

FRICTION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE #4, PARAMUS, NEW JERSEY 07652

August 8, 1978

TO: BOARD OF DIRECTORS

SUBJECT: CONSUMER PRODUCT SAFETY COMMISSION RECALL PROCEDURES

At the Membership Meeting on June 29, 1978 the following resolution was passed:

RESOLVED: That the Friction Materials Standards Institute take an active roll with the Consumer Product Safety Commission regarding the position of friction materials manufacturers as to recall procedures that could possibly affect asbestos-containing friction materials.

The wording of this resolution is from tentative draft minutes of the Membership Meeting which have not yet been approved by Counsel. However, an Asbestos Study Committee meeting had been called for August 3, 1978 to address two items: (1) The Institute's work practices booklet, and (2) This resolution concerning the Consumer Product Safety Commission.

Between the time of the Membership Meeting in Scottsdale and the time the Asbestos Study Committee met on August 3, 1978, there was considerable correspondence concerning this particular resolution. We had received a copy of the report of Kearney Management Consultants for the Consumer Products Safety Commission. A copy of that report as it pertains to friction materials is enclosed. We did not copy the full report which covered almost 200 separate items. In the Kearney report you may wish to refer to item III-3(f), Friction Products. It states:

The major end use of asbestos in friction products is vehicular clutches and brake shoes and pads which are not under the jurisdiction of the CPSC. The friction products market segment which would be considered under CPSC jurisdiction could not be quantified but is estimated to be extremely small.

After the agenda for the Committee meeting was mailed I received a letter from Mr. John Marsh of Raybestos-Manhattan, Inc. dated July 18, 1978. In this letter Mr. Marsh pointed out that the term "consumer products" does not include "motor vehicles or motor vehicle equipment." You may wish to refer to Mr. Marsh's letter of July 18, 1978, copy attached.

In addition, Legal Counsel, who had sat in on all meetings in Scottsdale reviewed this resolution as regards the Consumer Products Safety Commission. You will note that he concludes that brake lining is not a "consumer product" in terms of the Consumer Product Safety Act. This confirms what was stated in Mr. Marsh's letter, that motor vehicle equipment is expressly excluded. In addition, Mr. Gorman noted that brake linings could not be considered a "banned hazardous substance" under provision of the Federal Hazardous Substances Act. All input referred to was turned into the Committee prior to their consideration of this resolution by the Membership.

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BOARD OF DIRECTORS
CPSC RECALL PROCEDURES

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At the Committee Meeting August 3, 1978 the Asbestos Study Committee acting in an advisory capacity to the President considered this question in order to implement the resolution by the Membership. The Committee concluded that based upon the Kearney report and Legal Counsel's opinion, that they did not recommend representation to the Consumer Product Safety Commission by the Institute on behalf of manufacturers of friction materials.

It was suggested at the Committee Meeting that the Board of Directors may wish Legal Counsel to study and report on recall procedures for motor vehicle equipment that might be available to the Department of Transportation based on the National Traffic and Motor Vehicle Safety Act.

As it has not been established at this time whether there will be a Board of Directors Meeting in the near future as regards the work practices booklet, or whether that can be handled by mail ballot, I am suggesting that the Board of Directors express their views on this work by mail ballot. You may wish to indicate your acceptance/rejection of the recommendation of the Asbestos Study Committee, and whether you wish to have Counsel report on recall procedures available to the Department of Transportation concerning motor vehicle equipment should there be a recall of asbestos-bearing friction materials.

A ballot for your consideration is enclosed.

E. W. Drislane
Executive Director

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FRICION MATERIALS STANDARDS INSTITUTE, INC., E-210 ROUTE #4, PARAMUS, NEW JERSEY 07652

DIRECTORS BALLOT

Friction Materials Standards Institute, Inc.
E-210 Route #4
Paramus, New Jersey 07652

Gentlemen:

Subject: Motor Vehicle Equipment (asbestos-containing friction materials)
Recall Procedures

My ballot as regards the Asbestos Study Committee recommendation:

- | | <u>YES</u> | <u>NO</u> |
|---|--------------------------|--------------------------|
| 1. Accept the Committee's recommendation, based on the Kearney Report and Legal Counsel's advice, that no representation be made to the CPSC as to recall procedures that might affect asbestos-bearing friction materials. | ☐ | ☐ |
| 2. Counsel review and report to the Board of Directors on recall procedures available to the Department of Transportation under the National Traffic and Motor Vehicle Safety Act. | ☐ | ☐ |

By _____

Date _____