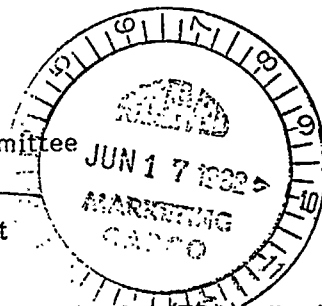




A/C Pipe
Producers Association
Executive Committee
International Affairs Committee

TO
J. F. Welch
FROM J. F. Welch, Vice President



11-11-81
S.G.L.
11-8
H-8
J.F.W.
6-17-82
Internal Correspondence

DATE June 11, 1982

SUBJECT U. S. Environmental Protection Agency (EPA) - Region 4 Letter on Comparative Risks of Water Pipe Materials

REF: (1) JFW correspondence, Field Problem - Weston, Wisconsin, February 25, 1982
(2) JFW correspondence, Field Problem - Lakeland, Florida, October 6, 1980.

ACTION REQUIRED: Review for information

Background

During a health issue related field problem in Lakeland, Florida, EPA Region 4 (Water Supply Branch) responded to questions by the City of Lakeland regarding potential health hazards associated with water pipe materials. The response stated in pertinent part:

The health risk associated with use of any of the pipe systems discussed (A/C, PVC and DIP) would indeed be very small. The general order of increasing health risk for nonaggressive water would be asbestos cement less than cement-lined less than polyvinyl chloride, vinyl coated, epoxy coated, other resin base coated with coal tar the greatest.

AACPP and its member companies have used this letter to support the industry's position on the relative safety of A/C pipe. Excerpts from the letter also were used in a Johns-Manville Corporation ad in The Daily Herald (Wausau-Weston, Wisconsin); see Reference (1).

In apparent response to this use, the law firm of Shannon, Heffernan, Moseman and Goren, P.C., counsel for the Ductile Iron Pipe Research Association (DIPRA) requested Environmental Protection Agency Headquarters to clarify its position on the letter and its assessment of the safety of water pipe materials.

Current Status

Enclosed is EPA's answer to DIPRA; the most important part states:

Therefore the letter and statement were not an accurate representation of EPA policy and they should not be quoted as such in the future.

AACPP counsel recommends that AACPP discontinue distribution, particularly for EPA attribution, of the letter from EPA Region 4. If you have any questions, please do not hesitate to call.

JFW/ajb

cc: A. Kahn, Esq.
AIA
AIA/NA
QAMA
IOEHS
IRDA
Special Counsel (Ca., Ar., Tx)

copies to: Executive Committee

L. Ambler
J. Cran
L. Taylor

International Affairs Committee

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Chrono

SHANNON, HEFFERNAN, MOSEMAN & GOREN, P.C.

INTERNATIONAL SQUARE
1875 EYE STREET, N.W.
WASHINGTON, D.C. 20006

PETER M. SHANNON, JR.
EDWARD D. HEFFERNAN
JOHN H. MOSEMAN
ROBERT K. GOREN

May 11, 1982

SUITE 1025
TELEPHONE:
(202) 463-6400

RECEIVED MAY 12 1982

Mr. Joseph C. Jackson
President
A-C Pipe Producers Association
1600 Wilson Boulevard
Arlington, Virginia 22209

Dear Mr. Jackson:

As Counsel to the Ductile Iron Pipe Research Association, I direct your attention to the attached letter which I mailed yesterday to the Senior Vice President, Law and Public Affairs and Secretary, Manville Corporation, regarding an August 1980 statement and letter from an Environmental Protection Agency employee in Region IV to the Lakeland, Florida Department of Electric and Water Utilities, purportedly expressing EPA thinking about comparative water pipe materials.

On April 12, 1982, the EPA Director of the Office of Drinking Water, Victor J. Kimm, disclaimed the Lakeland letter and statement, depicting them as an inaccurate representation of EPA policy regarding comparative water pipe materials. I have also attached for your information a copy of Director Kimm's disclaimer.

Sincerely yours,

Peter M. Shannon, Jr.
Peter M. Shannon, Jr.

PMS:cw
027.63

Enclosures (2)

CAPCO JEN 0033250

COPY

SHANNON, HEFFERNAN, MOSEMAN & GOREN, P.C.

INTERNATIONAL SQUARE
1875 EYE STREET, N.W.
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May 10, 1982

Mr. G. Earl Parker
Senior Vice President
Law and Public Affairs
and Secretary
Manville Corporation
Ken-Caryl Ranch
P. O. Box 5723
Denver, Colorado 80217

Dear Mr. Parker:

As Counsel to the Ductile Iron Pipe Research Association, I direct the following matter to your immediate attention.

On August 20, 1980, an Environmental Protection Agency employee assigned to the EPA regional office in Atlanta wrote a letter, with an attached statement, to the Lakeland, Florida Department of Electric and Water Utilities. The letter and attachment, which purported to represent EPA thinking on comparative materials used for water pipes, contained cursory statements to the effect that asbestos-cement pipe appears to present fewer health hazards than other pipe materials for non-aggressive water flow.

By letter dated April 12, 1982, a copy of which is attached, Victor J. Kimm, Director, EPA Office of Drinking Water, unequivocally stated that the August 1980 "letter and statement were not an accurate representation of EPA policy and they should not be quoted as such in the future." Director Kimm candidly admitted that EPA had performed no comparative studies on the cited water pipe materials and that some statements in the August 1980 attachment may be inaccurate and some are definitely conjectural.

Mr. H. L. Olson, Manager, Environmental & Engineering Pipe Division, Johns-Manville Sales Corporation (Ken-Caryl Ranch, Denver, CO 80217) has mailed a copy or copies of the Lakeland letter to one or more water service companies. Moreover, a Johns-

CAPCO JEN 0033251

Mr. G. Earl Parker
May 10, 1982
Page two

Manville Corporation ad in The Daily Herald, Wausau-Merrill, Wisconsin, February 11, 1982, contains the following paragraphs:

FACT: No commonly used water pipe on the market today can prove it has a zero risk potential.

All water pipes of whatever description have a "potential to put infinitesimally small quantities of contaminants into water. Just as with thousands of other useful and essential products, no water pipe can be said to present "zero risk." But when judging asbestos cement water pipe, consider the letter to the City of Lakeland, Florida, dated August 20, 1980, in which the E.P.A. recommended that "selection of water pipe should be toward the one in which the suspected health risk can be reduced or eliminated ... (It) would appear that the pipe system with the least negative health effect prospects would be the asbestos/cement pipe."

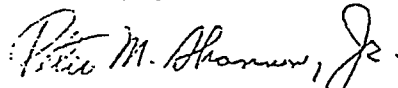
The ad referred the readers for additional information about this "fact" to Hal Olson, Johns-Manville Corporation, Ken-Caryl Ranch, Denver, CO 80217 (303) 978-3422. Finally, copies of the Lakeland letter have been disseminated to communities in Texas, Wisconsin, Wyoming and elsewhere, perhaps by Johns-Manville employees.

The attached letter from Director Kimm constitutes due notice to Johns-Manville of EPA's position regarding comparative water pipe materials and EPA's position regarding the inaccuracy of the earlier Lakeland letter.

Therefore, we respectfully, yet emphatically, urge you to advise Mr. Olson, the Johns-Manville sales force, and other appropriate Johns-Manville employees to avoid using or distributing the Lakeland letter. In our opinion, Johns-Manville also should inform communities and others to whom Johns-Manville forwarded the Lakeland letter, that EPA has disavowed the letter and has characterized it as an inaccurate representation of EPA policy regarding comparative water pipe materials.

We thank you in advance for your prompt attention to this matter.

Sincerely yours,



Peter M. Shannon, Jr.

PMS:cw-027.62

Enclosure



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

APR 12 1982

OFFICE OF
WATER

Mr. Edward D. Heffernan
Ductile Iron Pipe
Suite 1025
1875 Eye Street, N.W.
Washington, D.C. 20006

Dear Mr. Heffernan:

A statement attached to a letter from EPA's Region IV office titled "Response to Lakeland, Florida Questions Concerning Potable Water Pipe Material," August 20, 1980, contained a discussion of various drinking water pipe and surface coatings and also included a relative ranking of these materials versus "increasing health risk for non-aggressive water." The covering letter stated that in the author's opinion it consisted of "the direction of the Environmental Protection Agency's thinking" on the subject.

Although some limited chemical and toxicological studies have been conducted on several of the materials discussed, EPA has not performed any comparative studies on those materials, thus it would not be appropriate to make an a priori comparison of the relative risks - if any, associated with their use although it is possible that undesirable substances can be extracted from each of them.

In the body of the attachment several other statements are made, some of which may be inaccurate, and some are conjectural such as on the matter of the types of coatings that are available on ductile iron pipe. You have asserted that only asphaltic seal coat is used in ductile iron pipe for potable water service, and that the other coatings are used currently only in ductile iron for nonpotable applications.

Therefore the letter and statement were not an accurate representation of EPA policy and they should not be quoted as such in the future.

I hope this information clarifies our position relative to pipes used for drinking water application and responds to the concerns in your letter of June 18, 1981.

Sincerely yours,


Victor J. Kimm
Director
Office of Drinking Water (WH-550)

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