

# A/C Pipe & Health Bulletin



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CertainTeed

PLAINTIFF'S EXHIBIT

CT-234

FROM: Roman P. Korobij  
SUBJECT: THE CONNECTICUT SITUATION

On April 9, 1980 Richard S. Woodhull (Chief, Water Supply Section, Connecticut Department of Health Services) issued a warning to the state water utilities of a possible health hazard with vinyl-lined A/C pipe. The warning was prompted by discovery of tetrachloroethylene (TCE) in the town of Simsbury's drinking water.

Since TCE is a suspected carcinogen, EPA had issued a suggested maximum level of concentration in drinking water of 20 parts per billion. On April 11, 1980, that suggested level was raised to 40 parts per billion. The concentrations found in Simsbury's water were up to 50 parts per billion. Results of recent tests indicate that TCE is not carcinogenic after all.

How did TCE get into the drinking water? For many years; because of the aggressive nature of the water in many areas of New England, much of the A/C pipe used there has been lined to protect it from attack. One type of lining used was vinyl. As part of the lining process, TCE was used as a solvent to allow the vinyl to be effectively applied. Apparently, small amounts of the TCE remained in the lining and were leached out into the water traveling through it.

Announcement of the discovery of TCE in the drinking water resulted in very extensive adverse and sensationalized publicity in Hartford, New York, Boston, and other metropolitan areas of New England and triggered resumption of legislative action in Connecticut against A/C pipe, even though there is no correlation between any hazards which might be connected with TCE and the use of A/C pipe per se.

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Several months before Mr. Woodhull's April announcement, a bill had been introduced in the Connecticut House of Representatives to ban the use of A/C pipe in the state because of a possible health hazard associated with ingestion of asbestos fibers which might be released into the drinking water from the pipe. Fear of such a hazard is completely unfounded since there is no evidence which indicates that ingestion of the fibers is in any way harmful. The Bill was defeated in the House Committee.

At about the same time, another Bill had been introduced and was under consideration which would require the placement of warning labels on all asbestos containing construction products. When the TCE scare was announced, an amendment was added to this Bill which provided that on and after October 1, 1980, the installation of any asbestos cement pipe in any water supply system in the State of Connecticut was prohibited until the Commissioner of Health Services determined that the use of such pipe does not create a public health hazard. In the emotional atmosphere that then prevailed, the House overwhelmingly approved the Bill. It was later passed in the State Senate by a vote of 18 to 17 and on May 27, 1980 was signed into Law by the Governor. It became Public Act 80-398.

We believe that the law is completely unfair and unjustified. Results of study after study of populations around the world who, for decades, have been drinking water transported through A/C pipe have, without exception, convincingly demonstrated that there are no adverse health effects. We are, therefore, determined to use every legal means at our disposal to overturn Public Act 80-398.

Accordingly, on July 25, 1980, special counsel for the A/C Pipe Producers Association filed with the Commissioner of Health Services an application for declaratory ruling ".....that the use of asbestos cement pipe in water supply systems does not create a public health hazard." Hearings on the petition are expected to be held in September. The Association has arranged for Dr. Ian Higgins, an epidemiologist with the University of Michigan School of Public Health, to serve as an expert witness in the proceedings.

If the Commissioner of Health Services should find that the use of A/C pipe does not create a public hazard, the ban would be eliminated. If, on the other hand, the Commissioner should find that, in his judgment, it does create a public health hazard or if he should conclude that he is unable to find that the use of A/C pipe does not constitute a public health hazard, we plan to appeal either such finding and to seek judicial relief in the State or Federal courts.

It is imperative that our customers and state regulatory and legislative bodies who may be considering regulation of A/C pipe understand the industry's resolve to prevail in these matters. We shall keep you advised of developments on this extremely important issue.

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CertainTeed 

FROM: ROMAN P. KORBIJ/bam 

SUBJECT: CERTAINTEED'S RESPONSE TO EPA'S ADVANCED NOTICE  
OF PROPOSED RULEMAKING (ANPRM) ON THE "COMMERCIAL  
AND INDUSTRIAL USE OF ASBESTOS FIBERS."

On October 17, 1979, the Environmental Protection Agency issued an ANPRM on the "Commercial and Industrial Use of Asbestos Fibers." On December 17, 1979, the EPA granted an additional 60 day extension after much prodding by asbestos users, including CertainTeed. A copy of the ANPRM and the extension as it appears in the Federal Register is attached.

Also, attached is CertainTeed's response to the EPA ANPRM which was submitted prior to the February 18, 1980 deadline. This document represents CertainTeed's official position on the A/C Pipe and Health issue.

(THIS BULLETIN SHOULD BE FILED AFTER THE "CURRENT SITUATIONS"  
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Overgaiters  
Sleeves  
Suits  
Umbrellas  
Aprons  
Arm protectors  
Flame-resistant blankets  
Boots  
Caps  
Smokers' bibs  
Stoves—Coal and wood burning  
Tape for pipe insulation  
Braid and rope for packing  
Motion picture screens  
Tent grommets

#### Asbestos Cement Products

Water, sewer and septic drain field pipe  
Aircraft pipe  
Sheet products  
Roofing claspboard  
Siding  
Shingles  
Interior walls  
Boiler and furnace baffles  
Bulk sheeting  
Welding shields  
Baking sheets  
Blackboards  
Laboratory table tops  
Linings for vaults, safes, humidifiers and  
filing cabinets

#### Viscous Matrix Products

Adhesives (glues and epoxies)  
Air duct cement for asbestos-cement air duct  
Buffing and polishing compounds  
Caulks and putties  
Floor tile cement and mastic  
Auto body filler  
Flashing cement  
Furnace cement  
Glazing compound for ceramics  
Pipe and boiler coverings  
Roof and driveway coatings  
Stains and varnishes  
Automotive metal deadener  
Automotive undercoating  
Refrigerant cements  
Automotive muffler repair compounds

#### Products Subject to Inadvertent Asbestos Contamination

Driveway gravel  
Fertilizer and lawn care products  
Potting materials (vermiculite)  
Talc for noncosmetic or food use applications

#### Miscellaneous Products

Acoustical and thermal insulation material, sprayed  
Ammunition shell wadding  
Automotive mufflers  
Barbecue firebed materials in gas barbecue grills  
Boat Hull Repair Kits  
Flower pots  
Friction Materials  
Clutch plates  
Brake linings  
Potters' kilns (home hobby)  
Pottery clay  
Powder (asbestos)  
Bulk fiber  
Reinforcement in molded plastics and rubber  
Automotive radiator sealant

Vinyl asbestos floor tiles  
Abrasive wheels  
Aerial distress flares  
Molded plastics and phenolic laminates  
Paint  
Textured paint  
Cement, drywall and plaster patching compounds  
Artificial gas fireplace emberizing material  
Phonograph records

#### Consumer Products Possibly Containing Asbestos<sup>\*</sup>

##### Appliances

Air conditioners  
Dishwashers  
Hand-held mixers  
Portable electric heaters  
Popcorn poppers  
Refrigerators  
Vacuum cleaners  
Waffle Makers

##### Miscellaneous Products

Carpet padding  
Fire places  
Instant papier mache  
Light fixtures on railroad passenger cars  
Welding masks  
File cabinets

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 763

[OTS 61005; FRL 1332-4A]

### Commercial and Industrial Use of Asbestos Fibers; Advance Notice of Proposed Rulemaking

AGENCY: Office of Toxic Substances, Environmental Protection.

AGENCY: (EPA, or the Agency).

ACTION: Advance Notice of Proposed Rulemaking (ANPRM) Under the Toxic Substances Control Act (TSCA).

SUMMARY: EPA is concerned that many sources of human exposure to asbestos may present an unreasonable health risk. Exposure to asbestos fibers has been shown to contribute to increased risk of lung damage (asbestosis) and cancer of several anatomic sites in humans.

Asbestos is a generic name for several naturally occurring mineral fibers. Since the beginning of the century, approximately 30 million tons of asbestos fibers have been used in the United States to produce thousands of commercial and industrial products. The inventory of asbestos products is growing since products introduced into commerce represent about 750,000 tons

<sup>\*</sup>Source: Consumer inquiries and other sources not verified by the Commission.

of asbestos per year. Some fibers used in these products are inevitably released as a result of fiber processing, product manufacturing, distribution in commerce, product use, and disposal. Much of this asbestos remains in the biosphere as a ubiquitous pollutant because of the fibers' mobility and resistance to chemical and physical decomposition. Humans may be exposed to these fibers from the aforementioned direct and indirect sources.

Certain exposures to asbestos are controlled under various Federal and State authorities. However, because of limited mandates [i.e., focused on specific populations or exposure sources], technical difficulties (e.g., available fiber measurement techniques), and other analytical constraints, these authorities are not able to deal with the total asbestos problem. As a result, many population segments remain exposed to, and inadequately protected from both direct and diffuse sources of asbestos.

The comprehensive mandate of the TSCA enables EPA to reduce health risk from sources which are difficult to control through media-specific or source-specific regulation authorized under other Federal authorities. Under TSCA, EPA is currently investigating the cumulative effects of exposure to asbestos throughout its life cycle in commercial and industrial products [i.e., from mining and milling through processing, product manufacturing, use and disposal]. Our preliminary studies indicate substantial continuing exposure of millions of people to the ever growing inventory of asbestos sources. As a result of this study, the Agency expects to promulgate rules to prevent and reduce any unreasonable risks that are identified.

EPA anticipates that any rules it develops to control unreasonable asbestos risk will evolve chiefly from a combination of the following regulatory approaches. Under the first approach, the Agency might promulgate rules that prohibit the processing, manufacture, and use of certain asbestos-containing products or product categories. Under the second approach, the Agency might limit the annual amount of asbestos imported and produced in the United States, or it might limit the amount of asbestos processed in the United States. Both approaches would aim at reducing the consumption of asbestos for nonessential purposes. Both reflect the Agency's belief that many asbestos products have economically available substitutes. All rules would be designed to minimize adverse impacts on industry