

PLAINTIFF'S EXHIBIT

CAP-1119



A/C Pipe
Association
Board of Directors
Regional Sales Managers
International Affairs Committee

October 6, 1983

J. F. Welch, Vice President

S. PAUL

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

REF: JFW correspondence, same title, September 27, 1983

ACTION REQUIRED: Review and distribute to sales regions

Enclosed is the A/C Advisory explaining industry's position on EPA's intentions to ban A/C pipe. Announcement of EPA's plans in the October 4, 1983 Wall Street Journal prompted editing above and beyond member company comments. Thanks to all for providing corporate comments in such a timely manner.

For obvious reasons, Staff recommends that the Advisory be distributed to salesmen as soon as possible. In our judgment, the best tact to use with customers is to explain EPA's actions for what they are ... a reopening of the 1979 rulemakings. Additional association counterinitiatives are being developed with the highest priority.

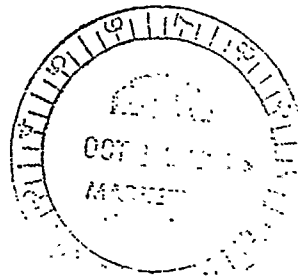
If you have any questions, please do not hesitate to call.

JFW/ajb

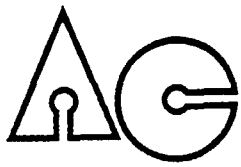
Enclosures

cc: A. Kahn, Esq.

0172100501
Chrono



CAPCO JEN 0031979



HEGA REPORT

A/C Pipe Producers Association

Suite 1113 • 1875 Connecticut Avenue, N.W.
Washington, D.C. 20009 • (202) 232-2100

VOL. 1, NO. 5

DECEMBER 16, 1975

EPA Releases Drinking Water Regulations

EPA Administrator Russell Train has released the National Interim Primary Drinking Water Regulations designed to safeguard the quality of 240,000 public water systems. At a December 12, 1975, press conference, Train said:

"The regulations mark an important milestone in the joint EPA-State effort to insure that high quality drinking water is available to the American people. For the first time, drinking water supplies across the country will be subject to uniform minimum standards that will be effective in regulating harmful contaminants."

The regulations comprise one part of a two-part process mandated by the Safe Drinking Water Act of 1974. The second phase involves the National Academy of Sciences (NAS), which has already initiated a critical evaluation of health effects caused by contaminants in drinking water (see PIPE REPORT, Vol. 1, No. 2, Page 4 for details). The NAS study, due at the end of 1976, will "... provide a basis for revision of the interim standards ..."

The Drinking Water Standards, which become effective in June, 1977, do the following:

- set maximum contaminant levels (MCL's) for nine inorganic chemicals: arsenic, barium, cadmium, chromium, lead, mercury, nitrate, selenium, silver.
- set MCL's for six organic pesticides: Endrin, Lindane, Methoxychlor, Toxaphene and Chlorophenoxys (2).
- set MCL's for fluoride, based on maximum daily air temperatures.
- limit disease-producing bacteriological contaminants.
- limit turbidity which can interfere with disinfection.
- specify monitoring techniques and frequencies; number of samples to vary with population served by the water supply.
- require that in the event that a system does not comply with standards/ monitoring procedures, that the public and the appropriate regulatory authority be notified.

Maximum contaminant levels will be measured at the tap (except turbidity), unless the contaminants result from corrosion of piping and plumbing resulting from the quality of water supplied.

When they become effective, primary enforcement responsibility will rest with the State government if the State has demonstrated the ability to enforce standards at least as stringent as the National standards. If not, enforcement responsibility falls back on EPA.

EPA estimates that over a five-year period, \$1.1-\$1.8 billion of investment capital will be required to effect compliance with the regulations. Although the associated costs will be less than \$5 per person per year for most water users, the economic impact on small systems could be severe.

The present regulations do not contain monitoring requirements or MCL's for organic chemicals (other than the aforementioned pesticides), asbestos, and polychlorinated biphenyls (PCB). In a preamble to the regulations, EPA noted that "... *an interagency comment expressed concern for asbestos and PCB's in the environment and noted the need for at least a monitoring requirement, if not for MCL's, for these contaminants.*" EPA pointed out that it shared the concern about these contaminants "... *but for the moment lacks sufficient evidence regarding analytical methods, health effects or occurrence in the environment to establish MCL's.*" Train said further that the Agency intends to establish appropriate standards as soon as the research (\$16 million for asbestos and \$5 million for organics) and treatment feasibility information becomes available.

Train also announced the start of a Special Monitoring Program to obtain information on organic chemicals in drinking water; one hundred communities will be monitored in 1976. Compounds selected for inclusion in the Program include (not a complete list) benzene, carbon tetrachloride, vinyl chloride, polychlorinated biphenyls, aromatic amines and nitrosamines.

The National Interim Primary Drinking Water Regulations will be promulgated soon in the Federal Register. Copies will be available from AACPP upon request.



HEGA REPORT

A/C Pipe Producers Association

Suite 1113 • 1875 Connecticut Avenue, N.W.
Washington, D.C. 20009 • (202) 232-2100

VOL. I, NO. 7

DECEMBER 22, 1975

OSHA Extends Deadline on Asbestos Standard

The Occupational Safety and Health Administration (OSHA) has agreed to extend until February 9, 1976, the comment period on the proposed standard for occupational exposure to asbestos. The previous comment deadline was December 8, 1975.

A number of interested parties responded that the proposed revisions were exceedingly complex and thus, additional time would be required to "compile relevant data and information". In supporting the 60-day extension, OSHA pointed out that the action "... *will not unduly delay the standards setting process* ..." because an inflationary impact statement must be prepared.

The Asbestos Information Association (AIA) is coordinating the preparation of an industry response to the proposed 0.5 fiber/cc (TWA) standard. Guy A. Gabrielson, Jr., Chairman of the Board, Nicolet Industries, Inc., will chair the industry task force. The consulting firm of Roy F. Weston, Inc., of West Chester, Pennsylvania, has been retained to conduct an economic and technological feasibility study for all segments of the asbestos industry. Dr. Hans Weill, AIA's medical advisor, will review, analyze and update the vast body of knowledge regarding asbestos and health. A summary report will be prepared by each industry segment and AIA will present the collective response to the Department of Labor.

The Extension appeared in the Federal Register; Vol. 40, No. 243; Wednesday; December 17, 1975.



HEGA REPORT

A/C Pipe Producers Association

Suite 1113 • 1875 Connecticut Avenue, N.W.
Washington, D.C. 20009 • (202) 232-2100

VOL. 1, NO. 8

DECEMBER 23, 1975

EPA Cuts Vinyl Chloride Emission Standards

The Environmental Protection Agency has proposed a 90% reduction in the vinyl chloride emission standard. The new standard would require that 58 manufacturers of vinyl chloride and two related compounds, polyvinyl chloride (PVC) and ethylene dichloride, install the "best available technology" (BAT) to limit emissions. The proposed standard would be 10 parts per million (ppm) in the air and water emissions from a manufacturing point.

The President of the Society of the Plastics Industry, Ralph L. Harding, Jr., commented:

"We don't believe that there is any current, nor has there been any past, risk to the health of individuals residing in the proximity of vinyl chloride gas and polyvinyl chloride resin plants, but the VCM-PVC producers agree that rigorous emission controls are in the public interest."

EPA Administrator Russell Train said that the Agency had considered a "zero discharge" proposal, but concluded that such a stringent standard would effectively close down the industry. At the present level, the plants involved will have to spend \$198 million for "BAT" equipment and another \$70 million a year in operating and maintenance expenses for air emissions alone. An additional \$83 million will be required to reduce the amount of vinyl chloride discharged into process water. EPA estimated that consumer prices for PVC products may increase up to 3.5% when the regulations become final.

The new EPA standard will be published soon in the Federal Register and will not be formally adopted until and after a 45-day public comment/hearing period.