PLAINTIFF'S EXHIBIT

CAP-1316

A/C Pipe
Producers Association

Internal Correspondence

TO Board of Directors
International Affairs Committee

FROM J.F. Welch, Vice President

August 7, 1984

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

REF: JFW correspondence, same title, June 22, 1984

ACTION REQUIRED: Review for information

Congressional Conference Committee Report

Enclosed is a report of the House of Representatives and Senate conference committee on Fiscal Year 1985 appropriations for the Environmental Protection Agency. The report states:

> Finally, the conferees believe that to put to rest public apprehension over the presence of asbestos minerals in many drinking water supplies, EPA should release completed research studies and issue a definitive public statement concerning the negligible risks of **ingesting asbestos.**

This expression of congressional intent may have favorable impact on EPA's review of the need for a national primary drinking water regulation for asbestos. It is likely that this language resulted from lobbying undertaken by Gray and Company, special counsel to the Canadian Asbestos Information Centre and the Government of Canada.

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

JFW/lk

Enclosure

cc: A.H. Kahn, Esq.

copies to:

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higher asbestos exposures. In addition, EPA should conduct an evaluation of completed abatement projects in a sample of schools to assess the effectiveness of various control and removal techniques and to identify problems encountered by school officials.

Finally, the conferees believe that to put to rest public apprehension over the presence of asbestos minerals in many drinking water supplies, EPA should release completed research studies and issue a definitive public statement concerning the negligible risks of *ingesting* asbestos.

Amendment No. 24: Appropriates $12,000,000 for buildings and facilities, instead of $13,000,000 as proposed by the House and $10,500,000 as proposed by the Senate.

Amendment No. 25: Appropriates $620,000,000 for the Hazardous Substance Response Trust Fund, instead of $600,000,000 as proposed by the House and $640,000,000 as proposed by the Senate. The Superfund budget request has been reduced by $20,000,000 because the conferees believe that delays in many Superfund site cleanups will prevent EPA from fully obligating the funds requested for construction work in 1985. The conferees want to emphasize their strong support for the Superfund program and urge EPA to expedite cleanups at hazardous waste dumps by streamlining decision-making and management procedures. In particular, the conferees expect EPA to maintain the 115 new remedial investigation feasibility studies agreed to for 1985 and to increase this level as management capabilities permit.

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking $14,620,000 for transfer to the Department of Health and Human Services from the Hazardous Substance Response Trust Fund, of which at least $5,125,000 shall be available for toxicological testing.

EXECUTIVE OFFICE OF THE PRESIDENT

Amendment No. 27: Restores language proposed by the House and stricken by the Senate requiring the Office of Science and Technology Policy to reimburse other agencies for at least one-half of the cost of individuals detailed to it.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 28: Establishes the limitation for official reception and representation expenses at $2,000 as proposed by the Senate, instead of $1,000 as proposed by the House.

Amendment No. 29: Appropriates $130,149,000 for salaries and expenses, instead of $129,316,000 as proposed by the House and $130,649,000 as proposed by the Senate.

The committee of conference is in agreement with the following changes from the budget request: −$1,365,000 from the $4,359,000 increase requested for the civil defense program. The $30,113,000 available for civil defense activities will support 661 staff years, the same level as in fiscal year 1984; and −$500,000 from the $4,197,000 increase requested for management and administration.

The conference agreement does not include the $361,000 for eight staff years to administer the emergency food and shelter program. These administrative funds will be provided with the emergency food and shelter money in the Second Supplemental Appropriations Bill, 1984.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $331,219,000 for emergency management planning and assistance, instead of $325,593,000 as proposed by the House and $320,219,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The committee of conference is in agreement with the following changes from the budget request: −$67,689,000 from the $78,915,000 increase requested for the civil defense program. The $151,311,000 available for civil defense activities includes (a) $58,800,000 for emergency management assistance, (b) not to exceed $10,500,000 for radiological defense, (c) $34,411,000 for telecommunications and warning, and (d) a general reduction of $9,943,000 to be applied at the Agency's discretion to programs other than emergency management assistance and telecommunications and warning: +$1,000,000 for fire prevention and community-based antiarson programs. The conferees do not expect the federal commitment to the national community volunteer fire prevention program to become institutionalized. Rather, it is expected that FEMA will make the $1,000,000 add-on available through the states to community-based groups, organizations that provide technical assistance and service groups to leverage private funds and develop a working public-private partnership to combat arson and promote fire prevention; +$1,000,000 for fire programs to be distributed at FEMA's discretion for activities such as firefighter health and safety. The conferees agree that FEMA should target funding within training and fire programs for the production of fire safety public service announcements; +$450,000 to continue the hurricane program at the 1984 level of $900,000; and +$400,000 to continue the dam safety program at the 1984 level of $482,000.

Amendment No. 31: Deletes provisions proposed by the House and stricken by the Senate prohibiting the use of appropriations for the establishment of a western extension of the National Emergency Training Center in 1985.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $155,500,000 for a space station; (2) $195,000,000 for space telescope development; (3) $120,200,000 for the gamma ray observatory; (4) $92,400,000 for upper stages; (5) $92,500,000 for the Venus radar mapper mission; and (6) $56,100,000 for Galileo; without the approval of the Committees on Appropriations; $2,422,600,000, to remain available until September 30, 1986; including $155,500,000 for a space station, of which $5,500,000 shall be made available from prior year appropriations: Provided, That of this amount, $63,800,000 is available for space station systems definition and integration studies, including $6,300,000 for systems engineering and integration support activities: Provided further, That within this amount, NASA shall conduct a study of an option which "phases-in" the permanently manned features of the station, as one of the reference configurations to be examined in the definition studies: Provided further, That the result of this study shall be reported to the House and Senate Committees on Appropriations prior to the selection by the Administrator of a configuration for the permanently manned space station: Provided further, That of this amount, $57,500,000 shall be withheld from obligation or expenditure until April 1, 1985: Provided further, That the recommendations contained in the report required under the head "Research and Program Management" be incorporated in any contract entered into as part of the systems definition and integration studies.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The above amounts include the following changes from the budget: +$10,000,000 for research and analysis of which not less than $7,000,000 shall be for planetary research and analysis; +$40,000,000 for development of the advanced communications technology satellite (ACTS). These funds are intended to restore the flight demonstration element of this experimental program; +$6,000,000 for advanced work on a "shuttle derived" expendable launch vehicle; +$10,000,000 for continued work on the advanced turbo-prop program; −$10,000,000 from the aeronautics research and technology base; +$4,000,000 for the sensor systems and automation programs under the space research and technology program; and −$37,500,000 as a general unspecified reduction to be applied by the agency in areas other than those augmented above.

The conferees have melded the man-tended and automation provisions of the House and Senate into a workable package which supports the goals of both proposals. It is expected that NASA will commit to funding science and applications at the same rate to total NASA funding as approximately the 1985 level and that the agency retain the man-tended platforms as part of the overall space station program. The conferees agree with the Senate proposal that NASA integrate the recommendations of the Advanced Technology Advisory Committee concerning advanced automation and robotics into the overall system definition effort. It is expected that NASA will also recognize the value of an on-going role for the Committee in assessing progress in the automation effort.

The conferees support the concerns articulated in the House report regarding the lack of a space station option which "phases in" the permanently manned features of the station. Therefore, it is directed that NASA include a man-tended option as one of the reference configurations to be examined in the definition studies. This portion of the study will define how the various elements of the station would change if the introduction of the manned habitat were delayed from three to five years following initial deployment of the basic space station. The phased configuration will be studied and analyzed in the same manner and to the same schedule as the other reference configurations, and the result will be used by the study contractors and NASA during the systematic process of narrowing the range of configuration options under consideration during the course of the definition studies.

As the language incorporated in the bill indicates, NASA will submit the definition study of various reference configurations, including the man-tended option, to the House and Senate Committee for review. It is expected that the Committees may make

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the Senate adding language that sets aside section 312(h) of the Housing Act of 1964 and makes clear the availability of rehabilitation loan funds in fiscal year 1985.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

COMMUNITY DEVELOPMENT GRANTS

(Fiscal Year 1984)

Of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), not more than $2,000,000 shall be available immediately to carry out a neighborhood development demonstration pursuant to section 123 of the Housing and Urban-Rural Recovery Act of 1983.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 13: Appropriates $16,900,000 for research and technology, instead of $15,900,000 as proposed by the House and $20,000,000 as proposed by the Senate. The conferees are concerned about the quality and relevance of several policy development and research studies. The Department is directed to take steps to improve the caliber and justification of these extramural research studies and submit a report to the Congress on the reforms being made to strengthen its selection and award procedures. Upon receipt of this report, the Committees on Appropriations will consider additional funding needs.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *: Provided, That of the funds provided herein, $500,000 shall be used in addition to the $4,000,000 provided for the modernization study in Public Law 98-45 (97 Stat. 223, 224): Provided further, That not more than a total of $500,000 of the funds available for use on the modernization study shall be used for the energy analysis and program evaluation component of the study: Provided further, That $500,000 of the funds provided herein shall be for the design and implementation of the housing voucher demonstration evaluation, including a comparison of the housing voucher program with fifteen year assistance contracts under the section 8 existing housing program*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 15: Appropriates $577,320,000 for salaries and expenses as proposed by the House, instead of $580,220,000 as proposed by the Senate. The conferees understand that HUD believes it can take sufficient efforts to solve the service delivery problems within the request level of funding.

TITLE II—INDEPENDENT AGENCIES

CONSUMER PRODUCT SAFETY COMMISSION

Amendment No. 16: Appropriates $36,000,000 for salaries and expenses as proposed by the House, instead of $35,000,000 as proposed by the Senate. The conferees agree that the increase be used primarily for emerging hazards. In addition, the conferees are aware that legislation addressing cigarette fire safety may be enacted soon. If CPSC is vested with additional responsibilities related to cigarette fire safety, the conferees agree that up to $250,000 may be used in 1985 for such purposes. The Commission should keep the Committees on Appropriations advise as more detailed study plans, funding estimates and cost sharing arrangements concering cigarette fire safety are developed.

ENVIRONMENTAL PROTECTION AGENCY

Amendment No. 17: Appropriates $656,275,000 for salaries and expenses, instead of $672,275,000 as proposed by the House and $639,275,000 as proposed by the Senate. This funding increase is intended to support an additional 278 full-time equivalent positions. The committee of conference directs that in allocating these increased resources, EPA give priority to the additional positions identified for specific programs and activities in the House and Senate reports.

Amendment No. 18: Appropriates $193,600,000 for research and development as proposed by the House, instead of $184,437,000 as proposed by the Senate. The conferees agree on the following changes to the budget request: +$6,563,000 for tangentially-fired LIMB. The conferees believe that LIMB research should be assigned a high priority and intend to monitor progress and consider the need for additional funding in the future; +$5,000,000 for health effects; +$3,500,000 for exploratory research grants and centers; +$4,000,000 for hazardous waste control technology; +$4,000,000 for water quality research, sampling, monitoring and assessment with equal attention to be given to Long Island Sound, Narragansett Bay, Buzzards Bay and Puget Sound; +$2,000,000 for indoor air pollution; +$1,000,000 for pesticide research; +$1,100,000 for acid rain atmospheric research; +$1,000,000 for groundwater research; +$1,000,000 as the final installment of Federal funding for matching grants for the American Water Works Association Research Foundation; and +$400,000 for a study on the efficacy of land treatment and disposal of creosote and pentachlorophenols.

Amendment No. 19: Deletes language proposed by the Senate earmarking $4,000,000 for estuarine pollution monitoring and assessment. The conference agreement includes $4,000,000 for such activities in Long Island Sound, Narragansett Bay, Buzzards Bay and Puget Sound. The conferees expect EPA to coordinate with other Federal and State agencies involved in this estuarine research using the usual financing mechanisms and procedures.

Amendment No. 20: Appropriates $447,500,000 for abatement, control, and compliance, instead of $436,000,000 as proposed by the House and $462,142,000 as proposed by he Senate. The conferees are in agreement that grants and other assistance to the States be increased by a total of $35,000,000. First, the State grant programs are increased by no less than the following amounts above the budget request: +$7,000,000 for water; +$5,000,000 for hazardous waste; +$3,000,000 for air; +$1,000,000 for drinking water; +$1,000,000 for underground injection control; +$1,000,000 for pesticide enforcement; and +$500,000 for pesticide certification and training.

The House report language, where applicable, shall govern the specific program areas and functions to be augmented by these increases.

An additional $16,500,000 is also provided for assistance to States to be allocated at the Administrator's discretion specifically for improving environmental compliance, through increased enforcement, training, permitting and technical assistance. These funds are to be made available only upon application to EPA under the applicable grant regulations. The conferees expect these funds to substantially expand State activities in the special priority areas of NPDES administrative orders, POTW enforcement, and RCRA permitting and enforcement. The conferees believe that this approach will create stronger incentives to States to improve environmental compliance and increase the cost effectiveness of Federal assistance. The Agency should submit to the Congress an evaluation of this grant assistance, including the specific activities and outputs funded—such as increased enforcement actions—and the comparative cost effectiveness of this type of State assistance.

The committee of conference also agrees to the following increases above the budget request: +$200,000 for clean lakes; +$2,100,00 for the Rural Water Association; +$2,600,000 for operator training; +$2,000,000 for academic training; +$3,000,000 for the Great Lakes program; +$2,858,000 for hazardous waste regulations; +$1,000,000 for asbestos-in-schools inspections; +$2,000,000 for developing a groundwater compliance policy; and +$200,000 for a pesticide exposure survey.

In addition, the conferees direct that as a part of the national dioxin monitoring study, EPA should include water quality sampling and chemical analysis of the water column at drinking water intakes on the Saginaw River and its tributaries.

Amendment No. 21: Restores language proposed by the House and stricken by the Senate prohibiting the use of funds for subtitle D activities, instead of the language proposed by the Senate making activities under subtitle D eligible for funding. By February 1, 1985, EPA should submit to the Committees on Appropriations an assessment of funding needs for subtitle D activities and their relative priority.

Amendment No. 22: Deletes language proposed by the Senate earmarking $32,400,000 for EPA State grant enforcement and training activities, to be eligible only on application to EPA with each grant program receiving an increase of at least $1,500,000, and no less than $2,500,000 additional for the clean lakes program. The Statement of the Managers specifies that EPA State grants be increased by a total of $35,000,000 above the budget request, with the minimum increases specified above for seven grant programs and an additional $16,500,000 to be made available only upon application to EPA for State activities to increase environmental compliance and enforcement. In addition, an increase of $2,500,000 is earmarked for clean lakes in the Statement of the Managers.

Amendment No. 23: Deletes language proposed by the Senate earmarking $6,000,000 for grants to States and interstate agencies for interstate pollution management and abatement programs.

The conferees are also aware that the House and Senate reports differ in their instructions to EPA on asbestos regulations and program initiatives. The committee of conference believes EPA should carry out the research studies and other steps outlined in the House report—but that such activities should in no way delay other regulatory or program efforts related to asbestos minerals. In particular, the Agency should continue to assure that all schools meet the regulatory requirements concerning inspection and notification. At the same time, the conferees believe it is essential for EPA to give school officials more practical guidance for making rational, informed decisions concerning appropriate abatement responses. As a first step, EPA is urged to develop detailed standards and procedures for post-removal certification to assure that poorly executed abatement projects do not cause

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