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PLAINTIFF'S EXHIBIT

CAP-1671

American Water Works Association | 6666 West Quincy Avenue | Denver, Colo. 80235 | 303 794-7711

REPLY TO:  
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November 10, 1981

Memo to: Members of WQD Ad Hoc Committee  
on Asbestos in Drinking Water

From: George E. Symons, Chairman

Re: Transmittal of Approved Policy Statement

Herewith is a copy of the final approved statement of Policy on Asbestos in Drinking Water as developed by the individual and collective efforts of the Committee Members. The completion of this final draft was possible when votes were received from all Committee Members.

For your information, the results of the last ballot were:

|                                                           | <u>Yes</u> | <u>No</u> | <u>Abstain</u> |
|-----------------------------------------------------------|------------|-----------|----------------|
| For: revised version of Par. 4A                           | 11         | 2         | 1              |
| For: Par. 6B                                              | 9          | 5         | 1              |
| For: Substitution of Transmittal<br>letter for Commentary | 9          |           | 1              |
| • Commentary and trans. letter                            | 1          |           |                |
| • For Revised Commentary                                  | 2          |           |                |
| • For Original Commentary                                 | 2          |           |                |

As you will note, I revised the draft of the transmittal letter, shortening it somewhat. Inasmuch as an Ad Hoc Committee is created "for this purpose only," it ceases to be on completion of the task, which means that officially this committee is now disbanded. To each of you who participated in the Committee efforts, I want to express my personal thanks. I am pleased that the assignment was completed in about one year and I appreciate all of your efforts and your cooperation. Thanks.

Sincerely,

*George E. Symons*  
George E. Symons  
Ad Hoc Committee Chairman

*P.S. Also enclosed: Summary  
of ballots and comments.*

CAPCO JEN 0013319

AWWA Water Quality Division  
Ad Hoc Committee on Asbestos in Drinking Water

Draft No. 5 & 6

Sept. 30, 1981  
Nov. 7, 1981

Result of Ballots on  
AWWA Policy Statement on Asbestos in Drinking Water

A | The American Water Works Association believes there is  
no demonstrated risk associated with the ingestion of asbes-  
tos in drinking water.

Approve 13 Disapprove 2

Reason for disapproval:

- #1 - Doesn't believe an AWWA policy should be issued at this time.
- #2 - Believes there is concern about asbestos in drinking water (one approval would prefer to delete "demonstrated" but doubts that rest of committee would agree. Therefore, "will go along.")

B | The American Water Works Association believes that no  
demonstrated health risk exists related to the ingestion of  
asbestos in drinking water.

Approve \_\_\_\_ Disapprove 2 - same as above.

On the basis of this belief, the Association recommends that: - 4  
In accordance with this policy, the Association recommends that: - 5  
- 6 (abstain)

1. The Association keep its members fully informed on the subject of asbestos in drinking water.

Approve 13 Disapprove 1 Abstain 1

Reason for disapproval:

- #1 - Association policy is normally disseminated to members.

(Chrmn. Comment): This Par. 1 refers to the dissemination of new technical information, not to the distribution of the policy.

2. Water utilities (should) share this information with their customers and with local health authorities, when appropriate to the local situation.

Approve with word "should" added 4  
 Approve without the word "should" added 10  
 Abstain 1

- A
3. Every water utility should be prepared to respond promptly, to the extent of its knowledge, to public inquiries made about asbestos in the local drinking water supply.  
 Approve 14 Disapprove        Abstain 1
- B
3. Every water utility should be prepared to respond promptly to the extent of its knowledge, to public inquiries about the number of asbestos fibers in the local drinking water supply.  
 Approve        Disapprove
- A
4. Utilities which use asbestos-cement pipe in the water system should follow established and approved AWWA procedures for handling, cutting, machining, and tapping pipe.  
 Approve 6 Disapprove 3 Abstain 1  
 Reason for disapproval:  
 #1 - Statement should include all asbestos containing materials, not just pipe.  
 #2 - These procedures are aimed primarily at minimizing inhalation of asbestos fibers, not ingestion.  
 #3 - Conflicts with policy statement.
- B
4. Utilities which use asbestos-containing materials should follow established and approved AWWA procedures, particularly with respect to handling, cutting, machining, and tapping asbestos-cement pipe.  
 Approve 5 Disapprove 3 (same three as above)  
 Reason for disapproval:  
 #1 - The following words should be added at the end of the sentence: "or other asbestos-containing materials."

Revised 4A - Ballotted on in Draft No. 6

4A Utilities which use asbestos-containing materials in the water system, should follow established and approved AWWA procedures for handling, cutting, machining, and tapping such materials.

Approve 11 Disapprove 2 Abstain 1

Reasons for disapproval:

- #1 - "Language contained in original Par. 4A (Draft No. 5) is more germane since established and approved AWWA procedures exist only for A/C pipe."
- #2 - "These procedures are aimed primarily at minimizing inhalation of asbestos fibers, not ingestion of them."

NOTE: One approver noted that: "I do not believe that the AWWA procedures for cutting and handling asbestos-cement are established for all asbestos-containing materials but rather for A/C pipe specifically."

5. Utilities should minimize the possibility of asbestos fibers in drinking water by striving to meet the Association's water quality goals regarding noncorrosivity and turbidity and its policy on the treatment of public water supplies.

Approve 8 Disapprove 6 Abstain 1

Reason for disapproval:

- #1 - This partially negates or weakens the policy statement. These goals have been established and utilities should be working towards them regardless of this policy statement.
- #2 - Needs improvement in clarity by changing end of 3rd line; delete "and its" and substitute "as well as the Association's policy".
- #3 - We cannot say there is no demonstrated risk and then recommend treatment -- even based on prudence -- weakens the entire policy -- was not this rejected by vote in St. Louis.

Chairman's Note: This item was proposed at the end of the meeting in St. Louis after some Committee

members had departed. I called for a vote; it was a tie 4 to 4, so I voted to break the tie in order to give the entire committee an opportunity to consider the item which was then introduced for the first time in Draft No. 5.

- #4 - This paragraph detracts from our position that there is no demonstrated risk associated with the ingestion of asbestos in drinking water. If there is no risk, why minimize the possibility of asbestos fibers in water.
- #5 - Weakens basic policy statement. It is redundant; it is articulated in AWWA statement of policy -- "Quality Goals for potable water".
- #6 - AWWA should not establish levels of impurity. Prior to P.L. 93-523, I would agree with AWWA goal concept. However, Safe Drinking Water Act, with its primary and secondary standards are now establishing these criteria.

Comments on Par. 5 received on Ballot on Draft No. 6:

- #1 - Recommendation Par. 5 received more disapprovals than any other. The second statement in the commentary relates to the same subject. Since this is a part of the already established goals, why should it be restated here? It appears that we are saying "we find no evidence that ingested asbestos fibers will cause health problems, but just in case, it would be a good idea to get all these fibers out of the water."
- #2 - "Though there was a plurality in favor of 5, I am still in opposition because it puts AWWA in the position of setting standards which it has no business doing. In fact, it is usurping EPA's legal obligation. If AWWA and EPA both recommend the same level, it would serve no purpose. If it sets a lower value, then AWWA would be in the position of telling EPA it is wrong. In either instance, I believe that AWWA would be at cross purposes. AWWA can establish water quality goals such as being non-corrosive, but if it would set alkalinity, pH, solids, etc., then AWWA would be wrong."
- #3 - "Although the vote on Recommendation #5 is fait accompli, I remain convinced it is unnecessary and weakens the basic policy statement. The fact that it was approved by the smallest margin (one vote) of any of the agreed-upon sections suggests that I am not alone in this conviction. In all probability, the voting results reflect the lack of open debate on this section [at the St. Louis meeting]."

- A | 6. Unless a definite causal relationship between asbestos in drinking water and adverse health effects is established, restraint should be exercised in the promulgation, adoption, and enforcement of standards and regulations with respect to asbestos in drinking water.

Approve 5 Disapprove      Abstain 1

- B | 6. Unless a definite causal relationship between asbestos in drinking water and adverse health effects is demonstrated, standards and regulations with respect to asbestos in drinking water should not be promulgated.

Approve 7 Disapprove     

One approver proposed that "or adopted" be added at the end of sentence.

- C | 6. Restraint should be exercised in the promulgation, adoption and enforcement of standards and regulations with respect to asbestos in drinking water.

Approve 2 Disapprove     

Re-Ballot - Draft No. 6 - November 7, 1981

6A Approve 4 Disapprove 1 Abstain 1

Reasons for disapproval:

#1 - "Inclusion of word "enforcement" infers that advice to ignore regulations. Alternative 6B more compatible with basic policy statement and AWWA posture on risk and regulation. I approve 6B."

#2 - "I disapprove of Alternative 6A since it states that restraint should be exercised in the enforcement of standards set in respect to asbestos in water. As Mr. Jackson has indicated, this suggests advising noncompliance with a law that may be established."

6B Approve 9 Disapprove 1 Abstain 1

Reasons for disapproval:

#1 - "I also disapprove of 6B because it suggests an attitude which does not have the safety of the water consumer as its highest priority. The original Alternative 6C is a sufficient statement at this time."

#2 - "Approve 6B, if words "nor adopted" are added at end of sentence.

End of re-ballot on item 6.

7. Research on asbestos in drinking water should continue.

Approve 13 Disapprove 1 Abstain 1

Reason for disapproval:

#1 - Add "health effects of" before "asbestos".

Draft No. 5 Ballot (Cont.)

It has been suggested that the following "Commentary" be included as a part of the letter of transmittal from the Ad Hoc Committee to the Trustees of the Water Quality Division and other bodies that will have to review the proposed policy statement. It has not been suggested that this "Commentary" be published for informational purposes when the proposed policy statement is published in accordance with AWWA procedures.

#### COMMENTARY

The policy proposed by the Ad Hoc Committee, together with the recommendations pertinent thereto, resulted from careful consideration of all information available on the subject at the time the policy statement was drafted; at which time consideration was also given to other information relating to asbestos in drinking water, to wit:

- Asbestos may enter water supplies from naturally occurring geological formations in the earth's crust or as the result of man-caused activities. Asbestos may also leach into drinking water if the water is specifically corrosive toward these materials.
- Treatment of raw water by an appropriate filtration process significantly reduces the number of asbestos fibers in water. Treatment of the water to reduce its corrosive characteristics toward asbestos-containing materials will reduce the likelihood of asbestos being

leached from asbestos-cement materials in contact with water. Surface treatment of asbestos-containing materials to be in contact with water, before use or after cleaning, will reduce the leaching effect of corrosive waters on the material.

Until it is proven that the ingestion of drinking water containing asbestos fibers, over some period of time, does involve a potential health risk, it appears prudent for water utilities to minimize the possibility of asbestos fibers in drinking water whenever appropriate and reasonable.

Do you approve the previous Commentary to be transmitted with the final approved policy statement?

Approve 6 + 3(conditional) Disapprove 5 Abstain 1

Reasons for disapproval and comments by approvers:

Conditional Approval

- (1) Approve but Par. 1 and 3 both need revision.
- (2) Approve if word "not" is inserted in Par. 3, 2nd line between "does" and "involve". [Chrmn. note: Insertion of "not" contradicts policy statement]
- (3) Approve if Par. 1 is clarified and if Par. 3 is revised to read as follows: "While research continues over the question of ingestion of drinking water containing asbestos fibers, it appears prudent for water utilities to minimize the possibility of asbestos fibers in drinking water whenever appropriate and reasonable."

Disapprovals

- #1 - Delete last sentence of Par. 2 -- I do not believe surface treatment is effective over time. Delete Par. 3 -- it is counterproductive to balance of statement.
- #2 - I would approve without Par. 3.
- #3 - The Commentary is not beneficial or necessary; if added, it will cloud the initial policy statement.
- #4 - All seems extraneous to me - Last paragraph is similar to No. 5 above and should be rejected for similar reasons (See #3 under 5). Further, this recommends action and thus is policy; it should not be in Commentary.

#5 - Superficial and equivocates Committee's conclusion set forth in the policy statement.

#6 - Third paragraph should be deleted. I would approve without it.

Draft No. 6 - Reballot

Because of the small plurality and so many adverse and revisionary comments, the Chairman proposes a reballot to establish approval of one or the other of two choices.

A. Eliminate Par. 3 from the Commentary.

Approve 3 Disapproval 2 Abstain 1

Reasons for disapproval:

#1 - "I still feel that some statement indicating it is wise to minimize asbestos in water is desirable considering present state of our knowledge. I also prefer my wording for third paragraph (see my comment of 8/4/81)."

#2 - "I still believe the statement speaks for itself and better than the Commentary."

B. Substitute a Letter of Transmittal (preliminary draft was enclosed with the ballot) for the Commentary.

Approve 10 Disapprove 3 Abstain 2

Reasons for disapproval:

#1 - "I don't object to transmittal letter itself, but do not feel it should be substituted for Commentary. Still need Commentary."

#2 - Approve letter of transmittal but do not substitute it for Commentary.

#3 - "A transmittal letter does not seem appropriate in a policy statement. However, you may have to have a cover letter to transmit our proposal to the Division."

#4 - Abstention: "I still support the original Commentary."