

EPA

CertainTeed Corporation
PO Box 860
Valley Forge, PA 19482
(215) 687-5000

Thomas A. Dougherty
Vice President - Industrial Relations

PLAINTIFF'S EXHIBIT

CAP-674

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October 21, 1983

Mr. Alvin L. Alm
Deputy Administrator
U. S. Environmental Protection Agency
Room W1216, West Tower
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Alm:

Thank you for giving us the opportunity last Wednesday to discuss our concerns regarding EPA's announced plan to issue a proposed rule banning certain asbestos products. We believe very strongly that such an action is not justified by medical and scientific evidence and we were somewhat relieved to receive your assurance that the expressed intention only represented a recommendation from your staff and that a decision to follow that course had not been made.

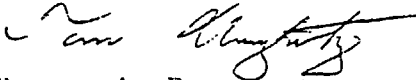
During our discussion we pointed out the adverse impact on our markets of the mere announcement that consideration is being given to issuing a ban. To illustrate the seriousness of the situation in that regard, I am attaching a copy of a letter from your Mr. Jack P. McCarthy to the Ductile Iron Pipe Research Association. Ductile iron pipe is the major competitor of Asbestos Cement pipe and we are finding copies of this letter turning up in the offices of all of our customers and users of our product. I'm sure I don't have to tell you what an unfair disadvantage this has created for us. We believe that issuance of such a letter was completely inappropriate and we would like you to give us the rationale behind it. We shall appreciate any action you can take to correct the misimpression created by the letter and to prevent future issuance of similar documents.

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Mr. Alvin L. Alm
October 21, 1983
Page two

Thank you again for taking time from your busy schedule to meet with us. The action being considered by EPA regarding asbestos will have grave impact on thousands of workers and on many businesses. Therefore, thorough consideration must be given to all of the factors involved before any rules are proposed, especially any as draconian as those planned. We and, I am sure, all others involved in asbestos related industries will welcome the opportunity to assist your agency in giving such consideration.

Very truly yours,


Thomas A. Dougherty

TAD/cml

cc: Mr. Don R. Clay
Acting Assistant Administrator
for Pesticides and Toxic
Substances
U. S. Environmental
Protection Agency
Room E 637, East Tower
401 M Street
Washington, D.C. 20460

Mr. Horace Beasley
Vice President
CAPCO Pipe Company, Inc.
P. O. Box 3435
Birmingham, AL 35202

Mr. Alan A. Verploegh
Vice President - Marketing
J/M A/C Pipe Company, Inc.
1051 Sperry Road
Stockton, CA 95206

Mr. Martin J. Sendeki
Manager, Safety &
Environmental Protection
Congoleum Corporation
P. O. Box 3127
Trenton, NJ 08619

Mr. Jay D. Tuthill
Vice President
Mannington Mills Inc.
Mannington Mills Road
Salem, NJ 08079



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 18 1983

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

Mr. Edward D. Heffiernan
Washington Representative
Ductile Iron Pipe Research Ass'n.
1875 I Street, N.W., Suite 1025
Washington, DC 20006

Dear Mr. Heffiernan:

The purpose of this letter is to provide an update of the U.S. Environmental Protection Agency's program to investigate the risks posed by commercial and industrial uses of asbestos. Don R. Clay, Acting Assistant Administrator for Pesticides and Toxic Substances, testified before the Senate Subcommittee on Environment and Public Works on July 27, 1983. In his testimony, Don briefly outlined plans to publish in the next year a proposed rule banning certain asbestos product categories under the authority of the Toxic Substances Control Act. He also said the Agency would issue either an Advance Notice of Proposed Rulemaking (ANPR) or a proposal which would establish a staged production cap on the remaining asbestos uses.

The categories under consideration for a product ban are roofing felt (both saturated and unsaturated), flooring felt, asbestos felt-backed vinyl flooring, vinyl asbestos floor tile, and asbestos cement pipe and fittings.

I am calling this testimony to your attention because I believe it is important for your planning efforts for you to know as early as possible the direction the Agency is taking on regulating asbestos. If you would like to obtain a copy of the testimony, you may call 800-424-9065; in Washington D.C. call 554-1404.

Sincerely yours,

Jack P. McCarthy
Director
TSCA Assistance Office