



A/C Pipe
Producers Association

File
Internal Correspondence

TO Board of Directors
International Affairs Committee

FROM

J. F. Welch
J. F. Welch, Vice-President

DATE: June 22, 1984

SUBJECT

U. S. Environmental Protection Agency (EPA) - Consideration to Ban A/C Pipe

Reference: JFW correspondence, same title, April 13, 1984

ACTION REQUIRED: Review for information

Current Status

Enclosed is a status report summarizing industry actions taken since mid-April. The Executive Committee approved Staff recommendations (page 7) and these tactics will commence immediately.

Congressional Appropriations Committee Reports

The House Appropriations Committee report (Enclosure 1, p. 3-4 in memorandum), admonishing EPA for its regulatory approach on asbestos, was rebutted by the Senate Appropriations Committee. Moreover, the Senate report (Enclosure 2) argues against the notion of crocidolite asbestos being more carcinogenic than chrysotile.

U.S. Senate Correspondence re TSCA Authority

The letter (Enclosure 3) from Senator Robert Stafford, Chairman of the Senate Committee on Environment and Public Works, to EPA Administrator Ruckelshaus points out that the Toxic Substances Control Act (TSCA) also may be used to regulate "unreasonable" occupational risks. The letter apparently was prompted by Office of Management and Budget questioning about the appropriateness of EPA regulating chemicals in the workplace, as well as Kirkland & Ellis' March 22 letter to the EPA Administrator, which makes the same argument. This is seen as a self-serving effort by EPA to endorse its TSCA regulation strategies for asbestos and other workplace chemicals.

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

JFW/bwm

Enclosure

cc: A. H. Kahn, Esq.

copies to:

Board of Directors

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F. Layton
L. Taylor ✓
L. Cejudo
J. M. Couture

International Affairs Committee

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Enclosure 1
6/12/84.

FOR: MEMBERS

This excerpt will be of particular
interest and is invited to your attention.

BJP

98TH CONGRESS 2d Session	HOUSE OF REPRESENTATIVES	REPORT 98-803
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-
INDEPENDENT AGENCIES APPROPRIATION BILL, 1985

MAY 23, 1984.—Committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

Mr. BOLAND, from the Committee on Appropriations,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 5713]

The Committee on Appropriations submits the following report
in explanation of the accompanying bill making appropriations for
the Department of Housing and Urban Development, and for
sundry independent agencies, boards, commissions, corporations,
and offices for the fiscal year ending September 30, 1985, and for
other purposes.

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OVER

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The committee generally supports EPA's increased emphasis on risk assessment in regulatory decisions, recognizing that some level of risk is inherent in virtually every substance and every activity. However, a marked departure from this balanced and well-reasoned approach to managing risk appears to be EPA's treatment of asbestos. In past decades, extremely high occupational exposures to asbestos have had catastrophic health consequences to exposed workers. These effects are well-known and have led the public to automatically associate asbestos with disease and death.

In fact asbestos is not a single substance, but a group of minerals with different physical and chemical characteristics and biological activities. Many researchers believe that "white" asbestos, which comprises 95 percent of all uses in this country, presents far less risk than other types. Moreover, there is no conclusive evidence of measurable adverse health effects produced by the inhalation of "white" asbestos at low nonoccupational exposures or from ingestion even at high concentrations.

Recently, the asbestos-in-schools program has received wide attention. However, EPA's handling of this problem has not encouraged rational or responsible risk management. Regulations require that parents be notified if "friable" asbestos is found, but EPA technical guidance is lacking on how school officials are to evaluate risks and select appropriate corrective measures. The potential for panic and overreaction is tremendous—leading to wasted resources and possibly higher asbestos exposures if complete removal is undertaken in schools where modest containment measures are appropriate. The committee urges EPA to provide more balanced and complete technical information to encourage more rational and less emotional responses to asbestos in schools.

The Agency's recent regulatory proposal for an immediate ban on asbestos in several major uses—with a complete phase-out over ten years—also perpetuates the "one fiber can kill" perception that is an anathema to rational decision-making on managing risks. This proposal to ban all forms of asbestos would impose a huge cost on society. Yet EPA has not seriously considered the approach being taken by Great Britain, Canada and the Common Market countries of differentiating among the types of asbestos and banning only those types believed to present higher health risks.

The committee believes it is essential for EPA to reconsider its approach to asbestos regulation and directs that before taking any further regulatory action restricting asbestos uses, the Agency do the following:

- Clearly define the minerals classified as asbestos;
- Fully evaluate the British, Canadian and European studies;
- Develop mineral-specific assessments of relative health risk;
- Evaluate epidemiological studies to identify the specific risks of "white" asbestos at low environmental exposures; and
- Conduct animal studies to determine the biological activity and health risks of asbestos substitutes.

Calendar No. 967.

98TH CONGRESS }
2d Session

SENATE {

REPORT
98-506DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—
INDEPENDENT AGENCIES APPROPRIATION BILL, 1985

JUNE 7 (legislative day, JUNE 6), 1984.—Ordered to be printed

Mr. GARN, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H.R. 5713]

The Committee on Appropriations to which was referred the bill (H.R. 5713) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes, reports the same to the Senate with various amendments and presents herewith an explanation of the contents of the bill.

AMOUNT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	<i>Fiscal year 1985</i>
Amount of bill as recommended in House.....	58,436,496,500
Amount of change by Committee.....	-2,352,617,500
Amount of bill as reported to Senate.....	56,083,879,000
Amount of appropriations to date, 1984.....	56,111,731,000
Amount of budget estimates, 1985	54,668,498,000
Over estimates for 1985	1,415,381,000
Under appropriations for 1984	27,852,000

-OVER-

The Committee strongly supports EPA's regulatory decisions regarding the uses of asbestos, particularly its increased emphasis on addressing the problem of asbestos in schools. Scientific studies beginning in the 1930's have documented the link between exposure to asbestos and various types of cancer and other diseases. The House report is critical of EPA for allegedly failing to consider the approach being taken by Great Britain, Canada, and the Common Market countries. The data on which this approach rests suggests that the degree of risk resulting from exposure to chrysotile or white asbestos is not as great as that resulting from exposure to crocidolite or blue asbestos and amosite or brown asbestos. The Committee notes, however, that other studies, such as the 1983 Consumer Product Safety Commission (CPSC) report, have reached different conclusions. In fact, the CPSC report concluded that

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evidence for a significant difference among the important commercial asbestos varieties in their ability to cause lung cancer is weak. The report also shows that animal studies consistently document that all three forms of asbestos are equally potent in producing lung cancer and mesothelioma.

In addition, there is no known threshold level below which exposure to asbestos is considered safe. Moreover, evidence shows that children may stand an increased risk of developing disease from asbestos exposure due to the earlier period of life at which they are exposed. The question of providing financial assistance to school districts is currently being considered. Should such legislation pass, EPA's role in the asbestos-in-schools program would be expanded. In the interim, the Committee believes that EPA should continue its present approach to the asbestos problem. The Committee is advised that EPA considers its regulatory and enforcement activities concerning asbestos to be among its top 10 priorities. The Committee directs that EPA continue its efforts, and that neither further regulatory actions restricting asbestos uses, nor its program of having school officials identify asbestos hazards, should be delayed pending completion of further studies.

Finally, the Committee provided an additional \$1,000,000 to undertake additional asbestos-in-schools inspections. It is expected that these additional funds could increase the number of inspections by about 1,000 over the proposed level.