

FILE NAME: Drywall Spackling Compounds (DWSC)

DATE: 1977

DOC#: DWSC029

DOCUMENT DESCRIPTION: Letters from US Congress to Consumer Product Safety Commission

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

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Congress of the United States
House of Representatives
Washington, D.C. 20515

June 2, 1977

COMMITTEES:
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AND INVESTIGATIONS
SUBCOMMITTEE ON
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SMALL BUSINESS

Honorable S. John Byington
Chairman, Consumer Product
Safety Commission
Washington, D.C.

Dear Mr. Chairman:

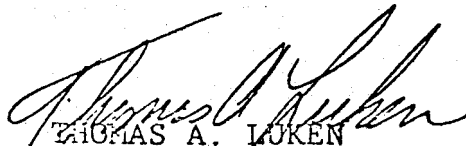
The Subcommittee on Oversight and Investigations is currently conducting an inquiry into exposure to consumer products containing the carcinogen asbestos. As Members of this Subcommittee, we are concerned that the Consumer Product Safety Commission (CPSC) has not fully utilized the expertise, experimental facilities, and wealth of knowledge on the subject of human exposure to asbestos possessed by the National Institute of Occupational Safety and Health (NIOSH).

NIOSH has studied the problem of worker exposure to asbestos for many years and has the most advanced testing facilities for assessing the possible health risk to consumers from exposure to the asbestos-containing products now under review by the Commission. We urge you to contact Dr. John F. Finklea, Director of NIOSH, as soon as possible to obtain NIOSH's assistance in evaluating the asbestos hazard related to consumer products.

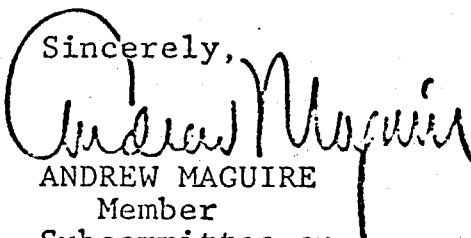
We believe NIOSH could be especially helpful in determining potential human exposure to free asbestos from artificial fireplace logs, ashes, and embers, and the potential dangers from improper removal of these products from the home. Conducting proper research to evaluate the removal risk is essential. Research on this subject could be conducted by NIOSH at its headquarters in Cincinnati.

We hope you will move swiftly to avail yourself of NIOSH's expertise in this area.

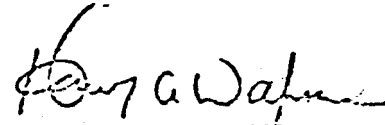
Sincerely,



THOMAS A. LUKE
Member
Subcommittee on
Oversight and
Investigations



ANDREW MAGUIRE
Member
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