

FILE NAME: Drywall Spackling Compounds (DWSC)

DATE: 1977 Aug 26

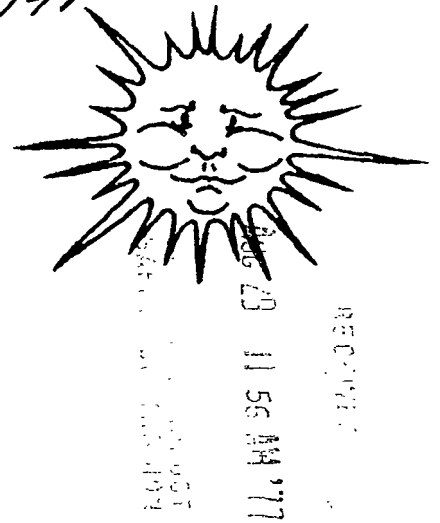
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CC10-77-11 45

Mass PIRG

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August 26, 1977

Secretary
Consumer Product Safety Commission
Washington, D.C. 20207

Dear Sirs:

The Massachusetts Public Interest Research Group (Mass PIRG) is a non-profit student organization devoted to issues of public concern. PIRG was designed to generate research, legislation and social action in areas such as the environment, health and safety, civil rights and consumer protection. Each year students at 19 colleges and universities in Massachusetts support PIRG through voluntary contributions on their tuition bills.

Unless the Consumer Product Safety Commission acts now, many of the 40,000 students who support Mass PIRG will be threatened by the continued use of products which release respirable asbestos. Most of these citizens have yet to reach the age of twenty-five, and they want to protect themselves from cancer. Your proposed rule (Federal Register, 42:38782-38791) would help do this.

Mass PIRG regrets that the Commission voted not to regulate respirable free-form asbestos under the Federal Hazardous Substances Act which would have allowed all such products in distribution to be recalled. Nevertheless, on behalf of Mass PIRG, I value the opportunity to comment on the regulations proposed under the Consumer Product Safety Act.

A ban on asbestos-containing consumer patching compounds used to join or repair interior walls and ceilings is in the public interest. The documented health effects of long-term low level exposure to asbestos, as well as brief, highly concentrated exposure - both of which are associated with the use of these products - far outweigh the minor economic dislocations which would result from a prohibition on these applications. As Mr. Barry Castleman pointed out in his oral presentation before the Commission on August 15, 1977, this use of asbestos is a minor source of income for only one company, Union Carbide. The \$10,500 per year income, or 7¢ per shareholder, gained from this product is dwarfed by the tremendous potential for human disease associated with its continued use.

A ban on asbestos-containing spackling and patching compounds should cover the entire market. The Commission's research indicates that

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even those products which are intended solely for industrial application are likely to ultimately enter the consumer environment. Therefore, it is prudent to ban all such applications. A partial ban would be unenforceable.

Regarding a reduction of the amount of asbestos contained in such products from 3 to 1 percent, it has not been demonstrated that this would eliminate the excess risk to consumers. Only a total ban would suffice.

The proposed ban on artificial emberizing material is also in the public interest. It is ironic, and frightening, that such a trivial use could justify the introduction of such a harmful substance into our environment. When the final rule is promulgated, Mass PIRG stands ready to assist the Commission in educating the general public in the proper way to safely remove such material from fireplaces in their homes. In drawing up the guidelines, we suggest that the Commission work closely with businesses which install and maintain gas-burning fireplaces, as they are likely to be most familiar with the extent of use of this product.

Mass PIRG supports the time-frame proposed by the Commission for banning asbestos-containing emberizing material, however, we question the 30 day delay for the spackling and patching compound regulation to take effect. All such products sold and used within 30 days of publication of the ban will continue to expose consumers beyond the effective date through re-entrainment of the asbestos fibers in the indoor environment. As noted in the proposed rulemaking, asbestos-free substitutes are being used now by consumers. Thus, the prohibition should take effect immediately upon publication in the Federal Register.

The Commission's stated intention to evaluate the use and possible dangers of asbestos in other consumer products is laudable. Reports by investigators indicate that other products available to consumers may release airborne asbestos fibers: vinyl-asbestos floor tile - Murphy, et al, Am. Rev. Resp. Dis., 104: 576-580 (1976) and asbestos garments - Gibbs, Ann. Occup. Hyg., 18:143-149 (1975). The International Agency for Research on Cancer, in its recent publication, Monographs on the Evaluation of Carcinogenic Risk of Chemicals to Man, Asbestos: Volume 14, voices concern over the use of asbestos wallboard by "do-it-yourself" home repairmen (p.39). Additionally, the potential for fiber release from widely used textured paints which contain asbestos ought to be investigated.

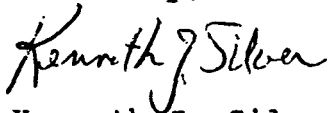
In sum, I urge you to change the proposed rulemaking so that the ban on asbestos spackling and patching compounds will take effect immediately upon publication. Also, I hope to be able to work closely with Commission staff in alerting the general public to the necessary precautions in removing artificial emberizing material which contains asbestos. Finally, I urge you to eagerly pursue the investigation of

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other possible asbestos hazards from consumer products.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth Z. Silver".

Kenneth Z. Silver
Research Associate/Amherst

KZS:mh

encls.