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3849A-D

Johns-Manville

Internal Correspondence

To Paul Kotin, M.D.
G. W. Wright, M.D.
W. B. Reitze
N. W. Hendry - 2 S
E. M. Fenner

Date November 12, 1974

From F. J. Solon, Jr. - 4 North

Copies File & Chrono

Subject JOINT TREATMENT COMPOUNDS

For info, attached is a copy of the letter National Gypsum is sending to its Minnesota customers announcing discontinance of asbestos-containing joint treatment compounds in that State.

Al Fay, their Vice President--Marketing, told me he expects this to happen State-by-State now that Minnesota has led it off. This bears out Noel Hendry's forecast at the AIA/NA Annual Meeting that he is not optimistic about the future use of asbestos in this type product.

Enc.

Gold Bond

GOLD BOND BUILDING PRODUCTS

DIVISION OF NATIONAL GYPSUM COMPANY

[illegible] DELAWARE AVENUE · BUFFALO, NEW YORK [illegible]

November 1, 1974

To: Our Customers

Subject: Discontinuance of
Asbestos-Containing Joint Treatment Products

Under the Occupational Safety and Health Act (OSHA) a nationwide standard has been established by regulations of the Department of Labor for work conditions where asbestos fibers are emitted into the air. Since most joint treatment compounds have contained asbestos and emit asbestos dust when dry mixed or dry sanded, they are subject to the OSHA regulations.

Those regulations require employers (contractors) to protect employees from exposure to asbestos dust, to provide or make available annual medical examinations, to monitor fiber emissions on jobs and keep records of such monitoring, to provide warning signs, to dispose of job debris in sealed containers bearing caution labels and many other specific requirements.

A news release from the Department of Labor, covering some of the major requirements of the regulation, is attached for your information.

Note: Complete text of the regulation can be obtained from the local Department of Labor office or from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Refer to General Industry Safety & Health Regulations Part 1910 (OSHA 2207) GPO #2015-00035.

Additionally, a recent Minnesota statute appears to prohibit the shipping into Minnesota of joint treatment products which contain asbestos. It also appears to prohibit the sale, pur-

STATE OF MINNESOTA

TRADE REGULATIONS

Chapter 325. Regulation of Manufactures & Sales

POWDERED ASBESTOS

325.244 Ban: penalty

Subdivision 1. No person, corporation, partnership, joint venture, firm or association shall use, sell, deliver, or receive powdered asbestos, whether in its powdered form or mixed with any other substance, and to be applied with a pressure sprayer, or in its molded form if asbestos dust will emanate from it due to handling, mixing or cutting, for purposes of constructing, remodeling or improving any building structure in this state.

Subdivision 2. Any violation of the provisions of Subdivision 1 shall constitute a misdemeanor.

To: Our Customers

chase, resale, delivery or use of such compounds. A copy of this statute is attached for your information. Because of that statute, we are discontinuing the sale in Minnesota of all asbestos-containing joint treatment compounds.

Gold Bond Building Products has developed asbestos-free joint treatment products which are being used successfully by our customers and which comply with the Minnesota statute. Our new product Triple T Compound is available from immediate shipment from our Ft. Dodge, Iowa and Matteson, Illinois Plants, Ready Mixed products are also available for immediate shipment only from our Matteson, plant. A technical bulletin on these products is attached.

We will accept orders for asbestos-containing compounds, when specified, for shipment before December 1, 1974, in order for you to meet any contractual commitments that you may have. Effective at once, we will, however, ship only non-asbestos compounds on all other orders.

Your Gold Bond Representative will be glad to answer questions you may have, and will be calling on you to provide you with further technical information on these new products.

Gold Bond Building Products recognizes its responsibility to manufacture products that conform to Federal and State law while still maintaining the highest possible quality. We know that you understand the need for both Gold Bond Building Products and our customers to fully comply with the applicable laws. We urge your cooperation in complying with these requirements.

MARKETING DEPARTMENT

Gold Bond Building Products
Division of National Gypsum Company

/les
att.
1) U.S. Department of Labor - News Letter
2) State of Minnesota - Trade Regulations
3) Gold Bond Technical Information Bulletin

3852A&B

7

GOLD BOND BUILDING PRODUCTS
DIVISION OF NATIONAL GYPSUM COMPANY
BUFFALO, NEW YORK 14202

ALBERT H. FAY
VICE PRESIDENT • MARKETING

December 19, 1974

Mr. F. J. Solon, Jr.
JOHNS-MANVILLE SALES CORPORATION
Greenwood Terrace
Denver, Colorado 80217

Dear Jack:

To further up-date you on the asbestos problem in Minnesota, I am attaching a copy of a report from one of our District Sales Offices concerning the reactions which we have encountered.

Sincerely,

AHF:les
att.

cc: R.H. Merences
AIA/NA

F. B. Phillips, Jr
Cent. Reg. Mgr. - Dallas

cc: D. Kernodle - Mktg - Bflo
L. F. Decker - Sales - Bflo.

December 12, 1974

Minneapolis

Status Report Ecology
Joint Treatment - Acceptability

Frank:

As you know we eliminated shipments of any joint treatment products containing asbestos in the state of Minnesota effective December 1, 1974. This was done based on the opinion of our attorneys and not without a great deal of soul searching and research.

One never knows the full reaction of th decision of this magnitude until it is finally put into effect. Since this change has come about I have had the opportunity to talk to several factors of our industry as to the ramifications of our policy.

First of all, last week I met with Bob Larson who i the business agent of the Painters Union in the twin cities and the Bob Petersdorph, who is Vice President of the International Painters Union. We explained our position to them in depth that we had taken the bull by the horns on asbestos. Both of th se gentlemen agreed with our position 100%. They said that th unions position would be initially to pull their men off the job if asbestos material is being used. This also included ready mix.

Bob Larson told us that it was their plan to incorporate in their May contract which would be state wide to ban any product that would contain asbestos to be used by the r journeymen.

He stated the first offense, the fines would be approximately half of the normal OSHA fine to the contractor and the journeymen.

The second offense he quoted that would meet full bore.

On Monday I had lunch with Dave Green, Executive Director of the Gypsum Drywall Contractors Association of Minnesota. Dave is an ex-salesman of the Iroko Company and is doing an outstanding job with the Gypsum Drywall Contractors. From Dave I got a completely opposite view and this seemed to be the consensus of the member contractors. They have taken some exception to our memorandums of November 1, 1974 to our customers.

Dave said on first impression it seemed to be Gestapo tactics and that there are some that feel that National Gypsum Company salesmen may act as a policing agency of their own and might report contractors using asbestos material.

I assured him that this would never happen. He went on to say it was the concensus of the membership that they would continue to take a wait and see attitude. That they didn't feel that the law was intended to include the Drywall industry. After talking to certain dealers in the market, this also is the opinion that USG is imparting to their customers and contractors.

As I see it, both the contractors and USG are willing to test this law in the courts if and when the time comes. In the meantime all of our major competition continue to sell and ship both asbestos and asbestos free material into the state of Minnesota. And, with the pricing structure that I have covered under separate cover, this is detriment of the National Gypsum Company.

Full scrutiny of this situation should be made by top management as related to the results of our vulnerable position.

I have been unsuccessful in contacting Mr. Ted Falone of the Minneapolis Safety Commission for a clear reading on the states position. He is presently on vacation but I have a call in now for Mr. Ivan Russel, his assistant and will pass on any definitive decision emminating from the state.

Bruce D. Chase

BDC/dm