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VI Pipe Industry Task Force

Shiela Millar, Esq. at Keller & Heckman

For your info.

RZY



November 22, 1988

Dr. Roy Gottesman
The Vinyl Institute
Wayne Interchange Plaza II
155 Route 46 West
Wayne, New Jersey 07470

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NOV 25 1988

DR. R. I. GOTTESMAN

Dear Roy:

I am enclosing trade press information on (1) the appointment of Ed Wachter as executive director of IAPMO and (2) a trade press summary of the IAPMO meeting that was held in Seattle recently. "

Sincerely,

A handwritten signature in dark ink, appearing to be "Joe", written over the name Joseph B. Zicherman.

Joseph B. Zicherman, Ph.D.

JBZ/gh (h)

encl. - 2

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CTL028112

IAPMO

IAPMO Names Wachter to Head Post

By Larry Dill

WALNUT, Calif.—Ed Wachter, former chief plumbing and mechanical inspector for the County of Los Angeles, has been appointed to serve as the executive director of the International Association of Plumbing and Mechanical Officials (IAPMO).

Wachter replaces Charles Lunt, who resigned less than a year after accepting the position as the top staff member in the embattled organization. Lunt replaced Thomas Higham late last year after Higham was discharged amid a swirl of controversy and charges leveled by IAPMO's executive board.

Wachter is well known to IAPMO members for his longtime membership as a representative of the County of Los Angeles and as a private consultant during the last two years for the Southern California PIPE (Piping Industry Progress and Education Trust Fund) since April, 1986. Wachter, who was awarded a lifetime membership following his retirement from governmental service, maintained a high profile in recent years as one of the most vocal and adamant opponents of polybutylene plastic piping systems. Through his efforts with PIPE, a labor/management cooperative program co-sponsored by the United Association's District Council 16 and the Plumbing and Piping Industry Council, Wachter campaigned actively for the removal of polybutylene from IAPMO's UPC.

Lunt cited "personal reasons" for tendering his resignation, which came less than one year after he left his position as the head of the Los Angeles Unified School District's plumbing department. Lunt served the school board, one of the largest in the nation, for 27 years:

Lunt told Reeves Journal that he was pressured into resigning by IAPMO's executive board after he was confronted about his performance in recent months. According to Lunt, he came at odds with

the board when he was challenged on the day-to-day administrative activities of the organization. Lunt contended that the many pressing outside legal distractions, which took priority for the interest of the organization, dominated his time and prevented him from concentrating full time on routine administrative functions.

"I indicated I thought I was doing everything I was able to do, in regards to IAPMO, due to the high amount of legal information I was able to supply, and it was very difficult to be able to handle much above that as far as in-house was concerned," Lunt said. "In all honesty, there were probably some things that were not accomplished that probably could have been if I had more time that was deprived from work that had to be done with the legal matters."

"I still have high regard for the membership and people of IAPMO. It's still in my blood. I think, by and large, IAPMO is still one of the most fair and honest groups and it's comprised of extremely good members. I just hope our new leadership will provide what the members think they should have," he added.

Wachter noted that Lunt resigned on Oct. 10 and he was appointed on Oct. 14. The personable Wachter, a licensed mechanical engineer, said he was first approached about the executive director's position last year when Higham was dismissed. He declined the position at that time, citing his contentment as a "retired" official with an excellent arrangement as a consultant for PIPE.

"I have a lot of concerns for IAPMO, I've been a member of IAPMO for almost 19 years," Wachter said. "I have a lot of concerns for IAPMO's future, and I think it's a very worthwhile organization. I think it truly does more to protect the consumer and the plumbing industry than any other code. I think it's the best code in the industry, and I would like to see it continue to be that. Because of that,

and because retirement's not all it's cracked up to be, I look forward to my time as executive director. It's not a short time thing, I'm committing myself to the job with a three-year contract."

Wachter looks at the same challenges Lunt faced and said such issues were the main cause for his decision to accept his position. "As far as priorities are concerned, I would first like to get the IAPMO staff to be probably the most professional, most capable and the most responsive staff to its membership of any code body in the industry," he explained. "I felt for sometime that one area we could improve in IAPMO was the responsiveness to 'A' and 'B' members problems and concerns.

"Also, in the past 10 years, we really haven't expanded the use of IAPMO (the UPC) to any extent all throughout the country, and that's going to be a primary goal; form new chapters, try and convince new jurisdictions they should adopt the best plumbing code in the country on behalf of their constituents."

Wachter anticipates some flak from certain industry factions, particularly the plastics industry, in light of his activities on behalf of the heavily union-influenced PIPE program during the last two years. He maintains, however, that his previous efforts were in response to his assigned duties and that he will make every effort to assure impartial treatment for all materials.

"There has been some reaction from certain portions with regard to my work with PIPE," Wachter explained. "But I've been in this industry for 33 years and I just spent two years as a consultant for PIPE. During those two years I was loyal to the aims and goals of PIPE. But I'm now an employee of IAPMO and as I was loyal to the aims and goals of PIPE, I will definitely be loyal to the aims and goals of IAPMO and I will work for the board of directors." ■

CTL028113

IAPMO

IAPMO's Members Deep Six PB Pipe From UPC in Seattle

By Larry Dill



IAPMO Southern District director Donald Herschberger, City of Santa Monica.

SEATTLE—The polybutylene sector of the plastics industry took another blow on the chin in its knock-down-drag-out fight for survival Sept. 27 when the members of the International Association of Plumbing and Mechanical Officials voted to remove their products from a critical section of the Uniform Plumbing Code.

IAPMO's voting members moved to strike provisions for polybutylene (PB) piping from Section 1004 (a) of the UPC which specifies approved "water pipe manufactured to recognized standards" which "may be used for cold water distribution systems" inside and outside of buildings.

What the code change means, in essence, is that PB piping will no longer be approved for installation by plumbing contractors after the publication of the 1991 edition of the UPC.

The UPC is updated on three-year intervals. The latest edition (1988) remains in effect until the 1991 edition is officially released and published. The very nature of IAPMO's three-year cycle for code updates provides some cause for optimism by the plastics manufacturing community. On the plus side, the industry knows that it will have opportunities to reverse the code change during the next two years. On the down side of the issue, however, plastics representatives concede

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Roger Davidson was defeated by Donald Herschberger for the post of Southern District director

that it is immeasurably more difficult to have an item returned to the code once it has been voted out by the membership. Human nature being what it is, the plastics industry realizes that those who oppose its products have a far stronger point of persuasion going for them when they lobby IAPMO's voting members.

The 103-74 vote to remove PB piping was a particularly disappointing blow to many plastics advocates who appeared to enter the annual business and educational conference somewhat confident that a recent change in policies had presented their industry in a more positive light to the code officials who decide their fate.

In recent months, the plastics industry has done a turn-around in its public persona. While refusing to admit certain problems existed in the past, the industry has taken on a new approach of openness, attempting to present the image that their industry is responsive to the past problems of their products and that it is doing everything possible to rectify any failures of PB systems, particularly on the residential front.

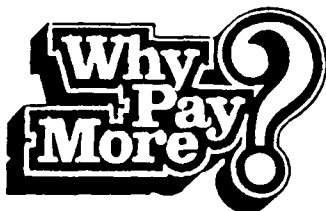
If nothing else, IAPMO conferences generally prove to be a boom to the economy of the photocopying industry. Proponents and opponents of issues seen as potential topics of heavy debate can generally be counted on to distribute reams of printed materials stating their various points.

As in the past, the plastics industry contends that failures with PB plumbing systems have been the result of the use of acetal insert fittings, which are no longer manufactured for use in on-site construction. The insert fitting, not the pipe material, has been the culprit. With the fitting no longer on the market, industry contends, PB piping should not be removed from model codes such as the UPC.

The PB advocates presented a well prepared document detailing the history of their products, the benefits they are attempting to promote, and surprisingly, a very candid discussion of recent events. Clearly, the intent was to show that "manufacturers are responsive."

The document detailed a recent settlement made with homeowners in San Jose,

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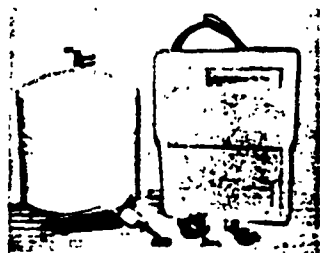


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Adele Bacon was unanimously voted in as IAPMO vice president.

Calif., who had filed a class action suit centered on the PB plumbing systems in their homes with acetal insert fittings. The document described the settlement with 4,500 homeowners in Santa Clara County and approximately 200 homeowners in San Luis Obispo County.

Most of the homes were plumbed with PB systems using acetal insert fittings before 1984, the report noted. The report revealed the terms of the settlement, which included the establishment of a \$500,000 repair fund. The settlement did not allow for "emotional distress" awards. Two categories were established: one for the replacement of acetal insert fittings with metal fittings and one for the replacement of PB tubing with copper tubing under certain circumstances.

Two key results of the settlement, the industry points out, are that PB will remain in place where retrofitting is done and PB was ruled not to be a toxic material.

The industry has also established a toll free 800 telephone number to respond to homeowners who experience failures

with PB systems.

Why finally make admissions that there have been PB failures? The industry is clearly attempting to show that it is responding to its problems. Also, the industry continues to contend that its problems are centered around its previous use of the acetal insert fittings, which are no longer in use. Current generations of fittings are now reliable, industry contends.

Familiar Arguments

Paul Sheppard, Plastic Pipe and Fittings Association, argued that the insert fittings are no longer being used and that PB resin suppliers and pipe manufacturers have taken responsible measures in response to PB's past failures.

"A hasty decision will be an erroneous decision," Sheppard said.

The PPFA spokesman also told the IAPMO members that the PB industry has prepared a PB installation handbook, which specifically addresses the installation problems which have been attributed to much of the material's problems in

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the past.

Roger Davidson, City of Dallas, noted that PB is being used for outside installation service and squelched a rumor that Dallas was considering banning the use of PB.

One plastics spokesman told Reeves Journal that the industry feels secure that its products will be approved in more than 70 major jurisdictions.

Under UPC rules, products not specifically cited in the code may be used if approved on an individual basis by the individual jurisdiction as an acceptable alternative material, if it has a recognized national plumbing standard listing. Since PB products have the necessary ASTM standard, its manufacturers feel it is impossible for IAPMO or any other code body to arbitrarily eliminate it from the market.

"We may have lost the battle, but the war's not over," Ron Yaszek, U.S. Brass, told Reeves Journal.

The plastics industry was supported by contractor witnesses who testified that they had found PB materials to be satisfactory. One contractor, Dick Dickson, Spokane, Washington, said: "Our biggest problem is being able to construct houses at a price people can afford... We have to look forward to the new technologies as the only source to be able to serve the consumer, and pay our people the wages they have coming to them." Dickson said his company has installed PB systems since 1981 and "we have yet to have a failure within any of those systems."

Ken Salsbury, a Seattle plumbing contractor, told the IAPMO members that he has used PB with the Polylock fitting system for more than two years, primarily in apartment installations, and "I am yet to have a problem in any one of the apartments we do."

The contractor added that the use of PB has provided his company with the opportunity to do work it would not have been able to perform if it had to bid with copper systems.

Keith Swinehart, Vanguard Plastics, defended the acetal fittings and said that his company is continuing to manufacture them for the manufactured and fabricated housing market, but not the site-built market. "Manufactured housing continues to demand the fitting and we'll continue to manufacture it for this end use," Swinehart said.

Rada Radhakrishnan, Shell Chemical, defended the performance record of PB piping and said there have been "no un-



IAPMO president Robert Martin.

usual pipe failures" in the field and that PB pipe is "performing satisfactorily in over six million installations."

Opponents Respond

Several plastics backers testified before a single opponent stirred toward the microphone. Eventually, Ed Wachter, representing the Southern California PIPE program, took the floor.

"I think it's a sales campaign," Wachter said. "To accept it, you have to have a lot of faith and trust."

Instead, Wachter contended, PB materials should be based on their past track record.

Wachter then went into the abbreviated version of his now familiar history of PB which has been repeated many times in recent years.

"They knew it was failing when they came to us," Wachter accused of the earliest efforts to have PB approved.

Wachter, the former chief plumbing inspector for Los Angeles County, outlined his objections to PB products, often referring to points he has made several times in previous appearances at IAPMO conferences and code change committee sessions.

"They want us to use the public as guinea pigs," he protested, questioning the reliability of the PB products.

Representatives from Hawaii and Florida told the IAPMO members that they had experienced minimal failure rates in their jurisdictions because of their tight requirements on training and certification of plumbers who install PB products.

Contractor Michael Railey, Tahlequah, Okla., said he has been installing PB

plumbing systems since 1983 with no problems. The failures he has experienced have been attributed to faulty installation, he said. "Once my plumbers have been properly trained, there's no problem," Railey said.

The plastics industry received somewhat encouraging news when Lester Bennett, City of Irving Texas, reported that he would continue to approve the use of PB in his jurisdiction, even if it was voted out of the UPC.

The testimony of Bennett and the 74 negative votes on the measure to remove PB pipe from the UPC were seen as positive statements.

Although the United Association, traditionally one of the most vocal and active foes of plastics, particularly PB, was out in force at the conference, no union official spoke on the issue. The absence of UA speakers was viewed as significant because of the union's past track record and the past effectiveness of its dynamic speakers such as Thomas Hunter of District Council 51 and Raymond Foreman of District Council 16.

Some attendees speculated that the union's attempt to make a low key appearance was a direct reaction to an ongoing investigation of IAPMO procedures by the Federal Trade Commission. At least one high ranking IAPMO official confirmed that a representative from the FTC was believed to be in attendance to observe the conference. ■

Martin, Bacon Reelected By IAPMO Membership

Seattle—Robert Martin, the City of Los Angeles, was reelected as president of the International Association of Plumbing and Mechanical Officials at IAPMO's annual business and education conference.

Martin, who was elected at last year's conference in Salt Lake City, was unopposed for the office.

Adele Bacon, the State of Alaska, vice president, was also unanimously elected without opposition.

Newly elected directors are: Douglas Schwab, City of Saint Paul, Northern District; Tim Collings, Salt Lake City, Central District; and Donald Herschberger, City of Santa Monica, Southern District. Herschberger defeated Roger Davidson, City of Dallas, in the only contested election. ■

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