PLAINTIFF'S EXHIBIT

CAP-765

A/C Pipe Producers Association

Internal Correspondence

TO Executive Committee

FROM J.F. Welch, Vice President

DATE August 26, 1982

SUBJECT State of California - Indoor Environmental Quality

ACTION REQUIRED: Review for information

Enclosed is correspondence from Winner/Wagner & Associates, AACPP special counsel in California, describing two consumer protection bills introduced in the California Legislature. Also enclosed are excerpts (on asbestos and plastic pipe) from a "Consumer Cleanup Kit" published by the State of California Department of Consumer Affairs.

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

JFW/ccw

Enclosure

cc: A. Kahn, Esq.
Winner/Wagner & Associates, Inc. (w/o enclosures)

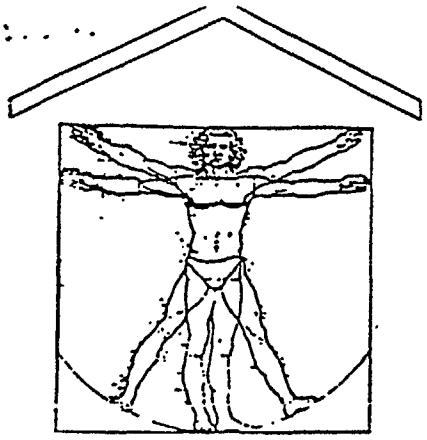
copies to: Executive Committee

L. Ambler
J. Cran
L. Taylor

0172082604
Chrono

The attachment on plastic pipe is very interesting.

JFW
9-17-82



CONSUMER

CLEAN SHEET

PLASTIC PIPE

What and Where Is It ?

Some newer homes and office buildings may use plastic pipe to bring you your drinking water. Certain kinds of plastic pipe may be hazardous to your health. The State of California is doing a thorough study of this right now.

If you find that you have a plastic pipe water system, see if it's stamped "PVC' (polyvinyl chloride), "CPVC" (chlorinated polyvinyl chloride), or "PB" (polybutylene). If it is, you'll want to read the rest of this Clean Sheet carefully.

Health Effects

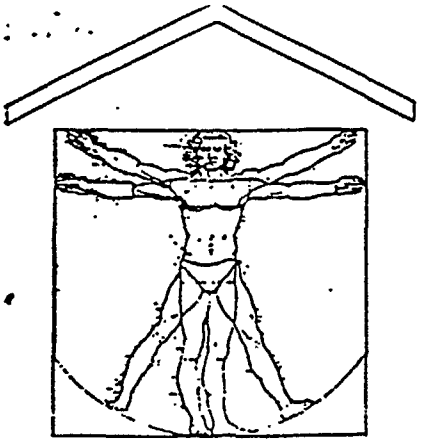
These kinds of plastic pipe have been found by some tests to release, from the solvents that bond them, certain substances that can cause cancer in humans. These include chloroform and carbon tetrachloride, chemicals both strictly controlled for consumer use. Tests have found that these types of plastic pipe release these and other cancer-causing pollutants at rates far beyond what is considered safe.

What You Can Do

- If you find that you have these kinds of pipe in your house, it is important that you flush them out if they have not been used in more than 2 or 3 days. That is, turn on both faucets and let the water run for 5 minutes. This will help get rid of hazardous chemicals that may have accumulated. Additional periodic flushings are also advisable.

- If you have children, make sure they don't use the water before you've flushed it. This can be tricky, especially if you've just come in from a trip. Everyone's thirsty!

- If you're building a new house, or doing some plumbing work at home, try not to use these kinds of plastic pipe, at least in 1982. After that, state officials will have decided precisely how hazardous they are, and you can get a better answer to these concerns.



CONSUMER

CLEAN SHEET

ASBESTOS

What Is It?

Asbestos is a natural mineral which separates into tiny fibers. It is flexible, does not burn, and is vitually indestructible. Asbestos is often mixed with a binding material so that it is not easily released. However, if material containing asbestos is crumbled, asbestos can be released into the air. Once in the air, these tiny fibers may be inhaled. If this happens, real trouble can follow many years later. Once asbestos enters your body, it can stay there for good. Asbestos can be very bad news.

Where Is It?

There are currently over 3,000 uses for asbestos. Until very recently, it was widely used for insulation, decoration, and fire-proofing. Thousands of buildings all over the country, including schools, have asbestos in them for these purposes, and they may be contaminated. Asbestos is found in some air-conditioning systems and in water. Autopsies in urban areas now find asbestos in the lungs of virtually every body examined.

Here are some of the consumer products that may contain asbestos:

Aprons
Arm protectors
Bags
Belting
Blankets
Blocks
Boards and shingles
Bonded pipes
Braid
Brake lining
Caps
Cards
Cement boards
Cement clay
Cement partitions
Cement roofing
Cement tile
Cements
Cloth
Clothing
Coating
Cords
Corrugated sheets
Covered cables
Covered hose
Covered wire
Covers
Curtains (theater)
Discs
Fabrics
Felt
Fiber and cement pipe
Fillers
Filtering materials
Filter flooring
Gaskets
Gloves
Hats
Helmets
Hoods
Insulated cables
Insulation

Lining
Lumber
Mats
Metallic cloth
Millboards
Mittens
Overgaiters
Packed corrugated metal gaskets
Packing
Pads and covers
Paints
Panels
Paper paste
Pipe and boiler coverings
Plastic shingles
Pot and pan holders
Powder
Protected metals
Protective roofing
Ribbons
Rings
Roof coatings
Roof ventilators
Rope
Scrap
Sheathing
Sheeting
Siding
Sleeves
Stove mats
Suits
Table padding
Tapes
Textiles
Thread
Tubing and tubes
Twine
Wallboard
Washes
Wicking
Wire
Wood
Wool
Yarn

Health Effects

Asbestos can cause cancer in many parts of the body, particularly the lungs. It can also cause asbestosis, a scarring of the lungs that leads to breathing problems and heart failure. No one knows exactly how much exposure to asbestos causes these diseases. Even some brief exposures seem to have caused severe forms of lung cancer. Many scientists also suspect that very low-dose exposures to asbestos over a long period of time can build up to cause cancer. Smoking greatly increases the chances of getting asbestos-related cancer.

What You Can Do

- Try not to use products with asbestos in them. They're not often labelled, so insist that the seller assure you that a product contains no asbestos. You can write to the manufacturer and find out for sure.

- Discard items around the house that you suspect contain asbestos. This can be hazardous, so be very careful. Some suggestions for removing products containing asbestos in your house include:

  -- Clear the room of other people or pets

  -- Spray water on the object being removed

  -- Wear a mask and gloves

  -- Do not cut, break, fold or in any way disturb the asbestos: handle it carefully!

-- Double-bag the object

-- If you see any loose asbestos, discard the mask and gloves with the item

-- Take a shower, and wash your clothing separately from other laundry

-- Label the bags and call your local health department for instructions on disposal

- Several consumer products containing asbestos have recently been banned, including certain hairdryers, certain patching and spackling compounds, certain papers and clothing, non-burning artificial fireplace logs, and fake ashes. Call the U.S. Consumer Product Safety Commission (800-638-8326) for advice on whether a product you own might be among the ones that contain asbestos. This agency also has good materials on what to do with asbestos containing products.

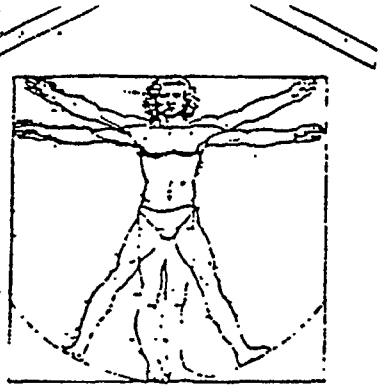
- If your home has ceiling tiles, water tanks, pipe insulation, or other sizeable items which contain asbestos, get a licensed contractor who knows what to do - you need an expert for the big stuff, especially if it has to be removed.

- Make sure your local school district has done something about any asbestos materials in your schools: under federal law, they're responsible for containing or removing it.

- At work, ask the building manager if an asbestos search has been made, and if any asbestos has been found, what's been done. Ask if the building's air-conditioning system contains asbestos.

- If you think you've been exposed to any amount of loose asbestos in any degree, no matter how long ago, see a doctor for a check-up, particularly a lung x-ray.

- Don't smoke - it increases your chances of being affected by asbestos.



CONSUMER

CLEAN-UP KIT

CLEAN YOUR ROOM ?

"Hey, let's go out and get some fresh air!" From the time of cave people, the very prospect of fresh air has boosted spirits and made people feel better. Today it's all the more important. Things have changed indoors.

Take the building itself. It may be sealed pretty tightly, to save energy. It's no longer made of natural materials, like wood, wool, cotton and stone. More and more, building materials are synthetics. The air may be heated, cooled, and ventilated mechanically. The lighting is often not natural.

Since World War II, countless chemicals have been created. Many of them are used indoors. This chemical explosion took place just before we tightened up our buildings, sealing many of them in. Fortunately, if belatedly, we're starting to learn how our health is affected by the new indoors. It isn't all good. The challenge is to figure out what to do.

People want to get "fresh air" because they feel "stuffy," "stale," "woozy," "tired," and the like. These are symptoms, reactions of the body to something slowing it down, possibly even making it ill.

For example, formaldehyde is used in many building materials, including furniture, insulation, cupboards, and carpet adhesives. It can irritate you, give you a headache, and it causes cancer in lab animals.

Lead paint can chip and make your child retarded if it ends up in her system. Asbestos can be deadly for the people who work with it, and asbestos products in your house over the long run may not help you one bit.

Many "under the sink" products let off chemicals that can make you feel funny, and can hurt you. Aerosols, furniture polishes, oven cleaners and detergents all can contribute an unfair share of pollution to your indoors.

Pesticides are often found and used indoors. They also ride-in on fresh fruits and vegetables. They can do you harm; they're meant to kill.

Tobacco smoke can deprive you of air and make you ill, even if you're not smoking. Tobacco smoke lets off a whole range of noxious chemicals that no one would think of inhaling on purpose. Many other unhealthy gases get trapped indoors from cooking and heating in poorly ventilated spaces.

The indoors can have trillions of different little particles like dust, pollen, germs, mold--those little squigglies wafting on golden sunbeams can be more than the makings of daydreams.

Bad lighting can wear you out--we all know that. The question is, what's good light and what's not? Sound can drive you nuts, and you may not even hear it!

To complicate matters, it seems that many of these indoor pollutants interact with each other in ways that spell even worse trouble. For example, asbestos workers who smoke are 90 times more likely to get lung cancer than non-smokers unexposed to asbestos. And the damage these pollutants can do to you often shows up only years later, after "doses" that were thought to be very low and safe.

Many people are beginning to wonder, "What's in this sealed box I live (or work) in?" That's certainly the question. The answer is another matter. The stuff that is now polluting our indoors wasn't very well understoood to start with. Scientists are only now learning how indoor "pollutants" make people sick. And building designers are just starting to come up with ways of not having polluted indoors.

So what's a body to do? Sometimes it seems that we're just plain doomed by our clever technology. And since our modern society has moved indoors--most people spend 90% of their time indoors--the thought can be downright depressing.

But not to despair. While the experts are figuring it out to the nth degree, there are plenty of things we can each do to make our indoors healthier places.

That's what this consumer kit is all about, a lot of helpful hints and practical suggestions on how to "clean your room." The Body Chart gives you the targets of each of the main indoor pollutants; with some key effects and sources. The Clean Sheets give you some ideas of what to do.

We really are in charge of our technology. There is no need to surrender, now or ever. The key to a clean, healthy indoors is for each person to understand what's in it, and to clean it up.

It is important for each of us to lower the load of junk that we absorb from our environments. While the experts and the manufacturers and the regulators figure it out, let's all get going--let's tame our indoors and clean our rooms!

ASSEMBLY COMMITTEE ON CONSUMER PROTECTION AND TOXIC MATERIALS

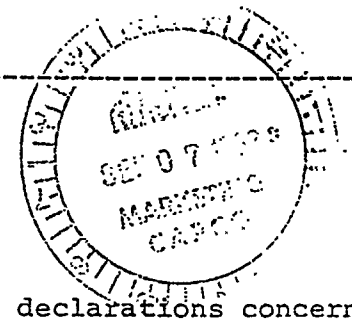
ASSEMBLYWOMAN SALLY TANNER, CHAIRWOMAN

AB 3200 (Tanner) as proposed to be amended per Legislative Counsel Request Number 6895

AB 3200

HEARING DATE:

April 13, 1982



SUBJECT:

Indoor environmental quality.

DIGEST:

This bill makes certain legislative findings and declarations concerning the degradation of the indoor environment and the need for a coordinated state effort to safeguard public health and safety in this regard.

The bill establishes the Department of Health Services as the lead agency required to coordinate all state efforts as well as to conduct research relating to the effects and control of indoor pollution.

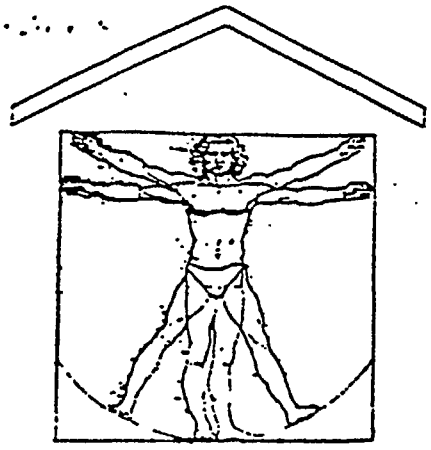
STAFF COMMENTS:

The area of "indoor pollution" crosses many jurisdictions because it involves a variety of contaminants and sources. While this relatively new problem is under the jurisdiction of several state agencies, there is no agency that has the lead responsibility in this area. The purpose of this bill is to charge the Department of Health Services with the responsibility of developing a coordinated, coherent state government response to the indoor pollution problem.

This responsibility will be carried out by the Division of Toxic Substances Control of the Department of Health Services. They have already submitted a Budget Change Proposal for $458,199 in General Funds to establish a multi-disciplinary unit to research the problem of indoor pollution in schools, offices and residential buildings. This bill gives the department legislative direction in their approach to this new area.

PREPARED BY:

Martha Valdes
April 8, 1982



CONSUMER

CLEAN-UP KIT

CONSUMER CLEAN SHEETS

- Household Products
- Asbestos
- Lead
- Formaldehyde
- Pesticides
- Plastic Pipe
- Tobacco Smoke
- Combustion Pollutants
- Particles
- Radon
- Nonionizing Radiation
- Air Ions
- Odors
- Noise
- Light

To order copies of this Consumer Clean-Up Kit, send a check for $3, payable to the State of California to Consumer Clean-Up Kit, P.O. Box 310, Sacramento, CA 95802.

Winner/Wagner & Associates, Inc.

RECEIVED AUG 23 1982

MEMORANDUM

FROM: Winner/Wagner & Associates, Inc.

RE: Indoor Environmental Quality

DATE: August 20, 1982

The attached is the latest information on indoor environmental quality. Assemblywoman Sally Tanner (D - El Monte), Chairwoman of the Assembly Committee on Consumer Protection and Toxic Materials, introduced two legislative bills in the area this session, Assembly Bills 3199 and 3200 (attached). AB 3200 is currently on the Senate Consent Calendar while AB 3199 was dropped by the author. In addition, Ms. Tanner had talked about holding an interim hearing on the subject matter, but due to the lack of available information has decided to postpone holding the hearing at this time.

We will keep you informed of any new developments in this area. If you have any questions or comments, please do not hesitate to call.

Attachments

3377 Barham Boulevard
Los Angeles, California 90068
(213) 874-9080

230 Park Avenue
Suite 2745
New York, New York 10169
(212) 557-3330

1121 "L" Street
Suite 909
Sacramento, California 95814
(916) 444-9333

CAPCO JEN 0012011

The people of the State of California do enact as follows:

SECTION 1. Article 9.5 (commencing with Section 426) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 9.5. Indoor Environmental Quality

426. The Legislature finds and declares that:

(a) The people of the State of California have a primary interest in the quality of the indoor environment in which they live.

(b) As people spend greater portions of time each day indoors, the environmental quality of our buildings becomes increasingly important.

(c) Changes in building design, materials, construction, and operation have resulted in significant changes in indoor environmental quality.

(d) Activities and use of chemical products, appliances, power equipment, wear and tear of structural decorative materials, thermal factors, and mechanical ventilation are degrading the indoor environment, thereby creating mounting dangers to the public health, safety, and welfare.

426.2. The Legislature, in view of the findings and declarations specified in Section 426, declares that the public interest shall be safeguarded by a coordinated, coherent state effort to protect and enhance the indoor environmental quality in residences, public buildings, and offices in the state.

426.4. For the purpose of this article, "indoor environmental quality" means the environment inside a residential dwelling, including a house or apartment, or inside a school, office, public building, or other facility to which the general public has access. The term "indoor environmental quality" shall not include industrial working environments.

426.6. The State Department of Health Services shall coordinate efforts to assess, protect, and enhance indoor environmental quality.

426.8. The State Department of Health Services shall conduct and promote the coordination of research, investigations, experiments, demonstrations, surveys and studies relating to the causes, effects, extent, prevention, and control of indoor pollution.

SEC. 2. Section 1 of this act shall become operative only if the Statutes of 1982 include an appropriation which is specifically for the purposes of the provisions enacted by this act.

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CAPCO JEN 0012013

INDOOR POLLUTANTS

ASBESTOS — Powerful cause of cancer... Found in ceiling tiles, pipe insulation, wall insulation, ironing board covers, and many other products... Get expert help to remove. Wet down crumbling surfaces. Wear mask and gloves.

LEAD — Brain and nervous system damage... Found in paint (especially pre-1970), lead soldered cans, auto exhaust... Remove crumbling paint, avoid other sources. Watch children who may eat paint chips. Avoid food from gardens near freeways, or heavy traffic.

CARBON MONOXIDE Headache (small dose), coma and death in severe cases... Produced whenever burning occurs. Gas, kerosene, wood heat and appliances. Auto exhaust. Orange flame indicates worst problem. Worst danger in small room or apartment... Ventilate. Use hood fans, and clean stove. Check appliances and vents. Call gas company to adjust appliances. Avoid unvented gas or kerosene heaters.

NITROGEN OXIDES Lung and respiratory difficulties, some odor. Possible burning sensation... Produced whenever burning occurs. Ventilate. Use hood fans.

ORGANIC CHEMICALS — Many effects. Eye, nose, throat irritation. Respiratory tract, lungs. Benzene a cause of leukemia, toluene effects liver and kidneys... Found in aerosol propellants, perfumes, odorants, paints, varnishes, shoe polish, scented waxes, cleaning agents, solvents, and hundreds of other applications... Avoid using, find substitutes. Ventilate. Read product labels.

PARTICULATES — Allergic and respiratory reactions, transmission of viruses and bacteria (measles, flu, Legionnaires' disease)... Bacteria found in air in droplets, free particles, or attached to dust... Reduce problems by cleaning, ventilation, filters, electrostatic precipitators.

CONSUMER PRODUCTS — Aerosol propellants are organic chemicals. When sprayed, substances go deeply into lungs and may be more harmful than when used in liquid or paste form. Less expensive substitutes are easily found... Substitute washing soda and plumber's snake for caustic drain openers... To remove odors, clean up or remove source. Avoid deodorants... Use care when applying polishes and wax. For furniture polish, homemade substitutes available. Be careful with glues, hobby products, cleaning compounds, and other products containing chemicals.

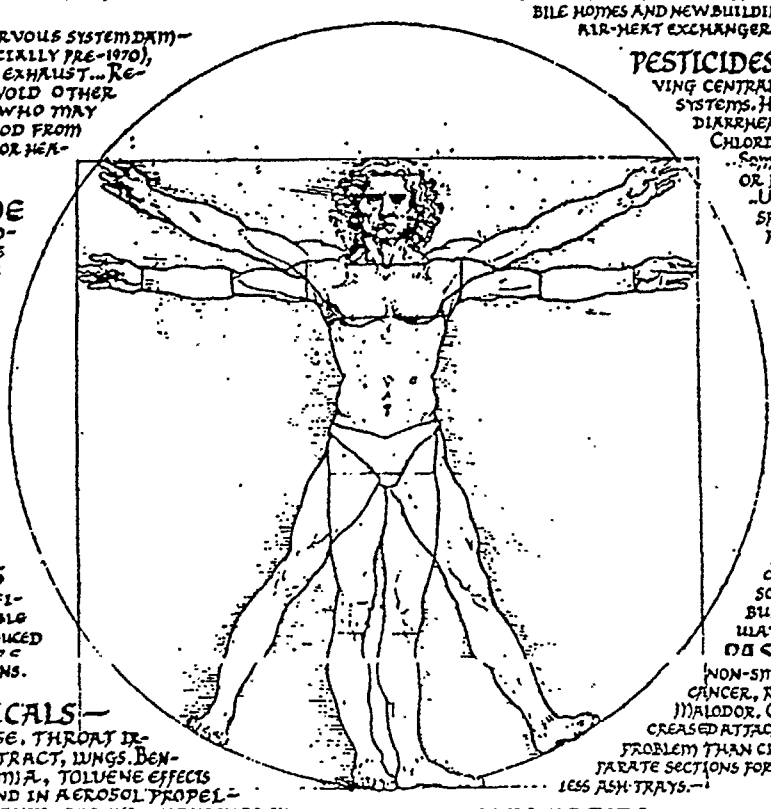
FORMALDEHYDE — Eye, nose and throat irritation. Increased sensitivity. Presumed human cancer. Irritating odor. Found in urea formaldehyde insulation, new particle board and indoor grade plywood, carpeting, home furniture. Problem in mobile homes and new buildings... Ventilate or heat with air-heat exchanger.

PESTICIDES — Various effects, often involving central nervous and respiratory systems. Headache, dizziness, nausea, diarrhea, vision and other problems. Chlordane a suspected carcinogen. Some pesticides remain in air or house dust for days or weeks. Use substitutes to avoid spraying (fly paper). Clean food and water which attract pests. Wear face mask, gloves when spraying.

AIR IONS — Cause sleeplessness, breathing difficulty, headaches, anxiety, fatigue... Ion problems occur due to Santa Ana winds and effects of building air conditioning. Complicated by synthetic fabrics, pollution (cigarettes)... Ventilate, avoid smoky rooms, wear cotton. Negative ionizers may help.

RADON — Suspected cause of lung cancer... Found in rock, soil, minerals, gas... Ventilate buildings to avoid radon accumulation.

PASSIVE SMOKING — For non-smokers, associated with lung cancer, respiratory, allergic reactions, malodor. Chest pain sufferers have increased attacks... Exhaled smoke is less of a problem than cigarettes left burning... Separate sections for smokers, ventilation, smokeless ash trays.



PLASTIC PIPE — Chemicals affect liver, central nervous system. Toxic effects, possible cancer... Used for water intake. CPVC, PVC, PB pipe... Avoid use for intake. If water stands in pipes for long period, let water run before using.

NONIONIZING RADIATION — Various biological effects observed. Cataracts (unusually high exposure to microwaves)... Common sources are microwave ovens, high voltage lines, some appliances... Microwave ovens are safe if kept clean (door seals) and if locks work. Avoid living near (under) power lines.

LIGHT — Effects ranging from irritation and fatigue to calcium absorption rates, epileptic seizures, psychological states... Problems often associated with fluorescent light... Use natural light. Repair fixtures which hum, flicker. Change lighting systems (desk lamps rather than ceiling).

NOISE — Possible effects on blood pressure, tension... High volume linked to hearing loss. Some pitches, rhythms found irritating... Use fabric, acoustical tiles to insulate. Cover floors, bare walls.

Our indoors are polluted by many of these substances and new products like them show up every day. As we seal our homes and businesses to save energy, our health could be even more threatened. You can use the companion "Clean Sheets" to protect yourself and to...

DEPARTMENT OF CONSUMER AFFAIRS

"CLEAN YOUR ROOM!"

CAPCO JEN 0012014