragraph to end after December of 1976 -- a new sentence would be -- as of April 28, 1977, asbestos has been completely eliminated from all of our products. I think breaking the final asbestos-free date away from the other two preliminary dates makes this somewhat stronger, and definitely makes the point that we are asbestos-free in the manufacture of products.

In the same way, in paragraph #5, I might split up the drastic financial impact on manufacturers -- then with a new sentence mention the fact that a consumer who has an unused package has recourse, whereas a consumer who has used the products, and potentially in a more difficult situation, has no recourse as to return of product.

...JIM

BON - 01218

Jim Harman
Comments please - Julius

To Whom It May Concern

RE: Proposed Ban on Asbestos in
Spackling Compounds and Wall
Patching Materials

As a small manufacturer now in our 95th year, we have acted in good faith starting a reformulation program in early 1976 with a goal of converting our entire line to an asbestos free basis. Many factors enter into such a reformulation program including, from a competitive market standpoint, the importance of providing the consumer with equal quality and no major price penalty.

Our first conversion to a non-asbestos formula was in August of 1976, the second in December of 1976, and as of April 28, 1977, all production of asbestos containing paint sundry products was discontinued.

Although more time for product testing would be desirable, we fully expect and can accept a ban on said use of asbestos in wall patching materials.

We suggest, however, that as a product in use for centuries, asbestos is not an "imminent hazard" and we have been advised by conservative insurance authority, that it takes a long term exposure to airborne asbestos to develop diseases of the lungs and I believe prominent medical authority has been quoted as saying that it takes many years before the exposure to asbestos to show up or take effect.

We believe that any recall program would have drastic financial impact on many small manufactureres, ourselves included, with no equity for the consumer when comparing a recent but unused purchase and, therefore, recallable, to earlier purchases already applied or consumed.

Our packaging has been appropriately marked with applicable asbestos warnings for several years and as such was, in fact, questioned by one CPSC inspector as being "unduly alarming to the consumer". *Nonetheless the consumer was informed.*

On this basis, it is our opinion and we respectfully request ~~the~~ CPSC consideration of a phase out program of, at least, the stock already in commerce and preferably of stocks remaining in manufacturers inventories up to a predetermined deadline -- a procedure similar to that carried out with lead in paint, childproof containers, and similar areas of concern not new to commerce and only now considered a sufficient hazard to be banned.

Your consideration of these facts will be appreciated.

Sincerely yours,