



Calidria ASBESTOS

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August 29, 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 transmits, in three separate documents, the supporting technical data promised during my testimony before the Commission on August 15, 1977, and also the information on our activities to educate employees and those of our customers on the hazards of asbestos and precautions to take when using it. I will also take this opportunity to comment briefly on several key issues that were raised at the hearings.

It was pointed out that we have a relatively minor financial stake in this application. This "stake" is now essentially nil since there has been a virtually complete halt in the use of asbestos in all taping and spackling compounds, regardless of their intended end use. This is due primarily to the Commission's proposed broad-reaching ban on the use of spackling compounds and the inaccurate media reporting of the Commission proceedings. Our lack of financial interest must raise a question as to why we have continued to pursue this matter. We believe that there are some basic principles and precedents involved that must be settled. These include:

1. The banning of a product which was introduced 50 years ago and has been in widespread use for the last 35 years without any evidence that a consumer has ever been harmed. Extrapolation from commercial experience strongly suggests that there is no measureable risk so the only remaining basis for the ban becomes the unproven and unproveable "one-hit" hypothesis. The evidence to ban a product as an "imminent hazard" should be much stronger than this.

2. The statutory authority of the Commission to base a banning action on a "zero risk" requirement.

A question was raised as to whether or not data submitted by an "interested party" was admissible; or, if it was, what weight should be given to it. The prevalent attitude of the self-appointed "public interest" advocates appears to be one where, if the advocate believes his cause to be just, he automatically becomes a "disinterested party" with the only access to objective data. We

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submit that there are no truly disinterested parties in a regulatory action of this nature and that all scientific evidence presented should be judged on its own merits. We intended, and firmly believe, that the data submitted by Union Carbide Corporation meets the test of scientific validity.

There appeared to be some misunderstanding as to whether or not our counting method meets the NIOSH criteria. We assure you that it does and in fact twelve of the samples from the two consumer tests have been checked by two independent laboratories, McCrone Associates and NGC Research Center Environmental Laboratories. The results given in the enclosed Appendix confirm the data which we presented.

All of the commercial and consumer exposure data presented has been discussed and conclusions have been drawn in terms of concentrations of fibers longer than five microns in length as measured by optical methods. This was done because commercial exposures for which health effects data are available for comparison are largely measured this way. In this connection comparisons have been made with "ambient" asbestos levels as described by NIOSH. Thus:

> "Only a few studies of ambient levels have been performed using phase contrast optical microscopy. These studies indicate ambient levels to be generally less than 0.01 f/cc(1) with some peak values as high as 0.03 f/cc."

Using the NIOSH ambient levels as a frame of reference, the consumer data presented show a maximum exposure of 1.3 f/cc during the actual installation operations and 8-hour time-weighted average (TWA) exposures of only 0.2-0.3 f/cc. A TWA of 0.3 f/cc for 3 days is equivalent to an exposure of 0.0045 f/cc/day for one year when calculated by the method proposed by Dr. Bayard of your staff. Even if the TWA was as high as one f/cc, which is much higher than any measured, the annual daily exposure would be only 0.01 f/cc, i.e., the upper end of the ambient level described by NIOSH. It was also demonstrated that general household exposures for both tests after completion of the installation were also well below 0.01 f/cc. The critical point here is that the exposure to the consumer while he is engaged in the installation is low, and when averaged over a year does not exceed ordinary ambient exposure. We are aware of no evidence that such casual exposure is harmful.

I will close with a final comment on our proposal to allow a maximum of 2% asbestos in spackling compounds. We agree that there is no proven correlation between the asbestos content in compounds and the anticipated airborne fiber level, but this is largely academic. A substantial consumer test has demonstrated the levels of exposure to be expected from a mud containing 2.6% asbestos. Levels that might occur from a 5% or 8% asbestos mud are not relevant since only a 2% level is requested, and support for this level is provided.

Thank you for this opportunity to present our views. Please do not hesitate to contact me if we can be of any further assistance in this or related matters.

(1) In this letter and all enclosures "f/cc" means "asbestos fibers, greater than five micrometers in length, per cubic centimeter of air."

Very truly yours,

John L. Myers
for Harrison B. Rhodes
Technology Manager

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