

DRAFT - SHS&L
5/26/81

AACPP
#045629-000

CAP-1338

RECEIVED MAY 29 1981

The Honorable Ann McGill Gorsuch
Administrator, Environmental
Protection Agency
401 "M" Street, S.W.
Washington, D.C. 20460

From Joe Jackson

To Dear Ms. Gorsuch:

I am writing on behalf of the Association of Asbestos Cement Pipe Producers ("AACPP"). AACPP is a trade association that includes among its members all United States manufacturers¹ of asbestos cement pipe, as well as A/C pipe manufacturers located in Canada, Mexico and throughout the rest of the world. We are writing to express the concerns of AACPP and its member companies regarding a series of statements made by employees of the Health Effects Research Laboratory of EPA ("HERL") in articles published in various trade journals, in newspapers and television interviews, and in public appearances. AACPP is concerned that these statements will be construed as representing the position of EPA, which clearly is not so.

The statements with which we are concerned relate to the possible health effects of ingested asbestos resulting from the use of asbestos cement pipe. The position of EPA on this subject was recently stated by James N. Smith, Acting Administrator for Water and Waste Management:²

"The EPA has not yet reached a definite position on the ingestion risk and hazards of asbestos-cement pipe, but research is continuing both with animal feeding studies and epidemiologic studies of human populations exposed to asbestos through drinking water. The initial results from animal studies being conducted at the National Institute for Environmental Health Sciences did not detect any adverse effects on the test animals from asbestos in the diet.

-
1. Johns-Manville Corporation, Certain-teed Corporation and Capco Pipe Company, Inc.
 2. Letter of February 25, 1981 to Senator Bradley of New Jersey.

CAPCO JEN 0033474

Pending results from these and related studies, we agree that it is prudent to minimize exposure to asbestos in water, whether from natural sources or asbestos-cement water pipe. Since, as noted above, asbestos fibers are released from asbestos-cement pipe only when the water is aggressive, we believe the practical approach is to correct the aggressive tendencies of drinking water where such exist. Aggressive water not only attacks asbestos-cement pipe, but also may dissolve lead, cadmium or other harmful substances from other pipe materials. The Office of Drinking Water, EPA, recently promulgated regulations requiring public water systems to monitor for corrosivity (45 FR 57332). It is expected that the States, whose responsibility it is to administer and enforce drinking water regulations under the Safe Drinking Water Act, will direct appropriate corrosion-control measures, with our guidance, on a case by case basis."

The position of the Agency at the present time can thus be described as follows:

1. The Agency has not yet reached a definite position regarding the effect of asbestos fiber in drinking water and research is continuing, although results of studies thus far have been negative;
2. Pending final results of these studies, exposure to asbestos fiber, whether from natural sources or from A/C pipe, should be minimized; and
3. Since asbestos fibers, as well as various metallic substances in the case of metallic pipes, are released from A/C pipe only where aggressive water conditions exist, the recommended method of minimizing exposure to these substances is to treat the water to reduce its aggressive characteristics.

The position of the Agency in favor of the treatment of aggressive waters is precisely the approach recommended by the A/C industry through AACPP.³

Nevertheless, various employees of the Agency have continued to recommend that the use of A/C pipe be discontinued or curtailed and have done so in a manner that suggests that such an approach is endorsed by EPA. The problem can be illustrated by reference to an article entitled "Asbestos Cement Materials Used in Water Supply," which appeared in the March, 1981 issue of Water Engineering and Management. This article was written by J. R. Millette, M. F. Pansing and R. L. Boone. Mr. Millette and Mr. Boone are current HERL employees, and were so identified in the article. Mr. Pansing is a former employee. The authors conclude:

"Asbestos-cement materials should not be used in the construction of water supplies or the distribution of drinking water where those materials may be attacked by corrosive water."

The authors make no attempt to define "corrosive waters" and grossly overstate the number of people who may be exposed to asbestos fiber in their drinking water as the result of corrosion of asbestos cement pipe. And, there is no indication in the article that the writers are not authorized to speak for EPA or that their statements do not represent the position of the Agency. Indeed, the reader is left to conclude, as many have done, that the article reflects EPA policy.

The danger of such independent, unauthorized comment by agency employees is evident. The article has been read by some people as stating that EPA recommends generally against the use of A/C pipe, which is not true. Indeed, as the Smith letter points out, EPA recommends treatment of "aggressive" waters because of their effect on all piping materials.

-
3. Testimony of Joseph C. Jackson, President, Association of Asbestos Cement Pipe Producers, Public Hearings on Proposed Amendments to the National Interim Primary Drinking Water Regulations, August 29, 1979.
 4. The term "aggressive water" is a term of art which refers to highly corrosive waters, which occur only in certain areas of the United States, particularly in the North Eastern and Pacific North Western areas of the country.

We do not intend to review in this letter all of the inaccurate and potentially misleading statements made by Messrs. Millette, Pansing and Boone in the Water & Engineering Management article. The May issue of Water & Engineering Management contains an article, a copy of which is enclosed, setting forth in detail the scientific shortcomings of the article by Messrs. Millette, Pansing and Boone.

The March, 1981 article is not the first such incident involving representatives of HERL which has had the effect of undermining public confidence in the use of A/C pipe. In 1979 Mr. Millette co-authored a paper with Mr. Leland J. McCabe, another HERL employee, entitled "Health Effects and Prevalence of Asbestos Fibers in Drinking Water." This paper, which was presented at an annual conference of the American Water Works Association, contained inaccurate representations of scientific findings and argued against the future use of A/C pipe.

In July, 1980, Mr. McCabe was quoted in a local newspaper in Lakeland, Florida as recommending that the City of Lakeland not purchase asbestos cement pipe for use in a proposed project. In a paper presented in Amsterdam, Netherlands in August of 1980, Mr. Millette made the clearly erroneous claim that there is direct human evidence of a relationship between asbestos in drinking water and increased cancer risk. Mr. Millette supported this statement by citing an article authored by M. S. Kanarek and others entitled, "Asbestos in Drinking Water and Cancer Incidents in the San Francisco Bay Area." Kanarek's article reported on the results of an epidemiology study using census tract data in the San Francisco area. The value of the Kanarek article for any purpose has since been questioned by leading epidemiologists.

These are but a few of the instances in which employees and representatives of the Health Effects Research Laboratory have taken it upon themselves to make public comments and statements concerning the safety of A/C pipe. We have not attempted to list each such instance, nor are we probably aware of all the public statements that have been made.

We object to statements of this sort by agency employees that, in all likelihood, will be perceived as statements of agency policy. Such statements obviously create a climate of uncertainty and confusion in the marketplace and have a significant adverse affect upon the ability of the industry to market its products.

For example, Mr. Millette's August, 1980 statement that "there is now some direct human evidence that there is a relationship between asbestos in drinking water and increased

cancer risks,"⁵ was cited by citizens in New Jersey, in a letter to the New Jersey Department of Environmental Protection, as "reason enough" to justify the removal and replacement of approximately thirty miles of A/C pipe in a water distribution system.

The use of asbestos, including asbestos cement pipe, is currently the subject of extensive EPA regulatory proceedings. These regulatory initiatives are being conducted pursuant to the provisions of the Toxic Substances Control Act. The statute requires that all interested parties be afforded an opportunity for participation in the regulatory proceedings. Neither the Office of Drinking Water nor the Office of Toxic Substances has ever issued any policy statement recommending the elimination of A/C pipe. Statements of the sort we have referred to that may be misinterpreted as statements of Agency policy have the effect of mooted the outcome of these proceedings and thus rendering the regulatory process meaningless.

Employees of the Health Effects Research Laboratory are not charged with formulating EPA policy for the use of A/C pipe in transporting potable water. As we understand it, HERL conducts research in connection with specific projects assigned to it by policy making offices of the Agency, such as the Office of Drinking Water and the Office of Toxic Substances. HERL is not authorized to make Agency policy relating to the regulation of the products it tests. Nevertheless, these statements by employees of HERL have had the undeniable effect of undermining public confidence in the use of A/C pipe.

We request that EPA issue a statement making it clear that the statements and articles by Mr. Millette and others relating to A/C pipe do not represent the policy of the Agency. In addition, we request that in the future statements made by EPA employees that might be misconstrued as representing the position or policy of the Agency contain clear disclaimers stating that the views contained therein are merely the personal opinions of the author or speaker and not those of the agency. It is only in this manner that the legitimate interests of all parties can be protected and the integrity of the administrative process maintained.

-
5. Millette, J. R. et al. titled "The Need to Control Asbestos Fibers in Potable Water Supply Systems." This was in the proceedings of the International Symposium on Water Supply and Health, Amsterdam, August 27-29, 1980.

Thank you for your attention to this matter.

Very truly yours,