FILE NAME: Asbestos in Hair Dryers (HD)

DATE: мфтф !LJNJ нл

DOC#: HD0по

5OCUMENT DESCRIPTION: [ŜűűŜNJ ű2 DŜyŜNJl·f 9fŜŎűNJλŎ ŦNJ2Y / t{/ w9 /2NJNJŜŎűλØŜ !Ŏűλ2yã bŜŎŜăăl·Nè Ŧ2NJ I l·λNJ 5NJèŜNJă /2yűl·λyλyƎ !ăōŜăű2ă

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

April 20, 1979

APR 24 1979

Mr. Reginald H. Jones
Chairman & President of the Board
General Electric Corporation
3135 East Turnpike
Fairfield, Connecticut 06431

Re: CPSC ID 79-109
Hair Dryers Containing Asbestos

Dear Mr. Jones:

As you know, the Consumer Product Safety Commission staff has been investigating electric hair dryers which contain asbestos materials exposed to the airstream of the dryer (hair dryers containing asbestos). The staff has now made a preliminary determination that you have manufactured, imported, and/or distributed hair dryers containing asbestos and that these hair dryers present a substantial product hazard within the meaning of section 15 of the Consumer Product Safety Act, as amended (CPSA) (15 U.S.C. 2064). As a result, we have opened an identification file in your name (ID 79-109) in the Product Defect Correction Division. Attached is a memorandum summarizing the staff analysis that led to this preliminary determination.

By this letter we are requesting that you undertake certain actions, requiring you to furnish the Consumer Product Safety Commission staff with specific information, and informing you of the views of the Federal Trade Commission in this matter.

EXHIBIT K

GEGIE 00023

A. Corrective actions necessary to protect the public.

Based on information presently available, we believe that certain corrective actions should be undertaken voluntarily and immediately by you in order to protect the public. If you do not undertake these actions, we will recommend that the Commission institute proceedings to compel notice and corrective action. Therefore, we ask that you:

1. Identify all models of hair dryers which contain asbestos materials exposed to the airstream. Based on information supplied by you we believe the following models contain asbestos:

SEE PAGE 2A

2. Halt distribution, manufacture and importation of hair dryers containing asbestos that is exposed to the airstream.

3. Provide notice of the controversy concerning presence of asbestos in hair dryers, identify models containing asbestos to distribution chain, and order your divisions and urge your customers to halt sales.

4. Provide notice to the public of the identified models, of the controversy or hazard, and of any offer detailed in 5, below.

5. Institute recall of the hair dryers containing asbestos materials either by:

   (a) Repairing them to eliminate the hazard;

   (b) Replacing them with products that do not present the hazard; or

   (c) Refunding to owners the purchase price.

Pro Pistol
PRO-1/5105-013 - Power Pro

Pro Pistol
PRO-2/5108-005 - Super Pro

Pro Pistol
PRO-3/5107-011 - Pistol Dryer

Pro Pistol
PRO-4/5109-001 - Pro Dryer

Pro Pistol
PRO-5/5110-013 - Power Pro

Pro Pistol
PRO-6/5112-005 - Super Pro

Pro Pistol
PRO-10/5115-013 - Power Turbo

Pro Pistol
PRO-11/5116-005 - Super Turbo

Power Brush
PB-1/5113-005 - Power Brush

Styling Dryer
SD-1 - Styling Dryer
SD-2 - Styling Dryer

Styling Dryer
SD-4/5101-013 - Styling Dryer

Styling Comb
STC-1 - Styling Dryer
STC-1A - Styling Dryer

Styling Comb
STC-2 - Mist Styling Comb

B. Information that must be supplied the Commission.

Because the Commission staff is not now adequately informed within the meaning of section 15(b) of CPSA with respect to your products, you are required to inform the Commission staff further. If you do not immediately furnish the additional information required under section 15(b) of CPSA, we will recommend that the Commission compel the submission of the information under section 27 of CPSA and assess civil penalties under section 20 of CPSA.

Please furnish the information required under section 15(b) of CPSA as interpreted in section 1115.13(d) of Title 16 of the Code of Federal Regulations, Part 1115, 43 Fed. Reg. 35001-2 (August 7, 1978) (copy enclosed). Information which has already been supplied in your response to the Commission's Special Order need not be repeated here but must be referenced. As part of your response to section 15(b) of CPSA, please answer the following questions immediately about hair dryers that you manufacture(d), import(ed), and/or distribute(d):

1. Have you identified all hair dryers containing asbestos? Please supply us with any information you have not already given as to models, date codes, etc. of hair dryers.

2. Have you stopped distributing, manufacturing, and/or importing hair dryers containing asbestos? If the answer is yes, please furnish the dates on which you stopped distributing, manufacturing, and/or importing. If the answer is no, please furnish a list of persons to whom these hair dryers have been distributed and identify the places where hair dryers are being manufactured or imported. This list must be updated weekly.

3. (a) Have you notified your customers that there is a controversy concerning the safety of hair dryers containing asbestos?

   (b) Have you informed your customers as to which hair dryers contain asbestos?

   (c) Have you urged your customers to stop selling hair dryers containing asbestos?

   (d) Have you urged your customers to inform their customers of the controversy?

If the answer to (a), (b), (c) or (d) is no, please indicate whether and when you intend to notify, inform, and/or urge. If you do not intend immediately to notify, inform, and urge, please name every person to whom you distributed or to whom you know a hair dryer containing asbestos was distributed. If the answer to (a), (b), (c), or (d) is yes, please give us a copy of any written notification.

4. Have you notified consumers who may have a hair dryer containing asbestos of the controversy or hazard? If the answer is yes, please give details of your notification. Please supply a copy of any written notification.

5. Do you have names and addresses of consumers who may have a hair dryer containing asbestos that you distributed, manufactured, or imported? If the answer is yes, please describe the form in which you have these names and addresses and your means of access to them.

6. Are you repairing or replacing or refunding the purchase price of hair dryers containing asbestos? If the answer is yes, please indicate whether and how you are communicating this information to your customers and/or to consumers. Briefly describe what you are doing.

Views of the staff of the Federal Trade Commission.

As a result of consultation with the staff of the Federal Trade Commission, we believe that failure to disclose to your customers information concerning all models that contain asbestos exposed to the air stream may constitute an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act.

The staff of the Federal Trade Commission has informed us as follows:

> Necessary action on your part includes: (1) notifying all of your customers which models shipped currently or in the past contain asbestos exposed to the air stream; (2)

[Continuation of information received from Federal Trade Commission.]

indicating that these models may emit asbestos particles that may be respirable during ordinary use; (3) indicating that respiration of asbestos particles is believed by reliable authorities to be linked to increased risk of cancer; (4) providing suitable retail point of sales materials to disclose the information referred to in (1)-(3) above to ultimate purchasers in conjunction with sales of hair dryers already shipped by the company, and not returned; and (5) labeling all models currently being sold containing asbestos exposed to the air stream with the information referred to in (1)-(3) above. Manufacturers or importers who do not sell at the retail level should provide the required information and point of sales materials to their distributors and request that such information and materials be forwarded to retailers. Retailers who manufacture or import hair dryers directly should provide point of sale disclosure to ultimate purchasers as soon as practicable.

In addition to disclosure of the information referred to above, the company may also state its position on whether its hair dryers emit respirable asbestos particles and whether this constitutes a risk to health or safety, if such claims are adequately substantiated. Your substantiation for such claims may be subject to challenge.

Depending on the degree of risk to users of these products, you may have additional duties under the Federal Trade Commission Act to notify current owners of hair dryers containing asbestos exposed to the air stream of the facts mentioned above.

If you desire confidential treatment of information that may legally be withheld from the public, please read carefully the enclosed Federal Register notice of February 22, 1977, concerning the Freedom of Information Act, paying close attention to section 1015.18 (see page 10494). In addition, please read carefully the enclosed Federal Register notice of August 7, 1978, especially section 1115.15 concerning confidentiality and disclosure of data (see page 35003) and the discussion of confidentiality in the preamble to the regulation (see pages 34995-96). FAILURE TO REQUEST--EITHER AT THE TIME OF THE SUBMISSION OR WITHIN TEN (10) WORKING DAYS OF THE SUBMISSION--THAT THE INFORMATION BE CONSIDERED EXEMPT FROM DISCLOSURE WILL BE CONSIDERED AN ACKNOWLEDGMENT THAT YOU DO NOT WISH TO CLAIM EXEMPT STATUS. THE INFORMATION WILL BE RELEASED IF YOU DO NOT MAKE A WRITTEN REQUEST FOR EXEMPTION IN ACCORDANCE WITH SECTION 1015.18.

We also believe that corrective action should be undertaken voluntarily and immediately by you in order to protect the public with regard to your non-hand held hair dryers which contain asbestos materials. Based on the information supplied by you we believe the following non-hand held hair dryers contain asbestos:

Salon Dryer	Portable Professional	UH-20
		HD-55
	Salon Style Speed	HD-30/UH31
	Salon Style	HD-56
		HD-54
		HD-52
		HD-51
	Salon Style Mist	HD-63/63SS
	Super-Speed Salon Style Mist	HD-63SS/5063-008
	Salon Style Mist	HD-53
Bonnet	Portable Bonnet	HD-20

In addition, it has been reported to the Commission that not all General Electric service centers know of General Electric's policy of retrofitting with a non-asbestos liner all GE hair dryers which are asbestos insulated after the dryers are brought in by concerned consumers. Let us know immediately of General Electric's efforts to inform the public and the service centers of this policy.

It has also been reported to the Commission that the GE Pro S-1-5100-00 hair dryer has been identified to certain consumers who reach GE on the toll-free number as a model containing asbestos, although this information has not been

provided to the Commission staff. Furthermore, it has been reported that the GE S1-5112-0 - Super Pro (made in Singapore) hair dryer contains asbestos; however, we have no information as to whether or not this hair dryer contains asbestos.

Finally, please tell us if the Pro Pistol PRO-6/5112-005 - Super Pro model number is applicable to any PRO-6-Super Pro Dryer?

Please call Marvin Everhart, Eric Stone or me (301/492-6608) within twenty-four hours of receipt of this letter and give information reasonably available to you and requested under B, above. Please follow this oral communication with a written submission to this division within five working days and update this submission weekly if new information becomes available.

Sincerely,

Catherine C Cook

Catherine C: Cook, Director
Product Defect Correction Division
Compliance & Enforcement Directorate

Enclosures

cc: Federal Trade Commission
Bureau of Consumer Protection