



A Division of The Society of The Plastics Industry, Inc.

Roy T. Gottesman
Executive Director

October 26, 1988

TO: VI Executive Board
VI Associate/Affiliate Members
VI Committee Chairmen
VI Pipe Industry Task Force

RE: California Environmental Impact
Report For Plastic Plumbing Pipe

The purpose of this letter is to update you on the status of the California EIR and to alert you to information I have recently become aware of indicating a serious financial shortfall to enable completion of this EIR.

Because of the long and tortuous history of this project which precedes the formation of the Vinyl Institute and since some of the Board members might not be fully familiar with this history (and other Board members probably would want to forget it!), I am attaching a chronology which I have updated with the most recent happenings.

I strongly suggest you read the portion on page 3 and following pages starting with December 1987.

You will recall the discussions at the May and September Executive Board meetings regarding the worker exposure study. I refer you to Tab M of the September 7, 1988 Board Meeting Briefing Book for further background. At the September 7th Board Meeting, an agreement was reached there would be no special assessment at this time and that the sum of \$209,035 would be taken from general funds and the contingency. If monies now diverted from the contingency budget are needed at a later time to support the pro-active industry task groups, the Board would then decide whether to call for a special assessment.

The entire management of this California EIR program was via an "Ad Hoc Pipe Resin Producers Committee" set-up and involving PVC, ABS and polybutylene interests. There has been a revolving door both in company participation and in SPI staffing which probably explains my recent and belated finding that there is

CTL027391

significant shortage of money for completion of the EIR at SRI. This is estimated to be in the area of \$225,000 - \$250,000, dependent on legal costs and communications/public relations costs involved. The exact deficit is currently being firmed up. The shortfall is above and beyond the monies already committed to by the VI for the worker exposure study.

In reviewing this with Steve Schaefer on the phone today, he asked me to alert the Board to this problem. The Pipe Industry Task Force will be meeting in Dallas on November 15th and, by copy of this letter, I am asking the members of that group to come prepared to discuss possible sources for the additional funds that will be needed. I also plan to ask Dr. Nina McClelland of NSF to provide me with company names and contacts in the PVC pipe business who might be approached for money.

Finally, this item will be a subject of discussion at the December 15th Executive Board Meeting in Houston. At that time, Debbie Neale and I will be prepared to discuss this matter and answer your questions. In the interim, if you have any suggestions regarding funding this shortfall, I would appreciate hearing from you. Also, if you have any questions, please call.

I don't enjoy being the bearer of these tidings - but please - don't shoot the messenger!!

Roy

RTG/pmb

cc: Deborah Neale, BFGoodrich Company
Lewis Freeman, Society of the Plastics Industry, Inc.

CTL027392

CHRONOLOGY

CALIFORNIA ENVIRONMENTAL IMPACT REPORT FOR PLASTIC PLUMBING PIPE

Fall 1979

California Commission on Housing and Community Development (later renamed the Department of Housing and Community Development or HCD) issues proposal to permit the expanded use of plastic pipe for drain/waste/vent and potable water distribution in residential structures. Pipe materials covered include polyvinyl chloride, polyethylene, polybutylene, acrylonitrile butadiene styrene and chlorinated polyvinyl chloride.

Public hearings held. Members of the California Pipe Trades Council and its union locals raise allegations about the flammability of plastic pipe and its toxicity to plumbers when they join it with solvent cement. The legislature, at request of Assemblyman Louis Papan, directs HCD to delay approvals until further testing completed.

January 1980

HCD requests a study of worker health from the Department of Health Services (DHS) and a report on flammability from the State Fire Marshal.

May 1980

The State Fire Marshal concludes that plastic pipe does not present an unusual fire risk.

October 1980

DHS files a study by J.M. Montgomery Consulting Engineers Inc. of solvent cements in plastic pipe, concluding that no adverse worker health effects exist, and that flushing of new systems would reduce the risk of any chemicals leaching into the water.

November 1980

With the flammability and worker health allegations in effect resolved, union attorneys file a petition with HCD entitled "leaching of Toxic Chemicals into Drinking Water Requires Preparation of an Environmental Impact Report". Although the EIR process typically is reserved for matters such as plant siting requests, HCD seeks and later receives plastic industry funding for an EIR.

May 1981

HCD hires a coordinator to oversee the hiring of outside consultants for actual preparation of the EIR.

October 1981

Separate from the plumbers' union activity and the EIR process, the International Association of Plumbing and Mechanical Officials (IAPMO) approves polybutylene (PB) for residential water service in its 1982 model code.

December 1981

The union sues IAPMO to block adoption of the new code in California, demanding it include a statement specifying that new uses of plastic plumbing pipe are not approved in the state, pending completion of an EIR. The trial court denies the plumbers' motion, but on appeal in April 1982, the California Supreme Court requires IAPMO to publish the disclaimer.

Summer 1982

Nine companies bid to be the plastic pipe EIR contractor. After extensive negotiations with industry and the union, the State selects SRI International in August.

March 1983

As a preliminary step, SRI completes a literature search, or an Environmental Review Document. The ERD finds no need for additional flammability review, recommends further study on the worker health issue and calls for additional testing on leachates from polybutylene and CPVC piping systems.

August 1984

HCD issues a testing protocol for the leachate studies.

March 1985

Versar Laboratories is selected to conduct the leachate tests. Meanwhile, the Vinyl Institute begins parallel testing of metal pipe (using the HCD plastic pipe protocol) at McKesson Environmental Services, Pleasanton, California, an independent testing laboratory certified by the State of California.

May 1985

The State terminates testing at Versar after an audit team confirms that testing procedures mandated by the protocol were not followed. (Versar subsequently sues the State for breach of contract).

Fall 1985/Spring 1986

The State decides to hire the University of California at Berkeley to conduct the tests with laboratory analysis to be subcontracted. Union objections to the subcontractor result in its resignation in early 1986. HCD searches for a new analytical subcontractor.

October 1985

The Vinyl Institute begins its own testing of CPVC pipe at McKesson, again using the HCD protocol.

CTL027394

July 1986

The Vinyl Institute submits the final report on both the metal and plastic pipe leachate tests to the State, urging their inclusion in the EIR. Results of the studies reveal no carcinogens leaching from CPVC pipe or its solvent-cemented joints; only trace amounts of relatively non-toxic contaminants have been found. The same tests run on copper piping, however, show lead leachate levels far exceeding current EPA and proposed EPA and Congressional standards, and potentially harmful amounts of copper leaching from the pipe under some water conditions.

June 1987

The University of California at Berkeley begins testing plastic pipe according to the HCD protocol.

August 1987

CH2M Hill Inc. completes its health risk assessment comparing metal and plastic pipe leachate data generated by McKesson. CH2M Hill concludes that under commonly occurring water conditions, both systems deliver drinking water which is within the bounds of drinking water standards and health advisories.

August 1987

The University of California at Berkeley completes its plastic pipe leachate tests on CPVC and polybutylene.

December 1987

The Vinyl Institute officially submits the McKesson and CH2M Hill reports to the State.

The State signs a contract with SRI International (Menlo Park, California) to write the draft Environmental Impact Report.

December 16, 1987

SPI enters into contract for completion of Phases I and II of the EIR on plastic pipe by SRI and forwards irrevocable letter of credit for \$206,384. Also, contract calls for a revised letter of credit for an additional \$157,856 to be delivered before SRI proceeds to complete Phase III of the EIR.

January 1988

Union demands worker health assessment study. Political pressure applied on HCD and DHS. HCD "caves in".

Vinyl Institute submits data on potential risks from organic vapors released for solder.

February 3, 1988

HCD advises SRI to start Phase II of EIR draft. Negotiations continue on worker health study.

CTL027395

April 1988

Public funding for worker health and exposure study explored. Monies are unavailable due to anticipated \$1 billion shortfall in California budget. Further, unions indicate that they would oppose any public funding.

May 31, 1988

Faced with potential loss of another year's time because worker exposures during hot weather were demanded by union, VI and member companies agree to fund worker health study for \$253,798. BFGoodrich would pay \$44,763 for Phase I, and VI and VI member companies would raise the remaining \$209,035.

June 17, 1988

Contract entered into with California Public Health Foundation (CPHF) to conduct worker exposure study for certain plumbing applications of plastic pipe. Contract calls for "field sampling measurements must be made during the 1988 hot weather season in California", thereby satisfying the plumbers' union demand and contract has no price escalation or extras above \$253,798.

August 1, 1988

Study protocol communicated by CPHF to all interested parties for comments.

August 5, 1988

Written comments submitted on behalf of plastics industry.

August 10, 1988

Dr. Robert Hinderer, VI Technical Committee Representative, met with representatives of California Department of Health Services and plumbers' union to discuss first draft of study protocol. plumbers' union expressed serious concern about draft, their inability to adequately review it, questioned advisability of going too fast, questioned adequacy of evaluation of the high exposure group, wanted a greater emphasis on worst case exposures. It was apparent that Union could attempt to delay this work. union was unwilling to give concurrence that no major issues stood in the way of a September 15th start for Phase III, the actual exposure monitoring.

August 30, 1988

Union attorney, Thomas Adams advises HCD that "protocol will not provide HCD with the kind of information required to identify significant effects, design mitigation measure, or consider alternatives to the proposal". Further he questioned whether the study would produce the kind of data required for HCD to comply with the requirements of the California Environmental Quality Act (CEQA).

CTL027396

September 9, 1988

Dr. Jon Rosenberg, Chief, Hazard Evaluation System and Information Service, California Department of Health reviewed the Adams' letter of August 30th and in his reply to DHS stated "specific criticisms in the letter are inaccurate in both substance and detail" and that "Mr. Adams' suggestions for revising the protocol.....do not reflect adequate understanding of either the hazards associated with plastic pipe installation or the methods appropriate for studying those hazards". He further recommended that the study proceed as specified in the protocol.

September 15, 1988

Actual exposure monitoring started according to sampling strategy. Actual sampling phase was not to exceed 60 days (ca. Nov. 15th) and laboratory analysis of samples was expected to take 4-6 weeks.

September 23, 1988

At meeting of Ad Hoc Pipe Producers Steering Committee in Sacramento, California it was apparent that a budget shortfall to complete the EIR existed. Lew Freeman was to compile a list of prior contributors.

October 24, 1988

Meeting of Lew Freeman, Debbie Neale and Roy Gottesman in Washington to discuss steps to be taken to raise additional funds. An estimated \$225,000-\$250,000 will be needed (not including any legal fees for litigation which can be expected either after the worker exposure study issues or when the EIR is released).

CTL027397