



A/C Pipe
Producers Association

Internal Correspondence

TO Public Affairs Committee
International Affairs Committee

FROM *J.F. Welch*
J. F. Welch, Director, Public Affairs

DATE April 27, 1981

SUBJECT: Field Problem - Weston, Wisconsin
ACTION REQUIRED: Review for information

Enclosed is a news clipping from The Daily Herald describing the retention of an expert witness to assist the Town of Weston in its litigation against Johns-Menville.

JFW/ajb

Enclosure

cc: A. Kahn, Esq.
N. Kahn, Esq.
N. Battle

copies to: Public Affairs Committee

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Johns-Manville

Internal Correspondence

To: Wyatt McCallie 2-20

Date: April 2, 1981

From: H. L. Olson 3-01, Ext. 3422

RECEIVED APR 7 1981

Copies: J. R. Cran, John Welch, A. Vogt Oakbrook
f/c

Subject: WESTON, WISCONSIN

The attached report from the Wausau "Daily Herald" reveals who the city attorney plans to have as an "expert" witness - - the one he was reluctant to reveal to me when I spoke to him last week.

As this is now primarily a legal problem, and only J-M from the AACPP is involved, I presume the ball is primarily in your court.

Please let me know what, if any action you would want me to take.

HLO:bj

attachment

Weston is considering lawsuit

By DON OAKLAND
Herald Staff

The town of Weston may bring a product liability suit against two manufacturers of watermains as a result of asbestos problems in the town's water.

Town officials say the pipes are deteriorating and causing asbestos fibers to be present in the drinking water.

The suit, if brought to court, would seek damages in the amount necessary to replace the pipes. Vilas Machmuel, town chairman, said. The estimated cost of replacing the pipe is between \$7 million and \$10 million.

The Town Board Monday voted unanimously to authorize Richard Weber, town attorney, to proceed with preparation for the suit.

It also hired, at \$75-an-hour, a University of Wisconsin-Madison oncologist (the study of cancer) who specializes in asbestos research to act as a consultant and expert witness for the town.

William Croft, who has doctorates in pathology, oncology and environmental toxicology, will work with Weber and Dick Schneider, Weston director of public works, to determine if Weston can make a case against the pipe manufacturers.

The case will center on an asbestos problem discovered last year in the town.

Town officials contend the inside walls of the pipes are deteriorating causing the release of asbestos fibers into the drinking water.

Up to a quarter inch of deterioration has been found on some sections of pipe, Schneider said.

How much fiber is being released into the system, how much pipe deterioration has occurred and possible solutions to the problem are the subjects of an U.S. Environmental Protection Agency funded study which was conducted in the town this winter.

Results of study are expected to be released in June.

Initial samples indicated that a fiber content of one to two million fibers per liter was present in the water, Schneider said.

Preliminary findings of the latest study indicate fiber contents as high as 149 fibers per liter under high pressure

over asbestos watermains

flushing, he said.

Are those amounts of fiber dangerous to the public health?

Croft said there is no immediate danger, but with a cancer causing substance like asbestos, any amount poses a risk.

"To have zero risk you should have zero exposure," Croft said.

A study in San Francisco last year found that an exposure of between one and two million fibers per liter over a 35 to 40 year period did pose a cancer risk, he said.

Asbestos has been found to cause tumors in the lining of the chest cavity and cancers in the stomach, intestines, pancreas and kidneys.

There is no evidence that asbestos causes blood related cancers like leukemia, he said.

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Town officials said a rumor was circulating in Weston that asbestos can cause leukemia.

Basically the town has three options, Schneider said.

— It can do nothing.

— It can rehabilitate the pipe at a cost estimated between \$3 million and \$4 million, Schneider said.

However, preliminary indications from the EPA study are that rehabilitation will not be effective, Schneider said.

EPA proposed lining the interior of the pipe with zinc.

"Right now I'm a bit leery of lining," Schneider said.

The third option would be to replace the pipe with metal pipe at a cost

between \$7 million and \$10 million.

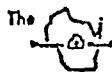
But, town officials asked, "Who will pay for it?"

One option is to have the pipe manufacturers, Johns-Manville Sales Corp., Denver, Col., and Flintkote Corp. Irving, Texas, bear the cost in a product liability action.

"It's a reasonable alternative to take as a funding source," Schneider said.

Weber could not say how long such an action would take or what the legal expenses would be.

He said that if the town is able to establish a good legal foundation and good scientific evidence that the town has suffered damages, it is possible the companies will settle before the case would go to court.



The Daily Herald

Tuesday, March 24, 1981

Wausau
area news