

REMARKS REGARDING
PROPOSAL TO BAN PATCHING COMPOUNDS
CONTAINING RESPIRABLE FREE-FORM ASBESTOS

Presented by:
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First of all I thank the Chairman and members of the Commission for this opportunity to appear and comment on the proposed ban for consumer patching compounds.

Having read the proposed rule making as published in the Federal Register, it's clear that the Commission has reviewed all aspects. Nonetheless, since this hearing is scheduled to produce further comment from the original petitioners, I felt it advisable to comment on one or two points and to more clearly state our position as a small manufacturer.

Now in our 95th year, BONDEX INTERNATIONAL has acted in good faith in starting a voluntary reformulation program in early 1976 with a goal of converting our entire line to an asbestos free basis. As the Commission has pointed out, many factors enter into such a reformulation program including, from a competitive market standpoint, the importance of providing the consumer with equal or similar quality and with no major price penalty, while at the same time competing in the marketplace with the more favorably formulated asbestos product still available.

Our first conversion to non-asbestos formula was in August 1976, the second in December 1976 and as of April 1977, all production of asbestos containing paint sundry products was discontinued, perhaps a trifle prematurely but, nonetheless, mandated by attention getting though erroneous media reports alledging an immediate ban. Needless to say, it created considerable turmoil in the marketplace among distributors and dealers attempting to establish a course of action.

Since it appears that most of the Commission's data is based on occupational statistics, it probably would be difficult to document the statement that "for many people, the major exposure to inhalable asbestos is in the home", particularly in view of the acknowledged many sources of exposure to asbestos which exist in the environment today.

Since we are told the minimum threshold level of exposure is unknown, we fully expect and can accept the ban on the use of asbestos in wall patching materials, although certainly more time for product testing would be desirable.

We are concerned, however, that the ban, if it must be, should be exactly as proposed under CPSA instead of the Federal Hazardous Substances Act. Having acted voluntarily on the reformulation aspect, we are frankly, looking at the economic impact and suggest that as a product in use for centuries, asbestos is not an "imminent hazard" and I believe a repurchase program would place an unfair burden on today's manufacturers who, as a matter of practicality, would end up with the total purchase expense. In any case, such a recall program does not produce the desired end result because of the other asbestos exposure factors remaining in the marketplace.

We believe that any repurchase program would have a drastic financial impact on many small manufacturers, ourselves included, with no real equity for the consumer when comparing a recent, unused purchase and therefore returnable, versus earlier purchases already applied or consumed. Our products and those of some other manufacturers have, in fact, been properly labeled, to inform of asbestos content and thereby, providing the consumer with a product choice. In view of the media coverage on a national basis, it's inconceivable that any consumer of patching materials would not in the last several years have been apprised of the controversy.

Although 180 and 360 days were considered too lengthy a time period for an effective date after date of a final ruling, the Commission staff researchers indicated "that asbestos free products can probably be in distribution in about six months".

Under these circumstances, we respectfully suggest reconsideration of a 180 day effective date or possibly staggered with a 30 day date for manufacturers, 90 days for distributors and 180 days for retail outlets to better facilitate clearing of all distribution channels of offending materials and to further minimize confusion over existing stocks when that date arrives. From a practical standpoint, even without a repurchase program, many manufacturers will, in all likelihood, have to relieve their distributors of any remaining stocks of asbestos containing products.

One final point concerns the matter of the acceptability of continued contractor use of asbestos containing products and the need for a clearer definition of suitable selling and buying procedures which do not place unreasonable burden on existing lines of distribution as far as determining the final user.

The fact of the matter is that many contractors still use and many still prefer asbestos containing joint cements.

If asbestos containing wall patching materials for contractor use are not to be banned, we suggest that labeling of this nature (for contractor use or industrial use only) should then, in fact, be sufficient to place the consumer on notice and absolve any manufacturer, wholesaler, or retailer of liability as to ultimate usage. One further means of limitation might well be in package size since in the case of powder joint cement the 25# bag and the case of pre-mix the 5 gallon package are more commonly, though not exclusively, contractor oriented.

Thank you again for this opportunity and your consideration.

Chairman S. John Byington
V. Chairman Rev. Thaddais Barrett
Commissioners Barbara Fackinman
Lawrence Kushner M.D.
R. David Pittle M.D.

AT Kearney
Jim Lewis
Jane Olson

J.M. - Health Counsel Dick Carter
NPIA
Asst Information Ctr.



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Public Meeting on Asbestos
August 15, 1977
10:00 a.m.

3rd Floor Hearing Room
1111-18th St., NW
Washington, DC

List of Participants

Opening Statement
Commission Chairman S. John Byington

Michael Helton
U.S. Gypsum Corp. (20 minutes)

Julius Nemeth
Bondex International (10 minutes)

Harry Rhodes
Union Carbide Corp. (30 minutes)

Suedeen Gibbons
Natural Resources Defense Council (15 minutes)

Barry Castleman
Environmental Consultant (15 minutes)

Peter Simpson
Rustic Crafts Co.

Robert Rauch
Environmental Defense Fund (15 minutes)