PLAINTIFF'S EXHIBIT

CAP-1025

A/C Pipe
Producers Association

Internal Correspondence

TO Executive Committee
International Affairs Committee

FROM J.F. Welch, Vice President

DATE September 30, 1982

SUBJECT State of New Jersey - Recommendation to Prohibit Installation of Asbestos-Cement Water Pipe

Ref: JFW correspondence, same title, February 3, 1982

Action Required: Review for information

BACKGROUND

In January, 1982, Staff spoke with New Jersey Department of Environmental Protection (DEP) and other State government officials to confirm the rumored presence of a draft policy to prohibit use of A/C water pipe. It was determined that the draft policy did indeed exist and Greenberg, Margolis, Ziegler & Schwartz, special counsel in New Jersey, was requested to obtain a copy.

CURRENT STATUS

Enclosed are excerpts from the document entitled, "Asbestos Policy for the State of New Jersey." Special counsel advises that the proposed policy has not yet been acted upon by the Governor's Cabinet Committee on Cancer Control. It should be remembered that this policy-making initiative occurred under the prior gubernatorial administration. This should not diminish concern about the policy, however, as the State takes seriously its status of having the country's highest rate of cancer. Moreover, it is likely that the same scientists remain on the Cabinet Committee on Cancer Control.

The policy clearly states:

> At this time, the State advises against additional incorporation of asbestos-cement pipe in potable water distribution systems.
>
> The policy regarding the use of asbestos-cement pipe may be modified, either in the direction of stringency or in the direction of leniency, when new experimental information is published regarding the pathological effects of ingested asbestos fibers.

It is not known whether the Bureau of Potable Water formally discourages or disapproves of the use of A/C pipe in potable water systems. Bureau officials have said that they do not. Such action by DEP would require rulemaking proceedings subject to State administrative procedures.

AACPP ACTION PLAN

Staff will discuss with special counsel the advisability of contacting DEP or Cabinet Committee officials to determine the status of the proposed policy. It is possible that the new administration views the policy as an academic exercise and not one to be formally implemented.

In any event, Staff will work with special counsel to determine whether, as a matter of current policy, DEP advises municipalities against the use of A/C water pipe. Future action will be predicated on that finding.

If you have any questions, please do not hesitate to call.

JFW/ccw

cc: A. Kahn, Esq.
Martin Greenberg, Esq.
AIA (with complete copy of policy)
AIA/NA (with complete copy of policy)

copies:

Executive Committee
L. Ambler
L. Taylor
J. Cran

International Affairs Committee

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The contribution of smoking to asbestosis mortality is smaller, a factor of about three. Smoking has not been demonstrated to have an effect on the mesothelioma mortality rate.

Ingested Asbestos: The Issue of the Water Pipes

Concern has been well publicized about the contamination of drinking water with asbestos fibers. The focus of attention is the material which will be released from asbestos-cement pipe corroded by "aggressive" water. (Asbestos might also be released when connections are being made to asbestos-cement pipe.)

The concern is really based on the known hazards to health produced by inhaled asbestos and the ability of asbestos fibers to migrate through the body. It is not substantiated by any of several epidemiologic studies of asbestos in drinking water except in one case in which the methodology has been seriously questioned. (On the other hand, the studies which produced negative results have been criticized because sufficient time may not have elapsed for the development of asbestos diseases.) A report is now being prepared on a large animal study, performed by the National Institute of Environmental Health Sciences, of the effects of ingested asbestos. When this report is published, it should assist us in reaching a more definitive position on asbestos-cement water pipes.

Meanwhile, as at all times, we must be sensitive to the public concern and respond appropriately.

Who is Our Constituency and What Can We Do for Them?

We seek to serve all the people of New Jersey by reducing the risks to their health which may be produced by exposure to asbestos. However, what the State can do is bounded by the jurisdiction and control it can exercise in the particular circumstances. For example, in its own places of employment, it can direct that certain actions be taken, but in private places of business, absent changes in existing law, it may only inform and advise.

Fiscal Support

When a situation of incidental exposure to asbestos is discovered, its correction is often costly. Fortunately, funds for asbestos hazard abatement are not necessarily subject to governmental budget caps. But the high costs are not generally anticipated in budgets, tax the resources of the responsible agencies and institutions, and have sometimes

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responsible to the Director of the CCCC on matters related to the proceedings of the committee. The APC will be maintained even if the CCCC is not maintained; in this event the chairperson shall be responsible to the Chief Counsel or to another member of the Governor's staff whom the Governor shall designate.

The membership of the Asbestos Policy Committee shall comprise representatives of the Department of Health, the Department of Environmental Protection, the Department of Education, the Department of Higher Education, the Department of Community Affairs, the Department of Human Services, the Department of Labor and Industry, the Department of Treasury, and the Office of the Attorney General. It will also include a member of the staff of the Department of Environmental and Community Medicine of the CMDNJ Rutgers Medical School. The membership will be augmented by representatives of other Departments when issues related to their jurisdictions are to be discussed. Other persons with appropriate interests and resources may be invited to serve.

The Asbestos Policy Committee, meeting periodically, shall in the context of asbestos and health:

receive and review reports of the operational activities of the Departments;

be a forum for the resolution of interdepartmental problems;

review and distribute new scientific and technical information;

review and distribute information regarding the status of Federal regulation, and

when it is appropriate, discuss, develop, and recommend refinements in State policy.

The Asbestos Policy Committee shall immediately undertake review and development of sections of policy related to:

fiscal support of operations for the abatement of asbestos-related hazards;

regulation and control of asbestos removal operations;

asbestos-cement pipes, and

encapsulation practices.

considerations, but the State need not be bound by a more lenient EPA position.

Asbestos-Cement Pipe

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