



A/C Pipe
Producers Association

Internal Correspondence

TO Executive Committee
John F. Welch
FROM John F. Welch, Vice-President
SUBJECT SOP-01-06 (OSHA-EPA Proceedings)

DATE, June 18, 1984

Reference: JFW correspondence, U.S. Environmental Protection Agency (EPA) -
Consideration to Ban A/C Pipe - AACPP Options and Recommended
Action Plans for SOP-01-06, Task 2, June 7, 1984

ACTION REQUIRED: Review for action no later than June 29, 1984.

This memorandum is a follow up to action taken at the June 11, 1984 Executive Committee meeting.

Municipal Intervention Tactic

Member companies agreed to have salesmen ask 2-3 utilities (per person) to send to EPA letters opposing an A/C pipe ban. Enclosed are (1) a letter asking for customer assistance; salesmen may give utilities a copy on corporate letterhead or just explain the content, and (2) a sample letter to assist the customer in framing remarks to EPA.

This important effort must start immediately if it is to have impact in the critical six weeks ahead. As a remainder, Staff does not plan any additional, direct intervention with municipalities as it did with the cities of Wichita, San Antonio, Los Angeles, Tucson, Phoenix and others.

Market Communications Tactic

Member companies agreed that an industry letter should be prepared to advise customers of EPA's proposed ban and industry's intentions with respect to the ban. Further, it was agreed that Staff should begin preparing computerized mailing lists of municipalities, consulting engineers, contractors and others. No letter is to be mailed until approved by the Executive Committee and until the ban is inevitable.

Member companies should promptly send customer mailing lists to AACPP. Provide the lists on nine (9) track 1600 BTI computer tape if your list is computerized. If not, simply send a list print-out. These will be accorded confidential status and will be consolidated into a master mailing list. Lists should be received by AACPP no later than June 29, 1984.

If you have any questions of if Staff can be of any assistance, please do not hesitate to call.

JFW/bwm

cc: A. H. Kahn, Esq.

Copies to: L. Ambler
L. Taylor ✓
F. Layton

0172061801
Chrono

cc: *A. R. Connelly*

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Enclosure 5
Draft Letter
to Customers

Notes to Executive Committee

1. Copy on corporate letterhead
2. Salesman may give copy to customers or simply use to frame his discussions with customers.

Dear Customer:

The purpose of this letter is to update you on the Environmental Protection Agency's (EPA) consideration to ban the manufacture of A/C pipe — and to ask for your assistance.

Since (name of company) was advised of EPA's investigations, we have labored long and hard to provide facts showing that a ban is unnecessary. The worldwide A/C pipe industry, its national trade associations and legal counsel have met or corresponded with EPA and many other government officials. The gist of our comments is this:

- o The asbestos exposures about which EPA is most concerned—workplaces—are currently the subject of a comprehensive rulemaking by the Occupational Safety and Health Administration (OSHA). OSHA's hearings on a reduced asbestos standard start on June 19, 1984.
- o Common sense suggests that EPA should not overlap OSHA's regulations, but defer until OSHA's rulemaking are finished.

- o When it passed the Toxic Substances Control Act, Congress clearly did not intend that EPA duplicate existing regulatory and enforcement authorities. EPA should defer to OSHA's regulatory authority for workplaces.
- o Even if EPA has legal authority to regulate asbestos based on occupational risks, it must take into account risk reduction that new OSHA asbestos rules might impose.
- o Bans of asbestos-containing products have previously been rejected by the European Economic Community, the International Labor Office and independent scientists.
- o Banning the production of A/C pipe would create intense public pressures to remove existing A/C water pipe systems.
- o If water utilities are denied use of A/C pipe, expenditures for pipe materials would increase substantially.

These last two items — public concerns about the safety of A/C pipe in place and economic impacts — could affect your utility. And that's why we need your assistance.

The A/C pipe industry is trying to bridge a credibility gap with EPA. Since (name

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of company) obviously has a financial interest in the outcome, the Agency views our opinions as self-serving and without merit. We think you'll agree that the public's concerns and the cost impacts of a ban can be very real — and we want you to tell EPA so.

A number of major A/C pipe-using municipalities and private water companies already have sent letters to EPA, letters just like the one attached. The A/C pipe industry isn't asking you to fight its battles. (Name of company) is firmly committed to remaining in the A/C pipe business. Hundreds of thousands of A/C pipe and other asbestos product industry dollars are dedicated to opposing EPA's action — in Washington and in the courts. However, its simply a matter of making EPA aware of the facts.

Thanks for your cooperation.

DRAFT
4/12/84

DRAFT LETTER FOR WATER
UTILITIES TO SEND TO EPA CONCERNING
ITS PLANS TO BAN ASBESTOS/CEMENT PIPE

William D. Ruckelshaus
Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Ruckelshaus:

[Name of municipality or water works] is very concerned about EPA's announced plans to ban asbestos-cement pipe. [Name of municipality or water works] has used asbestos-cement water pipe to serve its [number] customers for more than [number] years. Asbestos-cement pipe has proven a cost-effective means of conveying potable water. Numerous scientific and regulatory bodies around the world, including EPA, have consistently indicated that asbestos-cement pipe poses no risks of any consequence to our customers. We therefore continue to use asbestos-cement pipe today and hope to continue its use for many years.

Were EPA to ban asbestos-cement pipe, [name of municipality or water works] would face substantial additional costs. Moreover, we are very concerned that such EPA action would create intense public pressures to remove existing asbestos-cement pipe. Were such demands ever heeded, the costs would be staggering. We therefore urge EPA to reconsider its plans. In order to assist the Agency in

understanding the asbestos-cement pipe issue, the remainder of this letter provides some information on why [name of municipality or water works] employs this valuable product.

[Name of municipality or water works] first began using asbestos-cement pipe in [19__]. [Describe reasons why pipe was first chosen.] Over the years, asbestos-cement pipe has been demonstrated to have a lifetime of [number] years with minimal maintenance costs. As our market has grown, we have continued to install new asbestos-cement pipe. Today, [number] percent of our water system is currently serviced by asbestos-cement pipe.

In selecting pipe materials, we are concerned with both initial installation costs and long-term maintenance costs, and with the safety of the material. In each respect, our experience has often led us to choose asbestos-cement pipe.

The costs of purchasing and installing asbestos-cement pipe have been consistently lower [specify with percentage if possible] than alternative materials. Asbestos-cement pipe installed on our most recent projects was [number] percent less expensive than any competing materials.

In ordering new pipes, we need to be cognizant not only of installed costs today, but also of long-term costs before any major new pipe project. [Describe any analyses conducted recently of long-term costs.]

Finally, we are always vigilant about the safety of the water conveyed in our system. Needless to say, with the great publicity that asbestos health effects have had in the past decade, we have been concerned about the possibility that some health risk might be posed by fibers from asbestos-cement water pipes. We have thus followed closely the reviews conducted by the American Water Works Association and EPA of asbestos ingestion risks.

We were reassured when the AWWA conducted an independent review of the medical and technological evidence on asbestos-cement pipes in 1974 and concluded that, "the probability of risk to health from the use of such [asbestos-cement] systems is small -- approaching zero." We nonetheless welcomed the extensive research program on asbestos in water conducted by EPA in cooperation with the National Toxicology Program over the past decade. The results of that program, as announced at EPA's 1982 Workshop on Ingested Asbestos, confirmed the earlier AWWA assessment and once again reassured us that asbestos-cement pipe could safely be used in our system. Several EPA scientists and officials from its Office of Safe Drinking Water participated in that workshop and unanimously concluded that the extensive research program failed to find any human or animal evidence of a risk from ingested asbestos.

[Name of municipality or water works] has, nonetheless, monitored its system at various times over the years to determine asbestos levels. [Describe your monitoring of asbestos in your water supply, indicating measured levels, and if known, the source of the fibers (i.e., whether from natural sources or pipe).]

We have also taken numerous precautions in installation and maintenance operations to minimize asbestos exposures. [Describe any work practices employed in maintenance or installation, e.g., special cutting tools, special tapping procedures, etc. Also, describe any air monitoring data available from installation sites.]

In sum, we have found asbestos-cement pipe to be effective, affordable and safe. We thus plan to continue its use for many years. Were we to be denied use of asbestos-cement pipe, our expenditures for new installed pipe would increase substantially. For example, [give, if possible an estimate of increases in next year's budget]. Maintenance costs would also increase over the years. [Give examples if possible.]

Perhaps more importantly, we would expect an EPA ban to cause public demands to remove asbestos-cement pipe already installed. It would be extremely difficult for us to explain to our customers our confidence that the materials we use to convey water are safe when the same materials have been banned by EPA.

We understand that any EPA ban would be premised on alleged risks to workers from inhaling asbestos when manufacturing and installing pipe rather than from ingestion risks, but that will likely be a distinction without a difference to the public. Should such public pressure occur and should we be forced to begin removing and replacing asbestos-cement pipe, our ability to provide potable water at a reasonable price would be seriously jeopardized. [Give an example of what such replacement might cost, if possible.]

We trust that EPA's mind has not been set in concrete on the asbestos-cement pipe issue and urge you to reconsider any plans to ban this valuable product. If we can provide further information that would be helpful in your deliberations, please let us know.

Sincerely,

cc: Assistant Administrator
John Moore
Office of Toxic Substances
Director Don R. Clay
Chemical Control Division
Deputy Director David Dull
Office of Drinking Water
Director Victor J. Kimm

blind cc: A/C Pipe Producers Association