THE CITY OF WICHITA

RECEIVED JUN 4 1984

PLAINTIFF'S EXHIBIT

CAP-1097

DEPARTMENT OF WATER
AND WATER POLLUTION CONTROL
OFFICE OF THE DIRECTOR
CITY HALL — EIGHTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

May 30, 1984

John F. Welch
Vice-President
A/C Pipe Producers Association
1600 Wilson Boulevard-Suite 1008
Arlington, Virginia 22209

Dear John:

I've enclosed for your information a copy of the letter I received from EPA in response to my letter to Administrator Ruckelshaus.

Apparently EPA is pursuing a course that would eliminate the use of asbestos for any manufactured product.

Now we must wait for the proposed rule.

Very truly yours,

John D. Wynkoop
Director of Water and
Water Pollution Control

JDW/b

cc: Russ Krueger, w/a

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

MAY 24 1984

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

John D. Wynkoop
Director of Water and
Water Pollution Control
City Hall-Eighth Floor
455 North Main Street
Wichita, Kansas 67202

Dear Mr. Wynkoop:

Administrator Ruckelshaus has asked me to respond to your letter of April 27, 1984, in which you expressed your concern over the Environmental Protection Agency's (EPA) intention to propose a ban on asbestos-cement pipes.

In spite of previous ongoing regulatory efforts, asbestos-related health hazards continue to be a serious problem in the U.S. Therefore, EPA is working on a proposal that would eliminate the use of asbestos in virtually all products over the next 10 years in a two-phased approach. In phase one, EPA's Office of Toxic Substances (OTS), would propose a rule under the Toxic Substances Control Act (TSCA) in July 1984, to prohibit the importation, manufacturing and processing of four asbestos products for which substitutes are now readily available.

These products accounted for about half of the asbestos consumption in 1981. They are: saturated and unsaturated roofing felt: flooring felt and asbestos felt-backed sheet flooring; vinyl-asbestos floor tile; and asbestos-cement pipes and fittings. These products were chosen because they are large-volume uses of asbestos, and the availability of substitutes can be easily documented. Additional categories of products which pose a disproportionately high risk of disease compared with their volume may be added. This action would have an immediate and significant impact on the asbestos hazard.

In phase two, OTS would propose a rule under TSCA in October 1984, to reduce the total amount of asbestos imported and used in all other applications and eventually eliminate most uses of asbestos through a staged phase-down rule over a 10-year period.

As you correctly point out, our risk assessment is based on inhalation, not ingestion of asbestos and we have emphasized this in our drafts of the proposal. Accordingly, at the present time, we envision no circumstances under which removal of asbestos-cement pipes would be required.

I must emphasize that this proposed action is presently in draft format at this time and may very likely undergo further changes between now and any future date of announcement. I have instructed our TSCA Assistance Office (TAO) to notify you promptly at the beginning of the 60-day comment period following the announcement of the proposed rule, so that your views will be considered before any final ruling is made.

Sincerely yours,

John A. Moore
Assistant Administrator
for Pesticides
and Toxic Substances