85

STATEMENT OF DR. FRED L. PUNDSACK, VICE PRESIDENT, JOHNS-MANVILLE CORPORATION

Dr. Pundsack. My name is Fred L. Pundsack, and I am Vice President for Research and Development for the Johns-Manville Corporation. I have a Ph.D. in Chemistry, and I have been involved with research and development work on asbestos for almost 20 years.

The purpose of my statement is to discuss the several warning label requirements for asbestos and asbestos-containing products which are specified in the various permanent standards for asbestos which have been proposed for consideration by the Occupational Safety and Health Administration.

These hearings have established clearly that the final rule that is promulgated with respect to the permanent occupational standard for asbestos extends far beyond the direct effect on the asbestos industry and the people who work in it.

The Occupational Safety and Health Act places in the hands of government and the administrators of government tremendous opportunities to bring about significant social and business changes. But it also places a great responsibility on the shoulders of government administrators to be certain that the changes they bring about are good changes.

Perhaps nowhere else in the asbestos standards being considered today is the opportunity to bring about bad changes so clearly evident as it is in some of the proposed labels.

M-822

EXHIBIT P-828

CRMC-Motley1000-Subj-004417

86

requirements. If these label requirements are adopted in their proposed form, they will in our opinion destroy large amounts of the industry and eliminate thousands of jobs. And they will do this without any significant evidence that the proposed types of labels are necessary.

I would like to spend the rest of my testimony to point out why the proposed labels are unnecessarily destructive to the industry, and to offer a constructive alternative which will accomplish the objectives of protecting the health of the worker and maintaining the useful products and the viability of the asbestos industry.

The purpose of a warning label is to alert the user, in this case the worker, to hazards that may be associated with the handling of the product. In addition, the label should when it is applicable, indicate the precautionary steps the worker must take to protect himself. The label must accomplish these objectives with simple, easily understood language. In short, the label must alert and instruct but it need not use frightening and terrifying language to accomplish these ends.

Much of our philosophy of labeling in this country originates with toxic and poisonous chemicals or drugs which may be ingested, or which may be absorbed through the skin, or from which the vapors or fumes may be inhaled.

In many cases, these chemicals and drugs are acutely toxic, even in relatively low concentrations, and they act

CRMC-Motley1000-Subj-004418

rapidly, often in a matter of minutes or hours. In addition, the chemicals sometimes pose additional hazards because they m have very low flash points and they may be highly flammable or explosive or corrosive.

Asbestos, an inorganic substance, which has no vapor pressure, is not explosive, does not burn, and is not absorbed through the skin, does not fit very well into the numerical hazard rating system for these types of properties. Neverthele the NIOSH recommendations for an occupational exposure standard for asbestos in Section 3- Labeling, of their document recommen a warning label for asbestos which uses the toxicity standards developed in 1954 and reported at that time now in an articl titled "Safe Handling Procedures for Compounds Developed by the Petro Chemical Industry."

We believe the application of this type of labeling to asbestos is inappropriate. Instead, we recommend that a caut or warning label with the following type of text be used on bag or containers of asbestos fiber:

CAUTION

This bag contains chrysotile asbestos fiber. Obviously if the type of fiber were involved, the term "chrysotile" would be substituted.

Inhalation of asbestos in excessive quantities over long periods of time may be harmful.

If proper dust control cannot be provided,

respirators approved by the U. S. Bureau of Mines for protection against pneumoconiosis producing dusts should be worn.

I would like to direct your attention now to the Advisory Committee recommendations. The Advisory Committee recommendations on Asbestos Dust Standards go far beyond the labeli recommendations made by NIOSH. The Advisory Committee in sect (f) - Warning label and sign part (1) propose that a warning label be affixed to all raw products, mixtures and finished products containing 5 percent or more by weight of asbestos.

The legend proposed for the label utilizes the termi ology "May cause asbestosis and cancer" in large bold type. On the other hand, the label does not really indicate the precaut the worker should take to protect himself.

We believe this proposed label on asbestos-containin products is unnecessarily frightening and alarming, and it woul have a very severe and we believe undeserved economic impact o the industry. Theproposal to label all asbestos-containing products also ignores the point that in the majority of asbest containing products, the asbestos is firmly locked in place w cement, resins, or plastics, and in normal handling, applicati and use no significant amounts of asbestos dust are generated.

For example, in asbestos cement pipe, which may contain 10 percent to 15 percent asbestos, the asbestos fi rs are firmly bound in place with portland cement. Asbestos ce ent

89

pipe has been in use within this country for 40 years, and we know of not one single case of asbestos related disease associated with the installation or use of asbestos cement pipe. Yet the Advisory Committee recommendation would require that th product carry a label that it "may cause cancer."

I don't believe that it takes very much imagination to envision what will quickly happen to the asbestos cement pipe industry if this labeling requirement is adopted. The industry will simply cease to exist, and I believe it will cea... to exist within 2 or 4 years after the adoption of the labeling requirement I have just discussed.

It will cease to exist because of the unjustified term "cancer" in the label will frighten and terrify people.

If the asbestos cement pipe industry should [illegible] will mean the closing of more than a dozen manufactu[illegible] in this country, and it will put thousands of people [illegible] In a number of cases these job losses will occur in c[illegible] in which the asbestos cement pipe plant is one of the [illegible] employers in the community.

If asbestos cement pipe were really hazardous, then I suppose we would have to accept the closing of these plants and the loss of all these jobs on this as the penalty we must pay for progress in occupational health.

But asbestos cement pipe is not hazardous, so the application of a label to it, as recommended by the Advisory

90

Committee, is analagous to [illegible] with an innocent victim.

I have cited as an example of the labeling problem only asbestos-cement pipe. The same general arguments, however would apply to products such as asbestos-cement shingles, flat and corrugated asbestos-cement sheets, vinyl asbestos floor tile, asphalt saturated roofing felts and a number of oth products.

We believe therefore, that in products in which the asbestos is locked in place with a firm binder such as portland cement, or plastics, no label is required or should be required. Instruction in good work practices in the handling and application of these materials will provide excellent protection t the workers installing the materials. We strongly urge, therefo that labeling of locked in asbestos containing products not be required.

On the other hand, we support proper caution labels on products in which the asbestos is not firmly locked in place by cementing binders, and in which the worker who handles and applies the material may generate significant quantities of asbestos containing dust.

Examples of such products would be friable low density pipe and block insulations and insulating cements. For these types of products, we recommend that the type of label shown in figure 1 be used.

CRMC-Motley1000-Subj-004422

91

FIGURE 1

C A U T I O N

THIS PRODUCT CONTAINS ASBESTOS FIBER.
INHALATION OF ASBESTOS IN EXCESSIVE
QUANTITIES OVER LONG PERIODS OF TIME
MAY BE HARMFUL.
DUST MAY BE CREATED WHEN THIS PRODUCT
IS HANDLED.
IF PROPER DUST CONTROL CANNOT BE
PROVIDED, RESPIRATORS APPROVED BY THE
U. S. BUREAU OF MINES FOR PROTECTION
AGAINST PNEUMOCONIOSIS PRODUCING
DUSTS SHOULD BE WORN.

Fred L. Pundsack's Statement on Asbestos Warning Labels in the Labor Department Hearing Transcript (1972) Published by AsbestosClaims.Law
ACL Doc 24615 · Page 7 of 7 **asbestosclaims.law/library/24615/7**