



The Cosmetic, Toiletry and Fragrance Association, Inc.

1133 15th STREET, N.W., WASHINGTON, D.C. 20005 • 202/331-1770 • TELEX 89-2873

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TO: Talc Subcommittee
FROM: Charles R. Haynes
SUBJECT: CPSC October 17, 1979, Federal
Regulation Notice on Consumer Products
Containing Asbestos
DATE: October 26, 1979

Attached is a summary of the above mentioned Notice.

A complete copy of the Notice was mailed to each of you earlier this week, which you should have received by now.

I would ask the Subcommittee, as a whole, to review the document and file a report with the CTFA before (Thursday) November 15, 1979, with regard to its impact upon our industry.

I apologize for the short review time, but with the Notice's December 17, 1979, deadline we will need time to develop a position paper -- if one is needed.

CRH:nc
Enclosure

cc Norm Estrin, Ph.D.
Al Wick
R. Dexhemier

PLAINTIFF'S
EXHIBIT
WCD-376

- (1) Identifying the problem;
 - (2) Evaluating any hazards;
 - (3) Determining what corrective action is needed;
 - (4) Implementing the corrective action decision.
- Identification of the problem may result from notification from many sources, including company employees, customers, federal or state government agencies, and manufacturers, distributors, retailers, or suppliers, Meiter stated.

In the hazard evaluation phase, he told the attendees, a thorough evaluation is made at the company's merchandise testing center, and a search is made for injury information on the product, in addition to information on potential injuries.

Other Information

Other information which the company looks for, he said, is whether there is a probability that the number of defective products will increase or decrease over a period of time; what caused the defect (installation, human error, servicing, customer misuse, etc.); what the scope of the problem is; whether the problem can be isolated; and whether owners' manuals contain adequate instructions.

The most important factor in the decisionmaking process, Meiter told the session, is that the final decision be made by one person in high management, after an evaluation committee and a safety committee have studied the facts. Among the possible decisions which might be made, he noted, are that no problem exists, a design change is needed, or a modification in assembly, installation, or instructions is needed. A decision also may be made to stop sales of the product.

Meiter said the corrective action plan phase must be based on accurate information. He warned that companies must not panic from outside pressures, stating that this helps no one, but only confuses the public.

One person should be responsible for handling the corrective action plan, he contended. This person should locate all affected products, implement accurate internal company communication about the problem, see that a customer notification letter is sent out, and make sure that the Government is notified, if necessary.

Meiter said that even in the most comprehensive recall campaign, customer response usually is very low — less than 20 percent — especially if the retail price of the item is low, or the customers don't experience any difficulties with the product.

Auto Safety

URGE SENATE TO KILL ANTI-AIRBAG MOVE, ISSUANCE OFFICIAL TELLS SAFETY CONGRESS

CHICAGO, Ill. — (By a PSLR staff correspondent) — Contending that the Federal Government is "long overdue" in the mandating of passive restraint systems for automobiles, an insurance industry executive on October 16 urged attendees at the National Safety Congress here to call on the Senate to kill a recent House amendment which would halt implementation of air bag systems for at least another year.

In a session on "The Vehicle — Looking to The 80s," Jack E. Martens, director of automotive engineering for Allstate Insurance Company, Northbrook, Ill., told the attendees that Allstate is concerned about the recent Dingell amendment to the Department of Transportation's 1980 appropriations bill, which would forbid the use of any funds for implementation or enforcement of any standard requiring occupant restraint systems except belt systems.

DOT has mandated that passive restraint systems be incorporated into some models of new cars beginning in 1981. Martens contended that the Dingell amendment is particularly insidious in that it forbids the use of funds for the implementation of all occupant restraint systems, not just passive restraint systems.

(Ed. Note: The wording of the Dingell amendment specifically excludes belt systems from the freeze on spending).

In a presentation on "The Vehicle of the Late 80s," John L. Mapleback, safety engineering associate-operational systems, environmental and safety engineering, Ford Motor Company, Dearborn, Mich., said although the motor vehicle industry is facing "enormous challenges," cars of the 1980s will be lighter and more fuel efficient.

However, Mapleback asserted, the "increasing constraints of government regulations" are dictating to manufacturers what type of cars to build.

"We quarrel with the concept that technology can be forced," he said, declaring that the industry is "pushing the limits of technology."

Hazardous Substances

CPSC, EPA PUBLISH JOINT STATEMENT ON COORDINATION OF REGULATORY ACTIVITIES

The Consumer Product Safety Commission on October 17 published an advance notice of proposed rulemaking on consumer products containing asbestos (44 FR 60057, October 17, 1979).

The CPSC and the Environmental Protection Agency also published a joint statement on coordination of regulatory activities involving consumer products containing asbestos and the commercial and industrial use of asbestos fibers (44 FR 60056, October 17, 1979).

The CPSC-EPA joint statement noted that both agencies have taken previous regulatory action to control human exposure to asbestos, and that both agencies continue to be concerned that human exposure to asbestos from many sources may present an unreasonable health risk.

The CPSC, the statement explained, has authority to regulate asbestos under the Consumer Product Safety Act and the Federal Hazardous Substances Act, while EPA regulates under the Toxic Substances Control Act.

EPA, which also issued an advance notice of proposed rulemaking, said that its effort will be a broad one to systematically gather information on asbestos exposure sources and to evaluate health risks from these sources based on the "life cycle" concept. In the life cycle analysis, the cumulative risk from exposure to asbestos is examined from primary processing through end use and disposal. The CPSC notice describes a narrower approach to the investigation of possible health risks that may be associated with the use of asbestos in a number of consumer products.

CPSC and EPA said they hope to achieve the following three objectives. The first is to significantly reduce unreasonable human health risks from exposure to asbestos through complementary actions. The second is to reduce potential reporting burdens on industry by coordinating information gathering under their respective statutory authorities. The agencies said they plan to share all available data, while maintaining the confidentiality of business information in accordance with applicable law. Third, to avoid inconsistent or needlessly burdensome regulations, each agency's regulatory actions that may result from these investigations will be developed in close consultation with the other agency.

CPSC Approach

CPSC's advance notice of proposed rulemaking solicited information on the use of asbestos in consumer products, and described CPSC's approach to the problem. The agency plans to issue general and special orders to require manufacturers and private labelers to submit information on the use of asbestos in specified products. The CPSC will select products containing asbestos for priority attention based on: (1) the number of units of the product estimated to be in use by consumers; (2) the form and location of the asbestos in the product; (3) the frequency, duration, manner, and location in the consumer's environment of product use, including such factors as the expected useful life of the product and the presence of heat and moisture, and the likelihood of abrasion during use or foreseeable misuse; (4) the likely availability and feasibility of substitutes for asbestos in the product; (5) the relative ease of data collection and analysis by the commission and the reporting burden on industry; and (6) the degree of potential overlap of CPSC reporting requirements with the information gathering efforts of other regulatory agencies, particularly the EPA.

Types of information to be sought by CPSC general and special orders include: specific product identification information; the function performed by the asbestos in the product; available test or other data concerning asbestos fiber emission; information on the promotion, marketing and use patterns of the product, and information on possible substitutes for the asbestos in the product.

The CPSC said its general approach to asbestos in products is to seek the elimination of all non-essential uses of asbestos from which asbestos fibers are released during foreseeable conditions of use, including misuse. The commission proposes to take regulatory action on the basis of a determination of the fact of asbestos fiber emission, rather than a quantitative assessment.

Comments on the CPSC advance notice of proposed rulemaking should be submitted by December 17, 1979. Comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, and should refer to "Asbestos."

The advance notice of proposed rulemaking appears in the Text Section of this issue on p. 805.

Testing**DOC PUBLISHES LIST OF LABORATORIES ACCREDITED TO TEST INSULATION MATERIALS**

A list of 30 companies that were accredited for one year to conduct specific tests on thermal insulation materials was published by the Department of Commerce October 17 (44 FR 60052, October 17, 1979).

According to DOC, the laboratory which has been accredited to perform one or more of the 62 specified methods of insulation testing may announce its accreditation in the trade press, but may not publicize the fact in consumer media, advertising, or on product labels.

Among the laboratories accredited by DOC are: Butler Manufacturing Company, Research Center, Grandview, Mo.; Certain Teed Corporation, Blue Bell, Pa.; Certified Testing Laboratories, Dalton, Ga.; Commercial Testing Company, Dalton, Ga.; Dynatech R/D Company, Cambridge, Mass.; Dynatherm Engineering, Lino Lakes, Minn.; DOW Chemical U.S.A., Granville, Ohio; Factory Mutual Research, Norwood, Mass.; Hauser Laboratories, Boulder, Colo.; International Acoustical Testing Laboratory, Minneapolis, Minn.; Jim Walter Research Corporation,

Petersburg, Fla.; Johns-Manville R&D Center, Denver, Colo.; NAHB Research Foundation, Rockville, Md.; Owens-Corning Fiberglass Corporation, Granville, Ohio, and other locations; Louisiana Pacific Corporation, Frusta, Colo.; Southwest Research Institute, San Antonio, Tex.; Sparrell Engineering Research Corporation, Salem, Mass.; Technical Micronics Controls, Huntsville, Ala.; Underwriters Laboratories, Northbrook, Ill.; and United States Testing Company, Hoboken, N.J.; and other locations.

Hazardous Products**CPSC ISSUES WARNING ON TWO TYPES OF ENERGY SAVING THERMOSTAT REGULATORS**

The Consumer Product Safety Commission issued a warning to consumers October 15 to stop using two types of energy saving home thermostat regulators because of a possible fire hazard.

The two energy saving devices are the "Automatic Day/Night" thermostat control manufactured by the Fuel Sentry Corporation, Mt. Vernon, N.Y., and the "Home Energy Saver" manufactured by the Fuel Gard Corporation, Glastonbury, Conn.

Both products consist of a small rectangular heater and an electric timer. The heaters were designed to be mounted on the wall beneath the thermostat and connected to the electrical timer which plugs into a household socket. At predesignated times, the heater triggers the thermostat, causing it to shut off the home furnace. In two instances, the CPSC said, the adhesive backing of the heater melted, causing the heater to fall to the floor onto combustible materials. No injuries have been reported.

The heaters were manufactured with integral carbon resistors which may overheat and start fires, the CPSC said. The defective heaters have caused at least 17 instances of sparking or flaming since July 1977. The devices were sold nationwide in hardware and department stores for retail prices ranging from \$20 to \$25. Some of the Fuel Gard units were given away for promotional purposes.

The potentially hazardous Fuel Sentry heaters were manufactured between September 1976 and August 1977, and between November 1977 and May 1978. They are labeled "Activator" on the front, and display a date code on the back which falls within the following ranges: 396 through 526; 017 through 327; 437 through 527; and 018 through 218.

In addition, the CPSC said, only "Activators" containing a brown colored carbon resistor (visible through the keyhole slot in the back) are potentially hazardous. Units with resistors of another color are believed to be safe, even though they may carry one of the date codes listed above.

Fuel Sentry announced a recall in 1978, but fewer than half the units were returned. The company has since filed for bankruptcy and is no longer repairing the devices. Retailers are making refunds or replacements, the commission said.

The Fuel Gard heaters were manufactured with a simulated wood finish and were labeled "Fuel Gard" in raised lettering. The CPSC staff is working to develop a corrective action program with the company to enable consumers to return defective units.

Budget**LAST MINUTE COMPROMISE GIVES SAFETY AGENCIES TEMPORARY FUNDING**

The prospect that the Consumer Product Safety Commission, the National Highway Traffic Safety Administration,