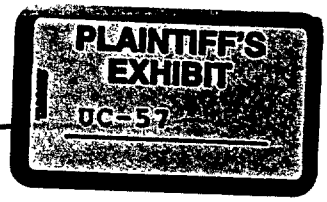
149-2



INTERNAL CORRESPONDENCE

INING AND METALS DIVISION

P. O. BOX 579, NIAGARA FALLS, NEW YORK 14302

(Name) Mr. J. L. Myers
ision Niagara Falls, NY
ation

Date April 11, 1973

Originating Dept. "Calidria" Asbestos

Answering letter date

Subject Asbestos-Containing Garments for General Use; Classification as Banned Hazardous Substances.

opy to Mr. R. E. Byrne, Jr.
File

As you are aware, we have had from time to time an interest in the use of asbestos in textile and paper coatings. Most recently, this has come from Harwick Chemical in Atlanta who have considerable dealings with the textile and textile machinery industry.

As you are also aware, the following ban appeared in the Federal Register, Volume 37, No. 144 - Wednesday, July 26, 1972:

> "(7) general use garments containing asbestos (other than garments having a bona fide application for personal protection against thermal injury and so constructed that the asbestos fibers will not become airborne under reasonably foreseeable conditions of use)."

The FDA refused to go along with the AIA suggested wording which contained the exception, "...or other purpose in which the special properties of asbestos make its use appropriate." They also ignored the UCC suggestion to define "containing asbestos" as unbound fibers. Hysteria has won again.

As I read the regulation, general use garments are prohibited unless they satisfy both criteria of bona fide fire protection and bound-in fiber. It is suggested that we get a verification and/or an interpretation of this from our law department so we can steer clear of problem areas. The remainder of the group should also be informed of the situation.

H. B. Rhodes

HBR:cjb

A10374