



A/C Pipe
Producers Association

File
JJS
6-1-82

MINUTES

The AACPP Public Affairs Committee and Technical Affairs Committee met in joint session on Monday, May 3, 1982 at 1:45 p.m., at the Sheraton Cancun Hotel, Cancun, Mexico, the Chairman being in the chair and the Secretary being present. Attendees were:

<u>Chairmen</u>	<u>Members</u>	<u>Staff</u>	<u>Guests</u>
Olson	Baker	Welch	van der Rest
Verploegh	Perrell	Rahn	Pattabhi
			Giboin
			Al-Tarkait

I. Call to Order

The Chairmen declared a quorum present and called the meeting to order.

II. Reading and Approval of Minutes

A motion was made and passed " ... that the reading of the 10/13/81 minutes be dispensed with and approved as distributed."

III. Review of Agenda

The meeting agenda was reviewed and the order of business modified as follows.

IV. Report of Officers

A. Chairmen's Report

None.

B. Staff Report

None.

V. Priority List

A. Revised Strategic Operational Plan

1. AACPP Resources and Organization

Staff explained that on January 20-21, 1982 the Executive Committee met to revise AACPP programs and priorities to be more responsive to the weak business outlook and reduced corporate resources. Under the revised Strategic Operational Plan, the defense of existing municipal (water pipe) markets against the encroachment of competitive products and adverse legislation would take precedence over other activities. Further, it was reported that program authority heretofore vested in the Public Affairs and Technical Affairs Committees would be transferred to the Executive Committee effective May 3, 1982.



2. Public Affairs Programs

- a. Disposition of PAC-01-80 (Regulatory Affairs Program)
It was explained that PAC-01-80 would be effectively terminated upon completion of the Kirkland & Ellis position papers on asbestos exposures during A/C pipe manufacturing and installation. In the future, activities related to developing an affirmative case for the A/C pipe sector in EPA, OSHA or CPSC rulemakings would be coordinated by AACPP Staff with AIA/NA in an administrative manner rather than a programmatic one.
- b. Disposition of PAC-02-80 (Public Education Program)
Staff reported that AACPP terminated its contract with Lewis & Gilman (public relations counsel) and selected program elements (A/C Advisory, trade releases, AWWA Seminars) would be integrated into PAC-01-82. (see below)
- c. PAC-01-82, Municipal Market Program (formerly PAC-05-81)
Staff explained that the rationale for this program was embodied in PAC-05-81 (Targeted Seminar Program). It was reported that the Executive Committee felt that AACPP's visible presence with key municipal accounts would be a prime influence in stabilizing market conditions. Staff reported that key account priorities were being resolved and hand-out materials assembled; program kick-off is scheduled for late June, 1982.
- d. PAC-02-82, State Monitoring Program (formerly PAC-04-81)
Staff reported that this program was fully onstream and working well in monitoring regulatory and legislative activities in core market areas (California, Texas, Arizona).

3. Technical Affairs Programs

- a. Disposition of TAC-02-80 (Transient Asbestos Program)
Staff reported that the research portion of this program was complete and data analysis and final report preparation would be finished by July, 1982.
- b. Disposition of TAC-04-80 (Technical Information Program and Services)
It was reported that TAC-04-80 would be terminated; Staff was charged with reviewing AACPP's commitment to preparing an A/C Pipe Handbook.
- c. TAC-01-82, Municipal Analysis Program (formerly TAC-02-81)
Staff reported that the municipal survey was concluded in March, 1982. Case studies of ten municipalities using A/C water pipe were distributed to TAC members; a summary report was reported to be in progress. Data from this program will be used to support technical/marketing components of PAC-01-82, Municipal Market Program.

d. TAC-02-82, San Antonio Flexural Evaluation

Staff reported that meetings were held with the San Antonio Water Board and Southwest Research Institute (SRI) for the purpose of developing a proposal to research alleged A/C pipe flexural failures in that city. Further, Staff reported that the preliminary cost of such an evaluation appeared to far exceed the Association's financial capabilities and that alternate measures would be explored. Both Committees expressed an interest in receiving copies of the SRI proposal for review and comment before any additional action is taken.

VI. Old Business

A. Public Affairs Committee

1. Field Problems and Litigation

A Field Problems and Litigation Status Report (enclosed) was distributed and reviewed with minor comments.

2. Industry Response to Kanarek-Conforti Article on Corrosion of A/C Pipe

Staff distributed for comment by May 21, 1982, a review of the Kanarek-Conforti article alleging corrosion of A/C water pipe and asbestos release in non-aggressive waters in the San Francisco Bay Area.

3. American Water Works Association (AWWA) Ad Hoc Committee on Asbestos in Drinking Water

Staff reported that the proposed policy statement on asbestos in drinking water currently is being balloted in the AWWA Water Quality Division. According to AWWA staff reports, a final approval is expected in January, 1983.

4. Workers' Right to Know Legislation

Staff reported the emergence in several states of requirements for manufacturers to supply material safety data sheets for toxic substances (e.g. asbestos) and products containing toxic substances (e.g. A/C pipe). Such requirements also were reported to carry additional burdens of employee education and training. Particular mention was made of pending requirements in California. Staff said it would coordinate AACPP efforts on such matters with AIA/NA.

5. Letter to Environmental Protection Agency

PAC Chairman Olson requested Staff to send a letter to EPA's Municipal Environmental Research Laboratory stating that its publications create a false impression about the corrosion of A/C pipe, i.e. that release of asbestos from A/C pipe is a health hazard and that any pipe softening (corrosion) releases asbestos. Support for such a letter also was voiced by the International Members present.

B. Technical Affairs Committee

1. Standards Update

Chairmen Verploegh and Olson reviewed status of ASTM, AWWA, UL and USBR standards. The TAC requested that Staff provide more detailed information on revisions to USBR specifications.

VII. New Business

None.

VIII. Adjournment

The meeting adjourned at 3:40 p.m.

J. F. Welch
Secretary

FIELD PROBLEMS AND LITIGATION STATUS REPORT
APRIL 28, 1982

Litigation

1. Connecticut (Application of CertainTeed, Inc. and Johns-Manville Sales Corporation for Declaratory Ruling)

No change in status. The Department of Health Services (DHS) still has not filed a motion to dismiss the stay presently preventing the Commissioner from issuing a declaratory ruling adverse to the industry's position on the safety of A/C water pipe. An invoice for approximately \$5,000 in legal fees was received on April 26, 1982.

2. Blairsville, Pennsylvania (Blairsville Committee for Safe Drinking Water v. Blairsville Borough Water Authority)

Staff has made preliminary contacts with expert witnesses for the defense. Plaintiffs still have not responded to defendants' interrogatories. The likelihood that the plaintiffs will go forward appears to be diminishing with time.

Legislation

1. Massachusetts General Court (House Bills 1473 and 3817)

Staff submitted oral testimony on House 1473 and written testimony on House 3817. Both bills were referred to the Special Commission on the adequacy of Water Supplies and are not expected to be reported to the House floor during this legislative session.

2. Pennsylvania General Assembly (Senate Bill 1197)

No hearing date set; special counsel continues to monitor.

Regulation

1. New Jersey - Department of Environmental Protection (DEP)

At congressional hearings, a DEP official reported that the state has recommended that additional asbestos cement pipe not be incorporated into water distribution systems. Although the official was contacted by Staff and agreed to provide the "draft policy," he has not done so. The matter has been forwarded to special counsel for follow up action.

Field Problems

1. Virginia - Chesapeake (Waters et al v. City of Chesapeake)

A complaint has been filed in the U.S. District Court, Eastern District of Virginia (Norfolk Division) alleging that Chesapeake's drinking water, which is conveyed through A/C pipe, is hazardous to consumers' health due to the presence of asbestos, chlorine or other substances. The City has requested AACPP-industry assistance in preparing its defense. In response, Staff met

with the City's attorneys on April 13, 1982 and provided relevant materials. The case is expected to go to trial June 8-9, 1982.

2. Wisconsin - Weston

A public information meeting was held on March 22, 1982. Wisconsin Department of Natural Resources, Marathon County Department of Health and other scientists gave reasonable assurances that the alleged levels of asbestos in the Weston area water and air do not create a hazardous conditions for the citizens of Weston. In light of this opinion, the Town Council is reassessing the need to remove the A/C distribution systems to bring suit against the A/C pipe manufacturers.