



A/C Pipe  
Producers Association

## Internal Correspondence

TO: Executive Committee  
FROM: *J. F. Welch*  
J. F. Welch, Vice President

DATE  
September 13, 1984

SUBJECT  
SOP-01-06 (OSHA - EPA Rulemakings)

REF: (1) JFW correspondence, same title, June 18, 1984  
(2) JFW correspondence, U.S. Environmental Protection Agency (EPA) -  
Consideration to Ban A/C Pipe - AACPP Options and Recommended Action  
Plans for SOP-01-06, Task 2, June 7, 1984

**ACTION REQUIRED:** Review and submit comments to Staff no later than October 19, 1984

### Market Communications Tactic

At the June 11, 1984 meeting of the Executive Committee, it was agreed that a letter should be drafted to advise customers of EPA's proposed ban and industry's intentions to oppose the ban. No letter is to be mailed until approved by the Executive Committee and until the ban is inevitable.

Enclosed is a draft letter to customers. Please review and submit comments no later than October 19, 1984. If you have any questions, please do not hesitate to call.

JFW/bwm

cc: A. Kahn, Esq.  
Timothy S. Hardy, Esq.

copies to: Executive Committee

L. Ambler  
B. Layton  
L. Taylor

0172070501  
Chrono

DRAFT

September 14, 1984

City Water Board  
1001 East Market Street  
San Antonio, Texas 78298-2449

Gentlemen:

In the next two weeks, the U. S. Environmental Protection Agency (EPA) will propose a rule prohibiting the manufacture and sale of asbestos-cement (A/C) pipe and fittings.

It is important that you understand that this will be a proposal for comment, not a final rule that has the force of law. The U.S. manufacturers of A/C pipe -- CAPCO Pipe Inc., CertainTeed Corporation and JM Manufacturing Co., Inc. -- want you to know that they plan to fight the proposed ban through EPA's rulemaking process and, if necessary, the courts. This process probably will last for years. Therefore, it is the industry's intention to continue producing and selling A/C pipe products.

This decision is founded on the firm belief that workers manufacturing and installing A/C pipe are not at increased risk, nor is the general public. (The ingestion of asbestos that maybe released from A/C pipe into drinking water is not an EPA concern in this matter.)

EPA's proposal will be issued under authority of the Toxic Substances Control Act. This law empowers the agency to regulate products if, in the judgement of the EPA Administrator, they represent "unreasonable risks." The proposal will express the opinion that there may be additional risks to workers already protected by Occupational Safety and Health Administration (OSHA) regulation -- even the stringent asbestos standard to be in place by mid-1985.

We disagree on two counts. First, EPA has no legal authority to regulate workplaces. Second, even if the agency had legal authority, the "risks" of manufacturing A/C pipe are neither unreasonable nor significant.

For over a decade, the A/C pipe industry has shared EPA's interests that the manufacture and use of asbestos and A/C pipe be as safe as scientifically and economically feasible. We have labored responsibly and continuously to comply with environmental regulations. During this ten year peirod, following facts formed the basis of industry's position:

- o asbestos is unique and irreplaceable in manufacture of A/C pipe
- o the risks, if any, from occupational exposures to asbestos have been minimized through manufacturers' compliance with OSHA standards and use of industry-recommended work practices for A/C pipe field operations

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- o there is no evidence that current environmental discharges from A/C pipe plants, if they occur at all, result in unreasonable risk to the general public
- o a ban on A/C pipe is not supported by medical/scientific evidence
- o prohibiting the use of A/C pipe would adversely affect water utilities by reducing competition and increasing costs of piping materials.

These same facts are the basis of industry's position today.

If you have any questions, please contact (designate corporate contacts).

Very truly yours,

Warren M. Whitley  
President, CAPCO Pipe Inc.

Fred S. Timpe  
President, Pipe and Plastics Group  
CertainTeed Corporation

William Wong  
President  
JM Manufacturing Company, Inc.

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