



A/C Pipe
Producers Association

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Handwritten signature/initials

PLAINTIFF'S EXHIBIT

CAP-1185

June 14, 1984

Russ Krueger
CAPCO Pipe Company
7820 Cottontail
Wichita, KS 67212

Dear Russ:

Bill Perrell asked that assistance be provided on the pending project at McConnell Air Force Base.

IMC 80-4 (enclosed) to Air Force Design Manual 88-15, issued in June 1980, states in part:

Therefore, to minimize current and future asbestos-related problems, specifications for all construction/modification projects will be reviewed to ensure that asbestos-free products are specified whenever possible. Such review is not mandatory for each use of hard asbestos-containing materials — such as vinyl asbestos floor tile — but the use of substitute materials is desirable. The choice of a substitute material ... will be based on an engineering study of that project. Inherent engineering qualities of substitute materials, such as resistance to fire or fungal growth, precluded naming one material for all applications. (emphasis ours)

In July, 1980, A/C pipe was removed from the specifications for an Air Force project in California. The Association met with Air Force officials here in Washington and asked that IMC 80-4 be clarified so that it did not have the unintended effect of banning A/C pipe. In the interim, A/C pipe was reinstated in the California project's specifications.

In July, 1981, the clarification (IMC 81-2, enclosed) was issued. Paragraph B applies to A/C pipe. Paragraph C clarifies the substitution requirements, stating only that "consideration" be given to use of asbestos-free materials. This is considerably less forceful than characterizing substitution as "desirable," as was the case in IMC-80-4. Moreover, Paragraph C requires that the consideration of asbestos-free substitutes

... should compare the costs, performance characteristics, and existing and potential health and safety hazards which may result from the use of each type of material. When an asbestos-containing material is clearly superior in performance and cost, and the health and safety hazards are minimal, then the selection of the asbestos-containing material is warranted. (emphasis ours)

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To summarize, IMC 80-4 was superceded and the new policy requires the specifying engineer to conduct a substitution study — a comparison — of each pipe material before A/C pipe can be excluded. If the engineer cannot produce a study documenting that A/C pipe is only comparable in performance and cost to other pipe materials, then A/C pipe should be in the specs. If A/C pipe's cost and performance for the project are superior then it clearly should be specified.

Russ, if the Association can be of any further assistance in this matter, please call. Hope everything else is well with you. Thanks again for your help with the City of Wichita.

With best regards,

A/C PIPE PRODUCERS ASSOCIATION

John F. Welch
Vice-President

JFW/bwm

cc: A. H. Kahn, Esq.
William Perrell (CAPCO) ✓

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