

Board of Directors
International Affairs Committee

J. F. Welch, Vice President

October 7, 1983

U. S. Environmental Protection Agency (EPA) Consideration of Ban on A/C Pipe - Press Coverage

ACTION REQUIRED: Review for information

Engineering News-Record

On September 29, 1983, the Vice President was contacted by Bill Krizan, a reporter for Engineering News-Record. This magazine is published by McGraw-Hill Co. and has extensive readership worldwide. Krizan previously had spoken with representatives at AIA/NA, who recommended that AACPP be contacted.

Krizan is writing an article on use and regulation of asbestos/asbestos-containing products and industry's views on substitutes (fiber and product). Staff gave background on AACPP, the pipe industry's evaluation of substitute fibers, factors that make asbestos irreplaceable in A/C pipe, and comments on substitute products i.e., PVC and ductile iron pipe. When asked what prompted his interest in asbestos products, Krizan said that Engineering News-Record recently became aware that EPA planned to regulate certain uses. He did not use the word "ban." When asked whether this might affect the A/C pipe industry, Staff responded that EPA's recent actions were viewed as a re-opening of its 1979 Advance Notice of Proposed Rulemaking on Commercial and Industrial Use of Asbestos. It was stated that market impacts, if any, could not be assessed until EPA proposed a regulation (restriction, ban, etc.). When specifically questioned as to whether A/C pipe was included in the 1979 rulemaking and forthcoming regulatory considerations, Staff responded in the affirmative. Staff did not state, indeed avoided stating, that EPA was considering a ban on A/C pipe.

The article will appear in the October 10, 1983 issue of Engineering News-Record.

Wall Street Journal

The enclosed articles appeared in the October 4, 1983 issue of Wall Street Journal, North America's most widely-read business newspaper. One article describes EPA's intentions to ban certain asbestos construction products; the other, status of OSHA's proposal to lower its occupational exposure standard.

Staff Analysis and Action Plan

The extensive readership of Engineering News-Record and Wall Street Journal will result in widespread knowledge about the potential ban. Competitors can be expected to use the article to discourage specification and use of A/C pipe. The impact of this press coverage should be at its fullest in the U.S. by the end of October.

Preparation of AACPP's Advisory on EPA's action will be accelerated; other counterinitiatives will be developed for review by the Board of Directors.

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

JFW/ajb

cc: ~ A. Kahn, Esq.

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EPA to Propose, in Next Few Months, Ban Or Phase-Out of Remaining Asbestos Uses

By ANDY PASZTOR and RAYMOND A. JOSEPH
Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON—The Environmental Protection Agency intends to propose in the next few months a ban or phase-out of asbestos in the few products that still contain it.

EPA Administrator William Ruckelshaus agreed in principle with a package of proposed regulations against the carcinogen that goes beyond any action the Reagan administration was considering only a few months ago, agency officials said.

Nevertheless, any such ban would come long after the asbestos industry—battered by thousands of suits from asbestos workers and users—has shrunk severely. About 300 companies once used asbestos in their products, but use has decreased as the dangerous effects of asbestos have become known. The U.S. Bureau of Mines said U.S. consumption reached a high of 795,000 metric tons in 1973; according to the EPA, current annual consumption is about 127,000 metric tons.

The EPA intends to ban all uses of certain construction products such as cement pipes, roofing materials and floor coverings that contain asbestos, a fibrous mineral used in fireproof materials. In addition, the agency is writing proposed regulations that place a cap on the amount of asbestos used for all other products and set up a timetable for phasing out all but a few minor uses over the next few years.

In the past, senior Reagan administration appointees at the EPA have argued that there wasn't adequate scientific evidence to warrant tough action against asbestos. They also asserted that banning or phasing out the material would be too costly in most instances, and they wanted voluntary action by industry to reduce public exposure to asbestos.

But Edward Klein, director of the office that is drafting the proposals, said the EPA now considers asbestos to be a "proven carcinogen" that should be phased out quickly. He noted that industry has developed a variety of substitutes.

Denver-based Manville Corp., the major asbestos-products maker, said the EPA action probably would have "very little impact on us" because the company has been replacing asbestos with such materials as fiberglass.

Manville filed for protection under Chapter 11 of the federal Bankruptcy Code last year to ward off thousands of lawsuits from plaintiffs who claimed injury or death of relatives from asbestos. The material can cause cancer and asbestosis, an emphysema-like disease that gradually impairs breathing through scarring of the lungs.

Manville, once known as the largest asbestos company in the Western world, recently sold its large Canadian asbestos-mining operations.

In Danbury, Conn., Union Carbide Corp. said it didn't know how any EPA action would affect its mining operations in Colorado, where it operates a small asbestos mine. Moreover, Union Carbide said, it "probably won't have much of an effect on us because our kind of asbestos is of high purity." But the company said its asbestos is used in floor tiles and ceiling materials.

Raymark Corp., Trumbull, Conn., asserts that its use of asbestos probably wouldn't be affected immediately. The company said its asbestos is used mainly in friction materials, like car brakes and clutches.

In a related development, the Labor Department said its Occupational Safety and Health Administration will expand workplace inspections seeking possible violations of its asbestos-exposure rules. The job-safety agency estimated it will triple such inspections to about 700 over the next year in the construction and manufacturing industries, focusing on demolition sites and manufacturers with records of asbestos violations.

OSHA said it will inspect demolition sites that have notified the EPA that asbestos demolition or removal will occur. Previously, OSHA inspectors often didn't know about possible asbestos-rule violations at such sites because the work was completed quickly. The cooperative effort with the EPA is to last six months.

In the 1970s, the government banned certain sprays containing asbestos used for insulation and decoration of new buildings. And the EPA ordered schools to perform safety checks to determine if fibers from asbestos insulation posed a health threat to students. Recently, the EPA has been under increasing pressure from lawmakers, environmental groups and cancer experts at other federal agencies to crack down on future use of the material.

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Tuesday, October 4, 1983

Asbestos use may be banned or phased out by the EPA. But any ban against the carcinogen would come long after the asbestos industry, battered by thousands of suits from workers and users, has shrunk severely. (Story on Page 12)

AN EMERGENCY RULE lowering workplace exposure to asbestos may remain some weeks away. OSHA chief Aucther seeks outside top scientists' advice about a 300-page staff proposal; he worries that an emergency move could spark a court fight. Some experts estimate an emergency rule could prevent 212 cancer cases.