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Michel L. Besson
President
Chief Executive Officer

PLAINTIFF'S EXHIBIT

CAP-1707

December 4, 1984

The Honorable George Brown
U. S. House of Representatives
Washington, DC 20515

Dear Congressman Brown:

CertainTeed Corporation operates a plant in Riverside, California producing asbestos-cement pipe and fittings which are sold throughout the western states. The plant presently has 107 employees and the employment of many other people, both at CertainTeed and elsewhere, is dependent upon its continued operation.

As I am sure you are aware, the U. S. Environmental Protection Agency (EPA) has announced its plans to issue a ban of certain asbestos-containing products, including asbestos-cement pipe and fittings, not because they, in themselves, pose a health hazard, but as an initial step to eliminate use of asbestos fibers in the United States.

For well over a decade, CertainTeed and the asbestos-cement pipe industry have shared the EPA's and other agencies' interests that production and use of asbestos and asbestos-cement pipe be as safe as scientifically and economically feasible. The industry has acted responsibly. CertainTeed and other manufacturers not only have complied with various federal and state laws and regulations regarding asbestos, but have substantially exceeded their requirements. Today, the manufacture of asbestos-cement pipe is virtually a closed system: asbestos fiber handling and pipe machining are automated; process water and solid waste are recycled; state-of-the-art filtration systems eliminate 99.9% of air discharge to the environment. Also, detailed work practices have been developed and provided to contractors and installers of asbestos-cement pipe. These prescribe proven methods of cutting, beveling, and tapping the pipe to insure a safe work environment.

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Products other than asbestos-cement pipe and fittings proposed for immediate ban are roofing and flooring felts, asbestos felt-backed vinyl flooring, and vinyl asbestos floor tile. These products were selected, not because they present greater risk than other products (as a matter of fact, the EPA openly admits that the reverse is probably true), but rather for three basic reasons as follows:

- These products are large volume users of asbestos fibers, and discontinuation of their production and use would significantly reduce the amount of fiber to be mined.
- Use of these products is finite. That is, banning them would not affect other products such as automobiles, pumps, stoves, etc.
- In the EPA's opinion, there are readily available substitutes for these products.

We believe that the EPA's plans are totally unjustified. Following is information to provide you with a more complete understanding of the situation and to persuade you to support us in resisting the EPA's plans.

The EPA's actions would be taken under the authority of the Toxic Substances Control Act (TSCA). At the time TSCA was enacted, it was made abundantly clear by both President Ford and the Act's chief sponsors that it was intended to "close a gap in our current array of laws" and that it should "be administered in a manner so as not to duplicate existing regulatory and enforcement authorities." The EPA's plans do not meet those criteria.

In order to impose any regulations under TSCA, the EPA must show that the manufacture and use of a product presents an "unreasonable risk of injury to health or the environment" and must use the least burdensome requirements to regulate "unreasonable risks." We do not believe that the EPA's plans meet either of those requirements. Various segments of the government have, for years, been studying the health effects associated with the use of asbestos-cement pipe, and there is no evidence that the product poses a hazard to public health.

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The process for making asbestos-cement pipe is a unique one, and it is not adaptable to other products; therefore, a ban such as planned by the EPA would mean the closing of several plants, including our plant at Riverside, California, and the loss of thousands of jobs. That, in turn, would have serious social and economic impact on many communities.

Another very serious concern which we have is the very likely effect which a ban would have on many communities in the country. Announcement of the ban would undoubtedly generate much publicity and would create panic and hysteria leading to demands that existing asbestos-cement pipe systems be torn out and replaced. The result would be needless expenditure of many millions of dollars. To better illustrate our concerns in this regard, I am attaching a copy of a letter from the City of Fairfield, California, to Mr. Ruckelshaus which very effectively sets forth that City's feelings. This letter is representative of many others from similarly concerned communities.

So that you might have a better understanding and appreciation of this entire matter, we would very much like to have you visit our asbestos-cement pipe plant in Riverside, California. This would provide you the opportunity to get a first-hand picture of what is involved. If you are receptive to such a visit, we shall be glad to arrange transportation and other details.

Thank you for giving attention to our concerns. We shall look forward to hearing from you and, hopefully, of receiving your support. Enclosed for your general information is a copy of our most recent Annual Report.

Sincerely,

CertainTeed Corporation

Michel Besson

Michel L. Besson
President and
Chief Executive Officer

MLB/cmf
Enclosures