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Congress of the United States

House of Representatives

Washington, D.C. 20515

May 19, 1977

Hon. S. John Byington, Chairman
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Dear Chairman Byington:

We are deeply concerned that the Consumer Product Safety Commission, in finally commencing action against asbestos-containing spackling compounds, decorative fireplace ash, and tremolitic talc, elected not to ban these products immediately under authority provided by the Federal Hazardous Substances Act, choosing instead to proceed under the Consumer Product Safety Act, a much slower process.

In our view, the proven correlation between exposure to small concentrations of airborne asbestos and the development of lung cancer and mesothelioma amply justifies classification of these products as an "imminent" hazard to the public health" and warrants their immediate ban under Section 2 (q) (2) of the FHSA.

We understand that it was the feeling of a majority of the Commission that regulatory action under the CPSA, while slower, would be less susceptible to legal challenges, and thus that the decision does not necessarily represent a determination that these products do not constitute an "imminent hazard."

We hope this is the case and strongly urge the Commission, since it chose to proceed under CPSA authority, now to seek an immediate ban from the courts under authority provided in Section 12 (Imminent Hazards) of the Consumer Product Safety Act. We would appreciate further clarification of the Commission's position on the "imminent hazard" issue as it relates to consumer products containing asbestos and, in particular, would like to know whether the Commission is considering initiating legal action under Section 12.

We would also be grateful for information as to what steps the Commission is taking to seek out and evaluate hazards presented by other products containing asbestos -- brake linings, modeling compounds, wallboard and textured paints, for example. Given the authority to seek an immediate

ban under Section 12 for those products known already to be unreasonably hazardous, it would seem irresponsible to spend months, possibly years, developing a final standard under CPSA for only a few products, while leaving many others in the same category untouched.

Thank you for your attention.

Sincerely,

John E. Moss

Andrew Maguire

Berkley Bedell

James H Scheuer

Jerry M. Patterson

Shirley Chisholm

Tom Harkin

Stephen L. Neal

John W. Jenrette, Jr.

Henry A. Waxman

cc: All Commissioners