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UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION

JUN 1

TO : Distribution

DATE: June 1, 1979

FROM : William W. Walton, Acting Director
Office of Strategic Planning

SUBJECT: Review of Draft Report on Asbestos in Hair Dryers

Attached for your review and comment is the draft report on asbestos in hair dryers. Since this report must be sent to the Commissioners by June 7, 1979, I will need your comments by c.o.b. Tuesday, June 5.

Thank you for your quick response.

Attachment

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May 30, 1979

Review of Commission Actions on Asbestos in Hair Dryers

DRAFT

Purpose

The purpose of this study is to review Commission procedures during the recent incidence of asbestos in hair dryers and to determine whether, and how, these procedures could be improved to assure appropriate handling of future potential health hazards of a similar nature.

Background

The Commission received information in July 1978 from WRC, a Washington D.C. television station regarding a possible health hazard due to the emission of asbestos from one model hand held hair dryer. In March 1979, WRC advised the Commission of study results which showed that asbestos was being discharged from several models of hair dryers. WRC also ran a major news story on March 27, 1979 which revealed the results of their studies. The news story received national coverage which precipitated a large wave of consumer concern as to the seriousness of the health hazard and inquiry as to which brands and models contained asbestos. Following receipt of the study results, the Commission initiated a series of actions aimed at determining the seriousness of the health hazard and which brands and models contained asbestos. This study was initiated as a result of concern by the Commissioners as to whether the problem was adequately handled both before and after release of the WRC sponsored study.

Approach

Information for this study was obtained by review of various files and interviews with members of the staff involved in the issue at various stages. A chronology, Attachment A, was developed and a series of key decision points identified. At each key decision point, the information available at that time was examined to determine whether the appropriate course of action was pursued. Clearly, such a procedure involves considerable judgment with a significant possibility of error. Nevertheless it is an appropriate way of determining whether the process could be improved.

Interviews were held with staff from the Product Defect Correction Division (CEPD), Program Management, Hazard Identification, Office of General Counsel, Health Sciences, Commissioners, Office of Communications and the Office of the Executive Director.

The findings are summarized below in chronological order. Several steps have been identified in the process where alternative procedures may be appropriate. Discussion of some of these steps has been indented for identification since these sections represent judgments. Recommendations are presented in the last section.

Findings

An interest in the potential hazards associated with asbestos in consumer products existed when the Commission was created in 1973. Garments containing asbestos had been banned in 1970-71 and there was concern over certain children's products which contained asbestos. During the intervening years the Commission has handled

asbestos on an individual product by product basis. In 1977, asbestos in patching compounds and emberizing logs was the number one priority for the Commission. This led to a ban of the use of asbestos in these products issued December 15, 1977.

At the time of the ban the Commission also directed the staff to investigate other consumer products containing asbestos. A contract to complete this investigation was awarded to A.T. Kearney who provided a report to the Commission on April 18, 1978. The contractor was asked to identify products containing asbestos, to indicate the form of the asbestos and to determine product use patterns which might lead to the release of asbestos fibers. Five manufacturers of hair dryers were contacted. The report stated, "Asbestos wrapped external cords and internal wiring are common in hand held and hood type hair dryers. One manufacturer reported that the barrel lining for their hand held dryer was made of U.L. listed asbestos paper. However, this manufacturer reports that mica is being substituted for asbestos in future production." It further indicated that fiber release was likely "during breakage or repair." This of course was later found to be inaccurate. It is not possible to determine what caused the inaccuracy. It could have been incomplete information from the firms or a misunderstanding by the contractor. Given the broad nature of the task and the methodology used by the contractor, it seems unlikely that the more extensive use of asbestos could have been discovered. The contractor identified approximately

120 products containing asbestos. It was not a detailed look at a few products containing asbestos. Nevertheless, this finding had a significant impact on the Commission actions relative to WRC's initial contact in July 1978. Many CPSC staff were influenced by the finding that the extent of the problem was not widespread. It is important to note that the information being collected under the contract was to be used for prospective regulation of products. It was not being collected for purposes of a possible recall. Hence, it was important only to know which products were still being manufactured with asbestos. It does not appear that the process failed, but rather that the Commission was conducting a screening process which was to be followed by more indepth study of individual products. Additional indepth studies were planned and one was carried out for products containing asbestos in free form.

In July 1978, WRC news called Media Relations and the Hotline to report a flaking substance which could be asbestos being emitted from a hair dryer. At that time, the Commission had no information that asbestos in hair dryers was a hazard or that it was widespread. WRC was so informed and there was no further action until WRC again contacted the Commission on December 5, 1978.

The Commission receives thousands of calls and letters each month reporting suspected product hazards and injuries. A review of the Consumer Contact Data Base shows that there were only 4-6 other consumer complaints by July 1978 regarding asbestos in

hair dryers. It is not likely that hair dryers could have been identified as a problem at that stage based on the information contained in the data base. However, procedures might be developed to link this information with the appropriate Program Team or the Emerging Hazards Team which might improve the Commission's early warning process. It is not believed that the process failed in this instance; however, the staff should consider ways of better integrating these data into the regulatory activities and hazard programs.

The WRC dryer suspected of discharging asbestos was sent to the Commission on December 5, 1978 and was forwarded to CEPD who in turn forwarded it to the Engineering & Sciences laboratory for testing. CEPD requested a determination of the "nature of consumer exposure to asbestos associated with normal use of this product." Because of facility limitations, the lab was unable to provide a determination of the nature of the exposure, and was only able to indicate that asbestos was present in the dryer's air stream. The lab report, dated January 31, 1979, recommended a 15b Quick Action Contract for electron microscopy tests to identify the nature of the exposure.

> It appears that there was inadequate communications between the lab and CEPD staff during this early stage to determine exactly what type of tests were needed and feasible. The lab facilities were not adequate to perform the exact type of test requested by CEPD; however, this was not known until the lab report was received. It may not have been possible to take an alternative course of action, but this possibility was not raised for consideration.

> The recommendation to conduct electron microscope tests to determine whether or not respirable fibers were present was not pursued because of the lack of contract funds. At this period in time, the Commissions' contract funds had been severely strained because of the requirements imposed by the insulation standard. Not only had the contract funds been fully committed, but several important projects had been deferred because of the lack of contract funds. In future planning, the Commission may want to reconsider the procedure of fully committing all contract funds during the early part of the year.

Commissioner Pittle's Office became aware of the WRC complaint in January 1979, and wrote to the Chairman supporting further testing by an electron microscope and recommending additional work to determine the extent of the use of asbestos in hair dryers. The memorandum was forwarded on January 31 to the Office of the Executive Director for consideration in Midyear Review. However, the Midyear Review had progressed to the point that time simply did not permit its inclusion. The matter was deferred for more evaluation by the staff.

> Unfortunately, no procedures exist where information pertaining to a potential health hazard obtained by one Commissioner is disseminated among all of the Commissioners and translated into staff activity. The question arises as to what procedures should exist in order for a Commissioner to initiate an investigation into a potential hazard brought to his or her attention? One difficulty is that each Commissioner receives several inquiries weekly. If all of these were escalated into staff action, the Commissions priority efforts would come to a rapid halt; hence, some screening process would be essential. One possibility would be to have the Emerging Priorities/Special

> Projects team receive information on potential hazards from the Commissioners in addition to other sources, and process this information according to their usual procedures. This would provide a formal mechanism for assuring consideration by the entire Commission.

Following receipt of the laboratory report and up until the news release on March 29, 1978, staff from CEPD, Health Sciences, Program Management, and General Counsel assessed alternative regulatory actions. The primary issue was whether or not a real health hazard existed and whether a ban, standard, or a Section 15 action would be the best regulatory strategy. The use of Section 15 in this case would have been a first for the Commission in two regards: (1) the use of Section 15 for a chronic hazard and (2) use against an entire industry.

> This question of which regulatory option to pursue is a recurring one and one with considerable policy implications. General guidelines would not be helpful because each case usually has a unique set of circumstances. Procedures are needed to assure that this type of issue is raised to the AED's and Executive Directors for resolution after full assessment by the staff.

Following receipt of the WRC sponsored study by EMV Associates and the indication that many models contained asbestos, the Commission responded rapidly and decisively in a series of actions. Within a period of approximately six weeks, the Commission issued three Special Orders to manufacturers and retailers, held two public meetings, and approved Corrective Action Plans for 11 firms to repair or replace hair dryers with asbestos. During the two months April and May, the Commission received approximately 150,000 Hotline

calls and 100,000 letters requesting information on asbestos in hair dryers. Each inquirer was apprised as to whether or not his/her dryer contained asbestos, if the information was available.

The Commission expanded the scope of its investigation to include commercial hair dryers in beauty salons and barber shops since consumers and workers could be exposed to asbestos.

Summary Recommendations

A summary of the recommendation steming from this study is given below. Some of the recommendations are already being implemented as senior management recognized certain deficiencies following the hair dryer incidence.

1. Procedures must be developed to use information obtained through the Consumer Complaint Contact System for early warning and as an integral part of the hazard identification efforts of each hazard program. Data should be provided to each hazard team for the products within their scope.
2. CEPD and the Directorate for Engineering and Health Sciences should establish communication links to assure mutual understanding of the types of tests that are needed and the feasibility of conducting them.
3. The Commission should set aside some amount of contract funds for contingencies in future planning efforts.
4. A mechanism must be developed which allows Commissioners to introduce potential health hazards for consideration as a project. The procedures must ensure that the staff is not continually side-tracked from current high priority activities.

5. When a staff consensus cannot be reached regarding what regulatory strategy to pursue, the issue should be elevated to the AED level and Executive Director level after a reasonable period of time.

6/1/79

D R A F T

ATTACHMENT A

CHRONOLOGY - ASBESTOS IN HAIR DRYERS

Early History

An interest in the hazards of asbestos in consumer products existed when the Commission was created on May 14, 1973. Garments with asbestos had been banned (1970-71) and asbestos in children's products, such as play cigarettes, paper mache and balloons (dusted with talc containing asbestos) had been identified as early as 1970.

On June 13, 1974, in response to an FTC inquiry, the Commission officially acknowledged jurisdiction over asbestos-containing products and announced that it would examine them on a case-by-case basis. The Bureau of Biomedical Science recommended a ban on all products containing free-form asbestos on April 2, 1976. No mention was made of hair dryers, even though a number of products were discussed.

On July 8, 1976, the Office of General Counsel, while preparing a Federal Register notice for a generic ban on free-form asbestos in consumer products under FHSA, indicated that the Bureau of Economic Analysis had reported on May 19, 1976 that building products generally contain only locked-in asbestos, many of them were eliminating asbestos entirely, and "...products on the market containing asbestos will approach

zero as old inventories are used up." It was further reported that some consumer products contain asbestos, but it too was locked-in. It was recommended that the concept of a general ban be dropped and that action should be considered on a case-by-case basis.

In late 1975 CPSC requested the National Bureau of Standards to evaluate the hazards of hair dryers, specifically electrical and thermal hazards. In September 1976, in a final NBS report, it was noted that in some hair dryers "...there was a thin sheet of asbestos inserted between the heater and the enclosure..." Reference was made to U.L. Standard 859-1975 which permitted the use of asbestos.

The following recent chronology of events has been associated with the issue of asbestos in hair dryers:

Recent Chronology

Action	Date
Commission ban issued (patching compounds and emberizing material)	12-15-77
Commission directed staff to investigate other products containing asbestos	12-15-77
Effective date of ban	1-15-78
HIA requests Kearney survey of asbestos in other products	1- -78