

Additional Beadex Documents

SPINDLE
BARTON
TAYLOR
Calidria ASBESTOS



UNION CARBIDE CORPORATION • METALS DIVISION • P. O. BOX 579 • NIAGARA FALLS, N.Y. 14302 • TEL: 716-278-3376

December 22, 1977

RECEIVED
DEC 27 1977
BEADIXBeadix Mfg. Company
833 Hauser Way N.
Renton, WA 98055

Attn: Purchasing Agent

Dear Sir:

Because of the extensive publicity and since we have attempted to keep many of you directly informed, you should not be surprised that the Consumer Product Safety Commission has finally published their ban on "Consumer Patching Compounds Containing Respirable, Free-Form Asbestos". A copy of the Federal Register notice, dated December 15, 1977, is enclosed for your information and file.

To assist you in understanding the extent and effect of the CPSC action, we call your attention to the following items:

1. The CPSC ban covers only consumer products and does not cover industrial products or products (including consumer products) for export. For more details on the use of asbestos in industrial products, please see paragraph 2 below and on the use of asbestos in products for export, please see paragraph 3 below.
2. The ban only applies to "consumer patching compounds" which contain "intentionally added asbestos" from which "respirable free-form asbestos fibers" can become airborne under reasonably foreseeable conditions of use.

In the ban, a "consumer" product is defined very broadly as follows:

1304.1(c) "Only consumer products are subject to this regulation. Patching compounds which are consumer products include those which a consumer can purchase. Merely labeling a patching compound for industrial use would not exclude such articles from the ban. If the sale or use of the product by consumers is facilitated, it is subject to the ban. Patching compounds which are labeled as, marketed, and sold solely for industrial use in non-consumer environments are not subject to the ban. In addition to those products which can be sold directly to consumers, the ban applies to patching compounds containing respirable free-form asbestos which are used in residences, schools, hospitals, public buildings or other areas where consumers have customary access."



UNION CARBIDE CORPORATION
METALS DIVISION

P.O. BOX 579 - 4625 ROYAL AVE., NIAGARA FALLS, NEW YORK 14302

December 14, 1977

Individual letters sent to:

The Honorable S. John Byington, Chairman

Barbara Franklin, Commissioner

R. David Pittle, Commissioner

Consumer Products Safety Commission

1111 - 18th Street, NW

Washington, DC 20207

Although we are aware that the Commission has moved to publish a ban on the consumer use of joint taping compounds containing free-form asbestos, we wish to reiterate for the record our contention that the finding of "unreasonable risk" is not supported by the available evidence and we question whether "due process" was properly applied in this case.

During the Commission's consideration of the ban, the Union Carbide Corporation has provided extensive technical data on the exposure to free-form asbestos fiber during the use of these materials. These data have included:

1. A presentation and analysis of all of the commercial use data available, including data from a number of OSHA compliance inspections.
2. Detailed studies of a large and a small consumer installation of drywall. It should be noted these were the only exposure data presented during the proceedings that bear directly on the ban in question.

The Union Carbide work was checked by two independent laboratories and there is certainly no reason to doubt the levels found in the OSHA compliance inspections. In spite of this, your staff has continued to quote an analysis of risk based on exposures found in one commercial study of only 30-60 minutes duration that was conducted at vaguely defined operating conditions. This latter study showed exposures that were much higher than all of the other results including the OSHA data.

The staff also based its estimate on an assumption of four extensive consumer exposures over the period of a year. While we have no objection to this as a maximum case, provided the appropriate exposure levels are used, risks are also quoted for five years of exposure at the same time. This number of exposures is far beyond that which can be expected for consumers. In view of the statutory requirement for a showing of "unreasonable risk," we feel it is extremely important to draw these points to your attention.

In the installation of drywall, three successive applications of taping compound are made about a day apart. The compound, when dry, may be sanded after the second and third application. On this basis, two extended exposures can occur during the complete finishing, or extensive remodeling, of a full room. The four exposures over a year used by the staff in their risk analysis thus corre-

D-2

January 5, 1976

TO: ALL BEADEX EMPLOYEES

SUBJECT: ASBESTOS HANDLING PRACTICES GENERAL:

Beadex Manufacturing company policies endeavor to provide a safe working environment for our employees. Certain products presently manufactured utilize asbestos in their formulation. Asbestos has been designated a hazardous material by the department of labor. Both Federal and State regulations establish certain criteria for asbestos handling, use and cleanup as well as the control of nuisance dust.

Directive:

Beadex employees are required to comply with the work rules contained in this directive and with additional directions as may be provided by your supervisor. Failure to comply will result in disciplinary action.

1. Approved safety respirators (3M 8710), provided by Beadex, shall be worn by any employee engaged in a potential dust creating task. i.e. mixer loading, material preparation, bagging, car unloading, sweeping etc.
2. Dust collection equipment shall be utilized as provided at mixing & bagging work stations.
3. Spilled materials shall be cleaned up immediately after the spill occurs.
4. Broken &/or torn bags will be repaired prior to storage.
5. Vacuum equipment will be utilized to clean off clothing.
6. Questions &/or questionable circumstances regarding or not covered in this directive shall be referred to your supervisor.

L. Espinosa
General Manager.

Employee Signature



UNION CARBIDE CORPORATION • METALS DIVISION • P. O. BOX 579 • NIAGARA FALLS, N.Y. 14302 • TEL: 716-278-3376

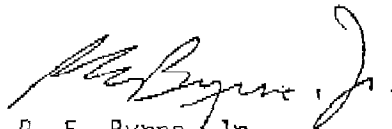
October 1, 1976

Mr. W. V. Campbell
Beadex Mfg. Company
833 Hauser Way N.
Renton, WA 98055

Dear Mr. Campbell:

On July 15, 1976, the Natural Resources Defense Council, Inc. and Consumers Union filed a petition with the Consumer Product Safety Commission requesting a ban on the use of asbestos in all patching, spackling, taping, and similar compounds used by consumers. On September 1, 1976, the Asbestos Information Association/NA presented a response to this petition on behalf of the asbestos industry. A copy of this response is attached. Action by the Consumer Product Safety Commission is expected in the near future. If you have any questions or would like further information, please let us know.

Very truly yours,


R. E. Byrne, Jr.
Area Manager
Marketing & Technology

REB:cjb
Attachment

RECEIVED
OCT - 4 1976
BEADEX



ASBESTOS INFORMATION ASSOCIATION

1835 K Street, N.W., Washington, D.C. 20006 • (202) 223-4885

1 September 1976

Mr. S. John Byington
Chairman
Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D. C. 20036

Re: Petition of Natural Resources Defense
Council, Inc., and the Consumers Union
of U.S.A., Inc., for the Promulgation
of a Rule Declaring Certain Patching
Compounds to be Banned Hazardous
Substances

Dear Chairman Byington:

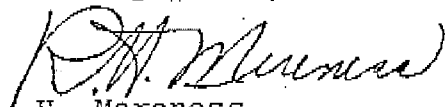
The Asbestos Information Association/North America, an incorporated, non-profit organization of firms and corporations engaged in the manufacture or processing of asbestos-containing products and in the mining and milling of asbestos fiber, desires to comment on the petition to the Commission submitted July 15, 1976 by the Natural Resources Defense Council, Inc. and the Consumers Union of U.S.A., Inc. The petitioners seek an order by the Commission to ban patching compounds containing asbestos by declaring such compounds to be hazardous products.

Comments contained in the attachment have been prepared following consultation with member companies of the Association and other expert sources of information.

We are pleased to have this opportunity to present our comments and to advise that, if desired, we are prepared to further address this matter with you or members of your staff.

We wish to inform you that Ms. Shacter of the Commission staff has been highly efficient and responsive to her public interest charge in the conduct of business with this Association. We commend to your attention her professionalism and pleasant demeanor.

Sincerely yours,


R. H. Mereness
Executive Director

Enclosure



ASBESTOS INFORMATION ASSOCIATION

1835 K Street, N.W., Washington, D.C. 20006 • (202) 223-4885

Response to Consumer Product Safety Commission
on petition by Natural Resources Defense Council,
Inc. and Consumers Union of U.S.A., Inc. for the
Promulgation of Rule Declaring Certain Patching
Compounds to be Banned Hazardous Substances, dated
July 15, 1976.

30 August 1976

I INTRODUCTION

On July 15, 1976, a petition was filed by the Natural Resources Defense Council, Inc. (NRDC) and Consumers Union of U.S.A., Inc. with the Consumer Product Safety Commission pursuant to paragraph 2 of the Federal Hazardous Substances Act, 15 U.S.C. paragraph 1261 (1974) requesting that consumer patching compounds containing asbestos be banned as hazardous substances. Patching compounds were indicated to include taping, spackling and joint sealing and joint sealing compounds. The petition alleged that continued use of these compounds "... will result in a significantly higher incidence of cancer (including lung cancer and mesothelioma)" and "that no cautionary label would adequately protect the public from the risk of illness associated with patching compounds."

The Asbestos Information Association/North America is an association of 32 producers of asbestos and asbestos containing products. Members of the Association are directly affected by the petition and wish to enter this response into the record.

II USE OF ASBESTOS IN PATCHING COMPOUNDS

Composition of Drywall Compounds

The petitioners note correctly that the principal use of patching compounds by consumers is in home drywall construction and repair. This discussion therefore will focus on the material generally used for the application, tape-joint compound (TJC).

There are two principal types of joint compound. One uses a latex or water-soluble glue as a binder and "sets" by evaporation of the water. The other uses dehydrated gypsum as the binder (and the principal dry ingredient), or gypsum in combination with water soluble binders, and sets by chemical reaction as the gypsum combines with water of hydration. The evaporative type, composed mainly of limestone, lesser amounts of mica and 3-5 percent asbestos plus the binder, controls about 80 percent of the market, and usually is sold in the ready-mixed, wet form. The hydrating type (gypsum-based), with roughly 20 percent of the market, also typically contains asbestos and must, of course, be sold dry and mixed just before use.

Asbestos is added to these compounds for two principal reasons:

1. It imparts properties to the compound (mud) which make it flow easily and smoothly when trowelled on, while still remaining viscous enough to stay in place during the initial stages of hardening.

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It also is appropriate to examine the significance of the quart of compound cited in the petition as the typical purchase size. A quart of ready-mix compound weighs a little over three pounds and will finish about 45 square feet of drywall. This is less than two of the standard size 4' X 8' gypsum board sheets and appears to be a reasonable quantity for the usual do-it-yourself craftsman.

Most of the packaging and distribution of products to the consumer market is done by one or two of the large building products companies, several larger companies that specialize in the consumer tape joint compound field, and a substantial proportion of the major paint manufacturers who market through their own distribution outlets. The medium to large regional manufacturing companies which have a substantial share of the commercial TJC business generally are not involved. Consumer TJC is distinguishable from commercial TJC in that the consumer product finally passes into and through mass distribution retail outlets.

The question of container size is particularly relevant to the issue raised by the petition. TJC for retail distribution typically is packaged either in a one gallon container of the wet type or in a one pound or five pound package of the dry type. The largest clearly identified consumer product found in our brief survey was a kit containing 18 lbs. of wet compound plus tape which was intended for use in the installation of 250 sq. ft. area, i.e., a small room. Some large retail stores, however, stock limited quantities of commercial 5 gallon pails for the convenience of the smaller commercial contractor. While it is conceivable that a home-craftsman might purchase one of these 5 gallon pails, it would be a rare home repairman who would undertake a complete three room finishing job. Ready-mix compound intended for commercial use, by contrast, universally is packaged either in 5 gallon pails (62.5 lbs.) or in 50 lb. polyethylene bags in cardboard boxes. Dry-mix compound is packaged in 25 lb. bags which yield approximately 50 lbs. of compound when water is added. If these commercial containers are judged to be "... packaged in a form suitable for use in the household" the ban requested by the petitioners will apply, not just to the consumer market (5% of the total), but to the entire market, commercial as well as consumer.

III ASBESTOS EXPOSURE DURING DRYWALL INSTALLATION

The petitioners do not provide any data which show the level of exposure that occurs during use of the compounds at a scale and under conditions likely in consumer use. The only data presented is that of Rohl et al (Reference 7) obtained during a test performed at one location by commercial drywall workers. Materials were handled on a much larger scale than that which must be considered here. Exposures recorded were high, and it is alleged that exposures in consumer use would be similar.

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The concentrations described above all were ceiling concentrations obtained during sanding operations. In most cases even commercial operators do not sand for an entire shift so that the 8-hour time weighted average exposure will be considerably less. TWA values for the study cited (1) are shown in the table below:

SUMMARY OF AIRBORNE ASBESTOS
Fiber Concentrations During Drywall Sanding

<u>Location</u>	<u>Ceiling Exposure (Fibers/cc > 5um)</u>	<u>Exposure Time During Sanding (Hours)</u>	<u>Estimated 8-hour TWA Exposure (Fibers/cc > 5um)</u>
New York City, N.Y.	0.4	8.0	0.3
Hialeah, FL	1.0	4.0	0.4
Ft. Lauderdale, FL (Hand)	1.1	1.0	0.1
Detroit, MI	1.3	8.0	0.9
Dallas, TX	1.8	0.5	0.1
Ft. Lauderdale, (Pole)	3.4	3.3	0.6
Niagara Falls, N.Y.	3.6	0.6	0.2

It is our contention that these lower values are much more representative of exposure during commercial operations than those cited by the petitioners. It is also our contention that, because smaller quantities are handled, peak consumer exposures generally will be no greater than the commercial ceiling exposures recorded above. And, since consumers work with tape joint compound infrequently, average or TWA exposures for consumers will be much lower than for commercial operators.

IV THE MEDICAL EVIDENCE

Petitioners cite, in support of their position, a selection of pieces from the medical, scientific and popular literature, some of which items are of questionable value in furthering the regulatory process. Because time does not permit a detailed analysis of each reference cited, we can only offer a few cautionary considerations to be borne in mind when studying the petition:

- 7 -

qualified experts would conclude that:

1. Asbestos, when inhaled, causes fibrosis (asbestosis).
2. Asbestos, when inhaled, is associated with the development of malignant tumors of the bronchial system and lung and with mesothelioma, (in other words, asbestos is a carcinogen).

Few, if any students of the subject would disagree with the conclusion that there is a dose-response relationship between exposure to airborne asbestos and the development of asbestosis. There is also a substantial body of expert opinion which supports the premise that there is a dose-response relationship between exposure to most, if not all, carcinogens and the development of cancer. There is no reason to believe, from the data available to us, that asbestos is an exception to this generality; although, at this time, no one definitely can say at what exposure level asbestos becomes a cancer hazard to man.

Our view of the literature indicates that no credible epidemiological studies have been published which would suggest an excess of malignant tumors among persons exposed to no more than 2 asbestos fibers per cc of air (TWA), using the prescribed membrane filter test method. This is a fact simply because there have yet been identified for study no populations the exposure experience of which consistently has been as low as 2 fibers. Since all populations studied to date have been exposed to substantially higher concentrations of airborne asbestos, we can conclude only that an excess of all types of asbestos disease is associated with levels of exposure significantly higher than the level currently mandated to become effective on July 1, 1976."

Johns-Manville Corporation, the largest producer of fiber in the western world and the largest manufacturer of asbestos-containing products in the United States, also conducted a detailed medical review and the following conclusions were included in their statement to OSHA. Exhibits B and C from the Johns-Manville response are attached hereto for reference.

From page 4:

"2. J-M's Review of the Medical References Cited By OSHA

We have reviewed in considerable detail all of the references cited by OSHA, and conclude from this study that these references totally fail to provide

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"B. Criteria in Human Studies

Types of evidence suggesting that an agent is carcinogenic in humans include: neoplastic response directly related to exposure (both duration and dose), incidence and mortality differences related to occupational exposure; incidence and mortality differences between geographic regions related to difference exposures rather than genetic differences and/or altered incidence in migrant populations; time trends in incidence or mortality related to either the introduction or removal of a specific agent from the environment; case control studies; and the results of retrospective-prospective and prospective studies of the consequences of human exposure. Clinical case reports may also provide early warning of a potential carcinogen. Negative epidemiologic data may not establish the safety of suspected materials. Negative data on a given agent obtained from extensive epidemiologic studies of sufficient duration are useful for indicating upper limits for the rate at which a specific type of exposure to that agent could affect the incidence and/or mortality of specific human cancers (Emphasis added.) "

"E. Extrapolation from Experimental Data and Evaluation of Human Risks

The criteria listed above provide a guide to determining whether a compound is carcinogenic under a specific set of exposure conditions in a given species or subpopulation. Quantitative extrapolation from animal studies for the purposes of evaluating human risks entails large uncertainties at the present time. Each case must be individually evaluated, taking into consideration such factors as adequacy of experimental design, statistical significance of the data, dose-response relations, duration of exposure, route of administration, metabolism (including species variations); host susceptibility, co-factors and other modifying factors, and the amount of the material to which humans will be exposed. The criteria for extrapolation may vary depending on the agent in question. (Emphasis added.)"

The National Cancer Institute report does not appear to support the OSHA position that the concept of a "no effect" or "threshold level" may have little real significance.

V STATEMENT OF POSITION

For the reasons cited above, it is the position of the AIA/NA that:

1. Because consumers use tape joint compounds in small quantities and at infrequent intervals, the levels of airborne asbestos to which consumers will be

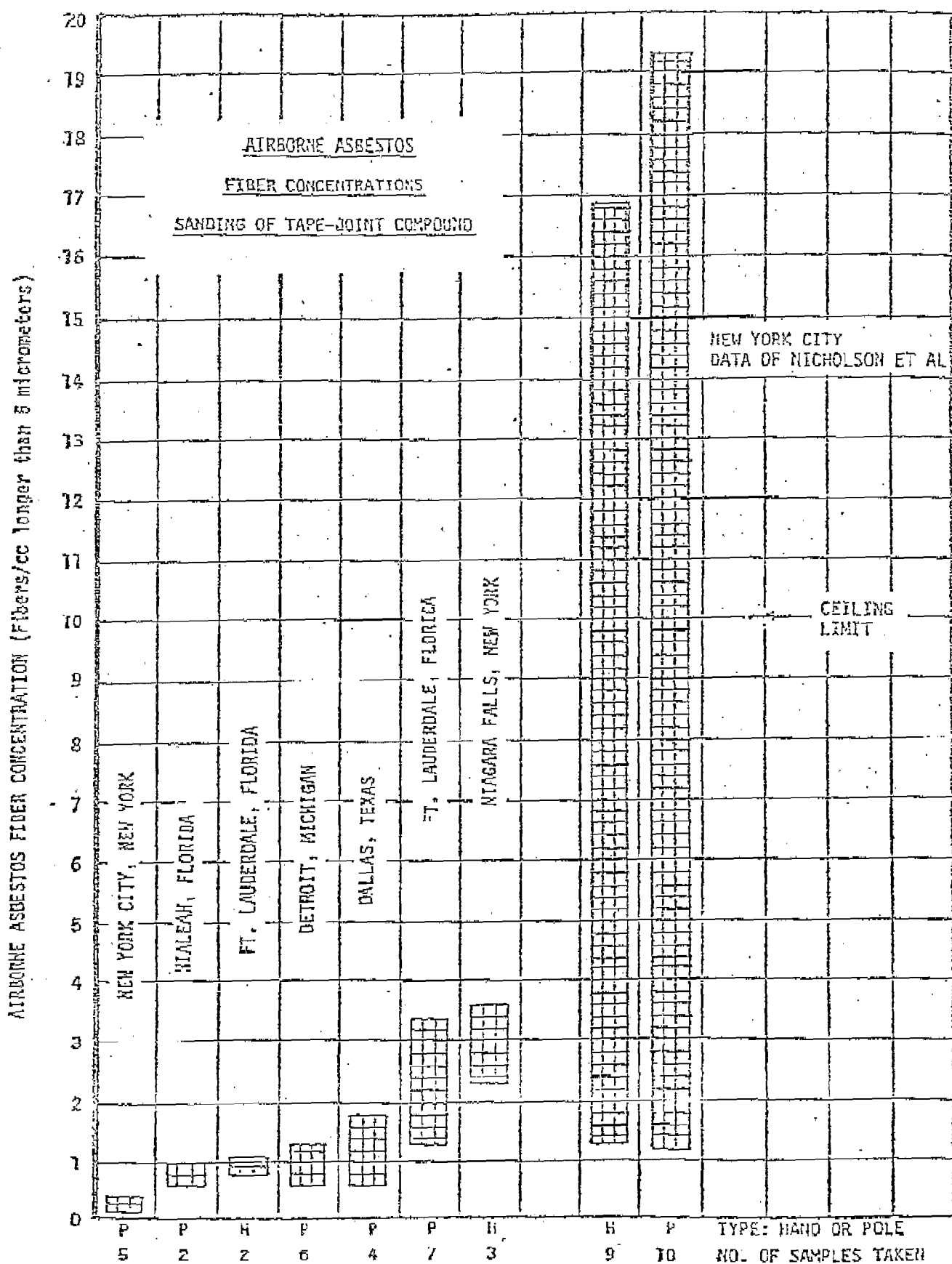


Figure 1