



A/C Pipe
Producers Association

Board of Directors

TO

J. C. Jackson
J. C. Jackson, President

FROM

SUBJECT

Internal Correspondence

May 7, 1981

DATE



ACTION REQUIRED: Review for information

During the 4/16/81 Board of Directors meeting action on a Public Affairs Committee recommendation that AACPP be responsive to information needs identified by Kirkland & Ellis for use in ongoing negotiations with EPA was deferred pending review of a Staff memorandum to be prepared by the President outlining:

1. The status of EPA negotiations to date.
2. The role of AACPP vis a vis AIA/NA.
3. Specific information needs.

The purpose of the following memorandum is to be responsive to that request and to clarify any perceived misunderstandings relative to jurisdictional overlaps between AACPP and AIA/NA.

Generally, AACPP's health, environment and government affairs activities can be categorized as follows:

- A. Monitoring
- B. Agency/Congressional Liaison
- C. Rulemaking
- D. Field Problems

A. Monitoring

On a routine basis, AACPP monitors all federal legislative developments and regulatory/funding agency developments which might have an impact on the A/C pipe industry, including related water and sewer pipe markets. Monitoring consists of reviewing selected publications and where deemed advisable distribution of specific information culled from these publications to either the Public Affairs Committee or the Executive Committee.

Aside from periodically exchanging information specifically related to asbestos regulation and not generally available through public channels of communications, AACPP's monitoring activities are separate and distinct from AIA/NA since the Association's interests are not confined to the asbestos issue but encompass a broad spectrum of trade issues, e.g. procurement policy, product specification, economic trends, etc.

B. Congressional/Agency Liaison

By Association policy and Board directive, AACPP does not lobby for or against proposed federal legislation nor are direct contacts made with any member of the Senate or the House of Representatives and their staffs. When necessary or desirable, congressional liaison is effected through the Public Affairs offices of its member companies. This policy extends even to guest speakers invited either to the Association's Annual Industry Conference or Fall Washington Workshop.

On an "as needed" basis, AACPP maintains contact with all public works, i.e. water and sewer pipe, agencies and selected regulatory agencies, primarily EPA's Office of Drinking Water and Municipal Environmental (MERL) and Health Effects (HERL) Research Laboratories in Cincinnati. Historically, AACPP has deferred to AIA/NA for direct liaison with other EPA offices, OSHA and CPSC.

C. Rulemaking

With but one exception, AACPP has deferred either to its member companies or AIA/NA special counsel, Kirkland & Ellis, for the preparation and submission of industry comment on all asbestos rules/regulations proposed by the regulatory agencies. The one exception was comments prepared by AACPP Staff/Counsel requesting an exemption from CPSC's Advanced Notice of Proposed Rulemaking (ANPRM) for asbestos on the basis A/C pipe was not a consumer product or within the statutory authority of the Commission.

Presently AACPP Staff participates as an observer at AIA/NA Executive Committee meetings for the purpose of:

1. Monitoring on a regular basis the status of industry, i.e. AIA/NA, initiatives.
2. Acting as an independent reviewer of responses prepared by AIA/NA on those issues which will have a direct impact on the A/C pipe sector.
3. Coordinating, and where appropriate collecting, information relative to the defense of the A/C pipe sector.
4. Ensuring that A/C pipe's case is not weakened in the broad defense of other product sectors and reserving the option of proceeding independently if desired or necessary.

In regard to the last point, AACPP has identified, and in selected instances developed, program elements, e.g. recommended work practices, ADL economic impact analysis, required to build an affirmative case for the A/C pipe sector in asbestos rulemaking proceedings.

Lastly, AACPP is participating with AIA/NA through Kirkland & Ellis in preliminary discussions with EPA to determine the basis for a negotiated regulation. AACPP participation has been and will be limited to those issues shown on the attached "issue matrix" which have a direct bearing on the A/C pipe sector.

D. Field Problems

At the State and local level, AACPP acts as the prime coordinator for responding via a standard approved protocol to A/C pipe related field problem. Responses at the

State and local level on other general asbestos related issues are left to the discretion of AIA/NA.

AACPP's involvement at the State and local level includes:

1. The selection and coordination of special counsel.
2. The preparation and presentation of testimony.
3. The coordination of any required litigation.

In summary, the interface between AACPP and AIA/NA is one of active cooperation and, only if necessary, independent action on those regulatory issues which have a direct impact on the A/C pipe sector and related markets. On all other issues, AACPP presently defers to AIA/NA. Finally, the decision whether AACPP should and will act independently of AIA/NA resides with the Association's Board of Directors.

Status of Negotiated Regulations

Four meetings have been held between EPA and the industry to date. At the March 6, 1981 meeting discussion was confined to setting the tone/ground rules for future meetings and preliminarily reviewing issues/priorities of concern to EPA.

At the second meeting, March 11, 1981, resolution was reached on the attached "issue matrix" plus documents were exchanged outlining the principles of labeling as well as the basis for the categorization of products to be labeled.

On March 24, 1981, discussion continued on labeling issues, including typical language which might be included in any proposed EPA label. Further consideration of the labeling issue has been deferred pending development of specific language/format, i.e. prototype, which was assigned jointly to Rich Guimond, EPA, and Tim Hardy, Kirkland & Ellis. The meeting concluded with agreement the next regularly scheduled meeting would focus on A/C pipe issues.

On April 2, 1981, discussion focused on issues relevant to A/C pipe and of initial concern to EPA. Preliminary information needs were explored with EPA requesting the following specific items:

- A. Current plant exposure levels and opportunities for further reductions in the A/C pipe sector.
- B. The frequency of abrasive disk cutting and the effectiveness of existing recommended work practices in mitigating airborne exposures in the field.
- C. The current manufacturing/marketing status of A/C air duct.

A meeting scheduled for April 21, 1981 was postponed.

In summary, negotiations between EPA and the industry to date have been solely exploratory in nature with neither EPA nor AIA/NA making any hard and fast commitments. It has been agreed that pending the development of data on the specific A/C pipe information needs identified above, further discussion of the A/C pipe sector will be held in abeyance.

The next meeting between EPA and AIA/NA is scheduled for sometime in mid-May and will address issues relevant to the friction materials product sector. AACPP will not participate in this meeting.

JCJ/ajb

Enclosure

cc: A. Kahn, Esq.
N. Rahn, Esq.

copies to: Board of Directors

L. Ambler
J. Cran
J. Grinda
P. Martinex
L. Taylor
J. Zacharias

Chrono

ASBESTOS ISSUES

SUBJECT AREAS	A-C PIPE	A-C SHEET	FRICTION MATERIALS	ASBESTOS TEXTILES	FLOORING	ROOFING	ASBESTOS PAPER AND MILLBOARD	PAINT, SEALANTS, AND COATINGS	PLASTICS	CASKETS AND PACKING	DRILLING MUDS	DISCONTINUED PRODUCTS
LABELING												
WORK PRACTICES												
EXPOSURE												
A. Occupational												
B. Construction												
C. Consumers												
D. General Environment												
MEDICAL EVIDENCE												
A. Inhalation												
B. Ingestion												
USE RESTRICTIONS												
INFORMATION COLLECTION AND RESEARCH												
DEMOLITION AND DISPOSAL												
EDUCATION AND TRAINING												
AIR EMISSIONS												
EFFLUENT GUIDELINES												
WATER CRITERIA												