UNION CARBIDE CORPORATION

270 PARK AVENUE

NEW YORK, N.Y. 10017

A. S. Hart
Vice-President

May 26, 1977

The Honorable
S. John Byington
Chairman
Consumer Product Safety Commission
1111 18th Street, N.W.
Washington, D.C. 20207

Dear Mr. Chairman:

This letter is in regard to potential action by the Consumer Product Safety Commission on the second petition by the Natural Resources Defense Council to effect an immediate ban on certain asbestos-containing spackling and tape joint compounds to prevent their further use by consumers.

Union Carbide is engaged in the mining and milling of asbestos ore at a plant in California and markets asbestos for use in numerous applications including tape joint compounds.

We are not opposed to a ban on the consumer use of the products in question, even though we do not believe that the use of asbestos in these products presents a significant health hazard. What we are proposing is that a ban be implemented through Section 8 of the Consumer Product Safety Act, so that the Commission will have access to the full implications of its ruling.

To supplement this request, we call your attention to the communication the Asbestos Information Association sent to you on September 1, 1976. Our concern is two-fold:

1. An immediate ban, especially if coupled with a product call-back, would cause an unnecessary hardship for our customers who manufacture spackling compounds.

2. The wording and/or interpretation of your ruling could inadvertently inhibit or prohibit the use of asbestos-containing tape joint compounds by commercial applicators.



"Ready-Mix" (pre-wetted) tape joint compounds for commercial as contrasted to consumer use are normally packaged in 5-gallon pails (62.5 pounds) or in 50-pound polyethylene bags in cardboard boxes. "Dry-Mix" compounds are packaged in 25-pound bags which yield about 50 pounds of compound when water is added. These packages contain enough material to finish the drywall in three rooms and are normally marketed through wholesale channels to commercial applicators. This quantity of material is substantially greater than required for normal consumer use. However, some building supply outlets stock these packages for small contractors and they would, therefore, be available to a "consumer." If these commercial packages are judged to be "...packaged in a form suitable for use in the household," the ban requested by the NRDC will, in effect, apply to the commercial as well as the consumer market.

Asbestos-free spackling and tape joint compounds have proved to be technically inferior and a ban on the package sizes mentioned above, which are targeted for commercial users, would destroy the market.

In summary, we feel that because of the relatively insignificant consumer hazard and the potential deleterious effect on the commercial market, we respectfully recommend that you implement a ban on the products in question via Section 8, the "proposal and hearing" procedure. This would provide industry with the opportunity to contribute information on the size and value of the consumer market and to respond concerning what effect your rulemaking could have on the commercial market.

We would be glad to work with you on the wording of your proposal to limit or negate its effect on the commercial market for asbestos-containing tape joint compounds.

Sincerely,

(Original signed by)

A. S. Hart

CC: Commissioners Pittle, Franklin, Kushner and Garrett
Messrs. Kapps, Garrish and Hobby