UNION CARBIDE CORPORATION
270 PARK AVENUE NEW YORK, N.Y. 10017
LAW DEPARTMENT



May 21, 1973

Mr. B. L. Ingalls
Mining and Metals Division
Niagara Falls, New York 14302

Re: Mining and Metals - FDA Regulations
Regarding Asbestos in Food Packaging

Dear Mr. Ingalls:

This is in confirmation of our recent telephone conversation:

1. Under present Food Additive Regulations asbestos may be used in food packaging (i) as an adhesive, (ii) as a filler in rubber articles, (iii) as a reinforcement in cross-linked polyester resins, and (iv) as a filler in phenolic resins.

2. In 1963 the corporation received from the FDA an approval to use asbestos as an inert filler in paper and paperboard for use in packaging food. In 1969 the FDA recalled and revoked all prior approvals.

3. In 1972 the FDA published a proposed regulation which, upon becoming effective, will prohibit the use of talc containing asbestos in food or food packaging. This proposal will not prohibit the use of asbestos in all food packaging but only in food packaging material containing talc that is not free of asbestos particles.

4. Not withstanding any of the above, asbestos can be used as a filler in food packaging material and not be subject to the food additive provisions of the Food Drug and Cosmetic Act, if there is no migration of any asbestos particles from the packaging to the food. However, such a determination must be backed by tests conducted by qualified experts and reviewed by the law department.

5. Use of asbestos in food or food packaging other than as discussed above may be done only after the corporation has received either an approval from the FDA as to its use under certain conditions or an approved food additive petition.

If you have any further questions, I will be happy to discuss them with you.

Very truly yours,

Robert F. X. Fusaro

Robert F. X. Fusaro

RFXF/db

cc: R. E. Byrne, Jr.
G. L. Dickson
J. L. Myers
H. B. Rhodes
W. C. Thurber
P. J. Morgan/File