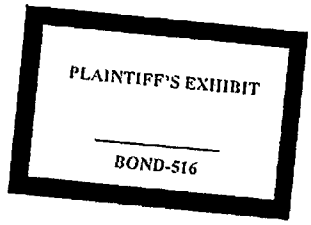
RPM

INTER-ORGANIZATION

MEMORANDUM



S-51

FROM Louis Gillich

Always provide address to which reply is to be sent

TO Julius Nemeth cc: Tom Sullivan, Jim Karman

DATE August 29, 1977 SUBJECT

Please use a separate sheet for each subject treated

Julius,

We assume you have received copy of the Federal Register, Consumer Product Safety Commission, Respirable Free-Form Asbestos. This is a proposed rule switching the regulation from the Federal Hazardous Substances Act to the Consumer Product Safety Act. The switch is made from one regulatory agency to another because a ban under Section 8 of the CPSA would not provide for repurchase of the banned hazardous products distributed in commerce. We quote -- "automatic repurchase of banned hazardous products would not be available under CPSA, as it is in the case of a ban under the FHSA."

On page 38787, first column, down at the bottom, "Patching compounds that are labeled as, marketed, and sold solely for industrial use would not be within the scope of this ban. However, merely labeling a patching compound for industrial or professional use only, would not exclude such articles from the ban."

On page 38790, center column, consumer patching compounds are detailed. Nowhere in the proposed rules do I find any reference to patching compounds used on large apartment projects, new government buildings, etc. My question -- is patching compound used on an original installation for a large apartment classed as a consumer patching compound? CPSA says a consumer patching compounds are those that are customarily produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers in or around a permanent or temporary household or residence, a school, in recreation or otherwise.

....LJG