PLAINTIFF'S EXHIBIT

CAP-1691

A/C Pipe Producers Association

Public Affairs Committee
International Affairs Committee

Internal Correspondence

TO:

FROM: J. F. Welch, Director, Public Affairs

DATE: August 28, 1981

SUBJECT: Environmental Protection Agency - Administrator's Response to AACPP Letter

REF: JFW correspondence, "Letter to the Administrator, Environmental Protection Agency (EPA), June 19, 1981.

ACTION REQUIRED: Review for information

Enclosed is the Environmental Protection Agency's (EPA) response to AACPP's letter regarding statements made by Health Effects Research Laboratory (HERL) scientists about the safety of A/C pipe. The letter was signed by the Acting Administrator for Research and Development who has functional accountability over HERL.

Not unexpectedly, the response is somewhat bureauocratic. The issue of asbestos in drinking water simply is not a current priority with the new EPA Administrator, Ann Gorsuch. Nonetheless, Staff believes submittal of the letter was a productive exercise in that it establishes a record of concern by the industry about the conduct of HERL officials.

If you have any questions, please do not hesitate to call.

JFW/ajb

Enclosures

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 5 1981

OFFICE OF
RESEARCH AND DEVELOPMENT

Mr. Joseph C. Jackson, President
A/C Pipe Producers Association
1600 Wilson Boulevard
Suite 1308
Arlington, Virginia 22209

Dear Mr. Jackson:

The Administrator has asked me to reply to your letter of June 11, 1981, concerning the appropriate role of Environmental Protection Agency (EPA) research scientists in developing Agency policy on ingested asbestos.

The Health Effects Research Laboratory (HERL) conducts research which supports the activities of the Agency's program offices, including the Office of Drinking Water and the Office of Water Regulations and Standards. The HERL strives to produce timely information which is relevant to the policy making and regulatory activities of the Agency. It is not the function of the HERL to make those policies.

HERL scientists are encouraged to discuss the state-of-knowledge in a research area, the progress of their research, and their findings. Employees should offer their ideas and opinions internally during periods of policy formulation, but employees must not publicly represent their own personal ideas and opinions as policy. The laboratory staff have been informed of the importance of clearly separating their personal opinions from Agency policy and, in general, they are very conscientious about making the distinction and referring policy questions to the program offices. I am sorry for any inconvenience to you from confusion over EPA policy caused by the statements of HERL scientists. Let me make it clear again what the Agency policy is on ingested asbestos.

The Office of Drinking Water, which has the responsibility for the control of contaminants in drinking water, has not reached a position on the ingestion risk and hazards of asbestos-cement pipe. Until planned research on the effects of ingested asbestos is complete, the Office of Drinking Water believes it is prudent to minimize exposure to asbestos in water, whether from natural sources or from asbestos-cement pipe. Because asbestos fibers are released from asbestos-cement pipe only when water is aggressive, the Office of Drinking Water believes the practical approach is to correct the aggressive tendencies of drinking water where they exist.

On November 28, 1980, the Office of Water Regulations and Standards published a water quality criterion for asbestos in water. The water quality criteria do not reflect considerations of economic or technologic feasibility. These criteria discuss available scientific data on the health effects of pollutants and quantitative concentrations of the pollutants in water which will generally ensure water quality adequate to support a specified use. EPA has not required the states to include specific pollutants in state water quality standards nor does the Agency require that EPA's criteria levels be used by states which do select these pollutants. For example, a state may modify the human health criteria levels to reflect local exposure conditions or the extent of pollutant removal during drinking water treatment.

The Office of Water Regulations and Standards has attempted to develop the criteria in a systematic manner. While cancer risk extrapolation is very dependent upon the assumptions of the model chosen, and the resulting estimates may vary over several orders of magnitude, risk extrapolation has been endorsed by the National Academy of Sciences as a useful means of assessing risks of exposure to various carcinogenic pollutants. Using such a risk extrapolation model, a conservative one endorsed by the Interagency Regulatory Liaison Group that was designed not to underestimate cancer risk, it was concluded that the level of asbestos which may result in an incremental increase of cancer risk over the lifetime of 1 in 100,000 is 300,000 fibers per liter. The estimate is presented in the criteria for information only and other concentrations representing other risk levels may be calculated using information in the criteria document. The estimate does not represent an Agency judgment on an "acceptable" risk level.

HERL is presently conducting asbestos health research, at the request of the Office of Drinking Water. It is our intent to review the ingested asbestos health research program in FY 82. No new projects were begun in FY 81, no new starts are planned for FY 82 and the major pieces of health research should be complete in FY 82. When the major studies are complete, the research will be reviewed by panels of scientists and the data and the reviews will be provided to the Agency for use in developing a position on ingested asbestos.

I believe the Agency's position on ingested asbestos is clear and has been presented properly by the program offices charged with policy development. I have summarized it in this letter with their concurrence. Agency policy is a program office matter, not a research function. I believe that this letter responds to the requests in the final paragraph of your letter by making it clear that those parts of the Agency charged with developing policy have done so by confirming your observation that EPA research scientists do not make regulatory policy.

Sincerely yours,

Courtney Riordan

Andrew P. Jovanovich
Acting Assistant Administrator
for Research and Development

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