



A/C Pipe
Producers Association

Board of Directors
International Affairs Committee

TO

FROM

J. F. Welch, Vice President

Internal Correspondence

DATE: July 6, 1984

SUBJECT SOP-01-06 (OSHA - EPA Rulemakings) - Municipal Intervention Tactic

REF: (1) JFW correspondence, SOP-01-06 (OSHA - EPA Rulemakings), June 18, 1984

ACTION REQUIRED: Review for information

Current Status

Enclosed is a letter from the San Antonio City Water Board to EPA Administrator Ruckelshaus opposing the agency's consideration of an A/C pipe ban. This letter resulted from a Staff meeting with the Water Board's General Manager, Robert Van Dyke. Also enclosed is EPA's response, which is virtually identical to replies received by the City of Wichita and the Arizona Water Company.

A similar letter was sent by the City of Tucson and another may be sent by the City of Los Angeles Department of Water and Power.

Toxic Materials News Article

A recent article in Toxic Materials News indicated that, with the exception of some "technical problems," EPA's ban proposal is scheduled to clear the Office of Management and Budget (OMB) on July 17 and be signed by EPA Administrator Ruckelshaus on July 30, 1984. It is believed that this assessment resulted from a conversation with EPA Office of Toxic Substances' staff and, thus, may represent their expectations more than reality.

No other information is currently available on the status of the ban proposal. Although Kirkland & Ellis and Gray & Co. continue to be optimistic that the proposal may be deferred at least until September, Staff is continuing to prepare customer mailing lists and a notification letter in case a ban proposal is issued on short notice.

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

JFW/ajb

Enclosure

cc: A. Kahn, Esq.
Timothy S. Hardy, Esq.
B. J. Pigg (AIA/NA)

copies to: Board of Directors

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L. Cejudo
J. M. Couture
B. Layton
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CITY WATER BOARD

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MAYOR

22 June 1984

RECEIVED JUN 28 1984

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

Dear John:

Enclosed herewith is a copy of the EPA letter I received concerning EPA's intention to impose a ban on asbestos cement pipe. Only time will tell if our efforts to fight this ban are successful.

Please keep me informed on any developments.

Very truly yours,

Robert P. Van Dyke
General Manager

Enclosure

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9 May 1984

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

Dear Mr. Ruckelshaus:

The City Water Board is very concerned about EPA's announced plans to ban asbestos-cement pipe. The City Water Board has used asbestos-cement water pipe to serve its 210,000 customers for more than 45 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, the City Water Board 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 the City Water Board employs this valuable product.

The City Water Board first began using asbestos-cement pipe in 1938 due to the corrosive soils in our service area, the short life of cast iron products in these soils, and the lower installed costs of asbestos-cement pipe. As our service area has grown, we have continued to install asbestos-cement pipe. Today, 1,730 miles or 60% of our water system is currently serviced by asbestos-cement pipe.

In selecting pipe materials we are concerned with both initial installation costs and life cycle 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 15% less than alternative materials.

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

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Mr. William D. Ruckelshaus
9 May 1984
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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.

As a member of the AWWA Ad Hoc Committee on Asbestos in Water from September 1980 to July 1982 which formulated the "AWWA Policy Statement on Asbestos in Water" I feel I am well versed in the subject at hand, and I do not believe the facts on the health hazards of manufacturing and utilizing asbestos-cement pipe provide sufficient basis for the EPA's proposed ban on the manufacture of asbestos-cement pipe. I am also personally quite concerned that the general public and our customers would be unduly and unjustly alarmed about the asbestos-cement pipe presently in our water system if EPA bans the manufacture of asbestos-cement pipe.

The City Water Board has also taken numerous precautions in the installation and maintenance operations to minimize asbestos exposures. AWWA Manual M16, "Work Practices for Asbestos-Cement Pipe," and the manufacturers of asbestos-cement pipe recommended work practices are closely followed by this organization.

We have found asbestos-cement pipe to be effective, affordable, and safe, and we thus plan to continue its use for many years. Were San Antonio to be denied use of asbestos-cement pipe, the expenditures for additions to our system would increase substantially, and this increased cost burden would have to be borne by our new customers.

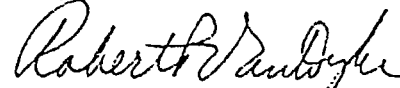
Perhaps more importantly, we would expect an EPA ban to cause public demands to remove asbestos-cement pipe already installed. It would be extremely difficult for us to explain to our customers our confidence that the materials we use to convey water are safe when the same materials have been banned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

Mr. William D. Ruckelshaus
9 May 1984
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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. The replacement cost of the asbestos-cement pipe in our system would be staggering and impose an unnecessary hardship on our rate payers to finance the debt that would be incurred.

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.

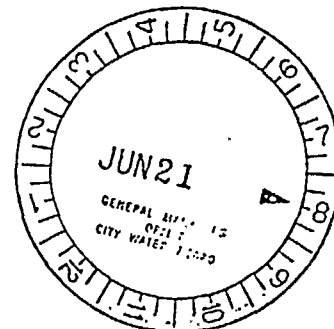
Very truly yours,



Robert P. Van Dyke, P.E.
General Manager



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



OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

Mr. Robert P. Van Dyke, P.E.
General Manager
City Water Board
1001 East Market Street
P.O. Box 2449
San Antonio, Texas 78298-2449

Dear Mr. Van Dyke:

Administrator Ruckelshaus has asked me to respond to your letter of May 9, 1984, in which you expressed 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 United States. Human exposure to asbestos occurs throughout the life cycle of the mineral--when it is mined, processed, and fabricated into industrial and consumer products and when these products are used and disposed. 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 August 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. Our studies indicate that polyvinyl chloride pipe, reinforced concrete pipe, ductile iron pipe, among other substitutes, are indeed competitively priced compared to asbestos-cement pipe. 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.

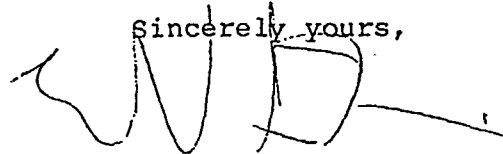
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In phase two, OTS would propose a rule under TSCA in November 1984 to reduce the total amount of asbestos imported and used in all other applications. Eventually, most uses of asbestos would be eliminated through a staged phased-down rule over a 10-year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

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

I must emphasize that this proposed action is only under consideration at this time and may very likely undergo further changes. You will be promptly notified at the beginning of the 60-day comment period following the announcement of any proposed rule involving asbestos-cement pipes, so that your views will be considered before any rulemaking decision is made.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'E. Klein', with a long horizontal stroke extending to the right.

Edward A. Klein
Director
TSCA Assistance Office