PLAINTIFF'S EXHIBIT

UC-5467

August 17, 1973

cc: #147-1, Mr. C. C. Gramer
#147, Mr. J. T. Allen, Jr.
#147-2, Mr. R. P. Entz
#170-6, Mr. J. D. Cornell
#159, Mr. E. C. Mobbs
#147-2, Mr. C. M. Howard
#151, Mr. E. Maynard
Mr. J. H. Crumbaugh

TO: #151, Mr. J. N. Walker

FROM: #151, K. S. Freeman

SUBJECT: CAUTION LABELS FOR JOINT COMPOUNDS

As a member of a "Special Committee on Asbestos in Joint Treatment Compounds" under the auspices of the Gypsum Association, I am reporting on the recommendations which were proposed at their first meeting on August 8, 1973. One recommendation was that all joint compound manufacturing members of the Gypsum Association affix the OSHA asbestos caution label on all containers of joint compounds, powder and ready-mix.

Both the National Gypsum Company and the U. S. Gypsum Company submitted test data on mixing and sanding joint compounds. With respect to asbestos fiber concentrations, both reports were in agreement that mixing powder joint compounds resulted in fiber concentrations that usually exceeded OSHA standards, and in some instances, greatly exceeded OSHA standards.

The two reports were also in agreement on data resulting from sanding the dried joint compounds. The fiber concentrations, from both powder and ready-mix joint compounds, were all lower than OSHA standards. It was on the basis of our test data (and the regulations cited in title 29, Chapter XVII, Section 1910.93a, paragraph (2) of the Federal Register dated June 7, 1972) that we reached a decision in August, 1972 to print the OSHA asbestos caution label on all bags of powder joint compounds, but not to label the containers of ready-mix joint compounds.

It was reported at the Gypsum Association Committee meeting that the National Gypsum Company was affixing the OSHA asbestos caution label on containers of ready-mix joint compound on their contention that the applicator has the right to know that a product contains a potentially hazardous ingredient; other committee members concurred. I stated, however, that approval by USG of the OSHA asbestos caution label on ready-mix joint compound containers was contingent on approval by our Marketing and Legal Departments.

Since the time of the committee meeting I have seen two other competitor's ready-mix joint compound containers that have asbestos caution labels. "Top-Pro Ready-Mixed Vinyl Taping Cement" producted by the Roach Paint Company of Dallas, Texas has a 4-1/8" x 8-5/8" label on the top of their cardboard carton as follows: "CAUTION - Contains Asbestos Fibers - Avoid Creating Dust. Breathing Asbestos Dust May Cause Serious Bodily Harm. We Do Not Recommend Sanding Of Our Joint Cement. For Best Results, We Recommend Sponging Joints to Eliminate Dust". Another product, "Paco Vinyl Ready-Mixed Joint Cement" produced by Paco Textures Company of Dallas, Texas has the OSHA asbestos caution label on the carton.

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Another recommendation by the committee was that all joint compound manufacturing members of the Gypsum Association should affix a uniform caution statement for siliceous and nuisance dusts on all containers of powder and ready-mix joint compounds as follows: "CAUTION - When mixing and/or dry sanding this product wear eye protection and a respirator which is U. S. Bureau of Mines approved for toxic, nuisance and pneumoconiosis producing dusts. Wet sanding or sponging is recommended where practicable." For ready-mix products, omit phrase "mixing and/or" in first line of the statement.

Reports submitted by the National Gypsum Company for powder and ready-mix joint compounds have the following statement in their summary: "Tests showed that the total and respirable dust released during the mixing operation and the sanding operation will exceed the allowable OSHA limits." USG has not conducted tests for the total and respirable fraction of siliceous and nuisance dusts.

My recommendations are as follows:

1. I believe that the OSHA asbestos caution label on ready-mix compounds would not be a handicap to sales, especially if it were universally adopted. However, I recommend that this decision be referred to the Marketing and Legal Departments for approval.

2. Although standards have been established by OSHA for maximum levels of the total and the respirable fractions of siliceous and nuisance dusts in the work environment, there are no specific, mandatory caution labels such as that for asbestos. However, cautionary label statements would be required if any foreseeable use, particularly the mixing and sanding of the joint compounds, will result in dust levels that exceed OSHA standards.

Tests are scheduled in Denver in mid September to establish, among other things, the dust levels created by mixing and sanding joint compounds. Samples of powder topping joint compound and ready-mix joint compound will be submitted by six Gypsum Association joint compound manufacturing members in a blindfold test. The results will be monitored by an independent industrial hygiene testing laboratory which has not yet been selected. I recommend that a final decision on the adoption of a uniform Gypsum Association dust hazard label be deferred until the mixing and sanding tests are conducted in Denver.

KSF/jak

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