

FILE NAME: Drywall Spackling Compounds (DWSC)

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August 29, 1977

Secretary
Consumer Product Safety Commission
1111 18th St. N.W.
Washington, D.C. 20207

Dear Sir:

Public Citizen's Health Research Group submits the following comments on proposed Part 1304-Ban of Consumer Patching Compounds Containing Respirable Free-Form Asbestos.

The proposed definition of asbestos in 1304.3 (and 1305.3) is circular and meaningless for the minerals tremolite, anthophyllite and actinolite.

It tells the reader that tremolite, anthophyllite and actinolite are asbestos only when they are in their "asbestos" form. But it still does not define that form.

To repair the definition, the Commission needs an objective description of an asbestos fiber. We submit the following definition as proposed by OSHA and recommended by E. June Thompson of the CPSC in her "Literature Review and Analysis of Asbestos," June 2, 1977.

- (1) "Asbestos" includes fibrous chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite, and every product containing any of these minerals.
- (2) "Asbestos Fiber" means a particulate form of asbestos longer than 5 micrometers, with a length-to-diameter ratio of at least 3 to 1, and with a maximum diameter of 5 micrometers.

This definition would be uniform with OSHA's proposal and thus further the policy of cooperation between the Commission, OSHA, the EPA and the FDA, as announced on August 2, 1977.

The definition would also resolve disputes over the presence or absence of asbestos in consumer products. In contrast, the presently proposed definition would be useless in determining, for example, whether tremolite in a product is of the asbestos or non asbestos form.

Not surprisingly, the CPSC definition was suggested by the R.T. Vanderbilt Company, which has been fighting a losing battle

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with OSHA to claim that many of its tremolitic talcs contain no asbestos.

Vanderbilt concedes, for now, that the tremolitic talc it sells for spackling compounds does contain asbestos, but the company did not always make that concession and may change its mind in the future, forcing the CPSC to prove the presence of asbestos.

The Commission's own files contain a 1975 letter from Vanderbilt telling the Arvon Products Company that Vanderbilt's "3X" brand tremolitic talc does not contain asbestos. Yet two National Bureau of Standards analysts recently observed estimated fiber contents of 12% and 17.4% in samples of Vanderbilt's "3X" brand tremolitic talc. ("A Report on the Fiber Content of Eighty Industrial Talc Samples Obtained from, and Using the Procedures of, the Occupational Safety and Health Administration and key.")

Thus the Consumer Product Safety Commission faces possibility of the nation's largest producer of tremolitic talc disputing the presence of asbestos in many of its brands. Yet the commission plans to enact a regulation with no objective definition of asbestos with which to refute the company's claims.

This would put the CPSC in an untenable position.

Respectfully submitted,

Peter A. Greene

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