FILE NAME: Union Carbide (UC)

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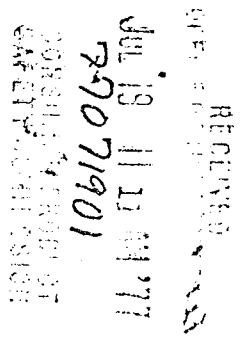
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DOCUMENT DESCRIPTION: Letter to the Consumer Product Safety Commission from Union Carbide RE Proposed Ban on Certain Asbestos-Containing Materials

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July 14, 1977



The Honorable
S. John Byington
Chairman
Consumer Product Safety Commission
1111 18th Street, N.W.
Washington, D.C. 20207

Dear Chairman Byington:

This letter is in regard to pending action by the Consumer Product Safety Commission on the petitions by the Natural Resources Defense Council to ban certain asbestos-containing spackling and tape-joint compounds to prevent their further use by consumers. In a letter of May 26, 1977, Union Carbide Corporation expressed their position that such a ban was unnecessary but, considering the small proportion of the total usage represented by consumer applications, felt that it would not present any serious problems and consequently did not oppose it. It was requested, however, that any ban imposed distinguish between commercial and consumer usage and be implemented under Section 8 of the Consumer Product Safety Act to allow those affected to present their case. We are pleased to see that the Section 8 route is being followed, but are quite disturbed with the total ban being considered as a result of the July 7, 1977 meeting of the Commission. This letter is intended to transmit newly obtained technical information on consumer exposure and to comment on certain issues which these data raise. It is hoped that you will look again at the need and the feasibility of such a total ban.

We have recently completed a five-day study of a consumer spackling and drywall renovation operation in a typical residence using an asbestos-containing tape-joint compound. Approximately 11 feet of drywall was removed and replaced. Extensive spackling was also done. The residual exposure in the house from two prior consumer uses of taping compound was also measured. A detailed report is attached with the key results summarized below:

1. Residual asbestos exposure was somewhat less than 0.01 fibers/cc >5μ and was not changed appreciably by the present test. It is quite probable that this is not really different from the natural background.

2. The highest ceiling (short term) personal exposure encountered was 0.5 fibers/cc >5μ.

3. The highest 8-hour time-weighted average found was 0.3 fibers/cc >5μ.

4. For the three days that asbestos-containing dust was generated the 8-hour TWA values expressed as fibers/cc >5μ for three rooms in the house were:

	Prep. and Installation	Sanding & Clean up	Sanding & Clean up
Spackling	0.1	0.08	0.009
No operation	0.03	0.02	0.007
Drywall renovation	0.3	0.02	0.01

While it may be noted that the highest time-weighted average value measured in the study was 0.3 fibers/cc >5μ, a value which approaches the 0.5 fiber/cc level proposed but not yet adopted by OSHA, the cumulative exposures in the two circumstances are drastically different. The OSHA standard is designed to protect the worker over a normal working life of about 40 years where he has daily exposure to a time-weighted average of 0.5 fibers/cc or even 2 fibers/cc under the existing regulation. In the case of the consumer the exposure is casual and probably occurs for no more than three days once every few years. We are aware of no medical evidence showing that such casual exposures are harmful.

In view of the low levels of exposure just cited, it is relevant to recall to your attention to two statements which occur in reports from the Commission Staff on this matter.

> "The petitioners have addressed problems which arise from being exposed to asbestos fibers occupationally and environmentally. However, they have not cited any concrete evidence of the hazard which is tied directly to the products for which they seek a ban. It merely cited the fact that these products do contain asbestos fibers and they have cited the fact that asbestos fibers in other situations have been linked to lung disease. We question whether the evidence presented in the petition is sufficient to show that these substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use." (1) (Emphasis added.)

> "The instances of single or short-term exposure to asbestos cited in the petition can be taken as evidence of a possible (but not necessarily probable) cause-effect relationship. However, by themselves, they would not stand up to statistical scrutiny in predicting a correlation between brief exposure to asbestos and the later development of cancer caused by such exposure." (2) (Emphasis added.)

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(1) Letter of July 11, 1976, from Charles M. Jacobson, BCMI to Francine Shacter, TAD, OSCA.

(2) Briefing Package, February 2, 1977, presented to the Commission by Francine Shacter.

We believe that the data presented support the position that the occasional and small-scale use of spackling and taping compounds in any reasonably foreseeable handling or procedure does not present a significant or measurable hazard to the do-it-yourself consumer. The petitioners have not submitted evidence that refutes this position or that directly supports the ban they have requested.

There is another important aspect to consider. One approach to the asbestos problem that is being widely advocated today is the use of substitute materials. The search for suitable substitutes in tape-joint compounds has been pursued actively by many companies for the past 5-7 years. Two of the largest manufacturers appear to have switched to attapulgite clay and wollastonite, respectively. Others are using fibrous talc. The choice of these materials is very logical since they are made up of long, narrow particles which tend to provide the same critical rheological properties as asbestos.

As you are well aware the relationship of the length, diameter and other physical characteristics of the particles to the health hazard is extremely controversial at this time. It is one of the principle subjects of a very large conference sponsored by the National Bureau of Standards in Gaithersburg, MD on July 18-20. Attapulgite and wollastonite are also currently under intensive investigation by NIOSH. This raises the question whether anything is gained in consumer protection by forcing manufacturers to use other unregulated fibrous materials of unknown hazard to replace asbestos. The consumer then assumes that the product is completely safe and uses it carelessly with no concern about the amount of dust raised. A simplistic answer, which would no doubt have its advocates, would be a ban on all compounds which could release mineral particulate having a certain range of dimensions. It is extremely doubtful that there is sufficient medical evidence available at this time or will be in the foreseeable future to sustain such a ban. The economic consequences would also be tremendous because completely new concepts in wall finishing would need to be developed.

As a more reasonable alternative it is suggested that the Consumer Product Safety Commission adopt a combined approach:

1. Limit the amount of asbestos that can be used in spackling and taping compounds to one percent by weight in the total formulation. This is sufficient to gain the benefits of the use of asbestos and serves to limit the potential for exposure.

2. Require a warning label on all such compounds whether packaged for consumer or commercial use. This turns to good advantage the widespread public awareness of the potential hazards of asbestos to encourage that the product be treated according to directions and not abused.

We hope this information will be of assistance to the Commission and will be pleased to discuss it with your staff if desired.

Very truly yours,

Harrison B. Rhodes

Harrison B. Rhodes
Technology Manager

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Enclosure