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March 12, 2003

The Honorable Bob Wise
1900 Kanawha Boulevard, E
Charleston, WV 25305

Dear Governor Wise:

We are writing to bring to your attention a commitment made last year by the West Virginia Department of Environmental Protection (DEP). In response to a report prepared by the Environmental Working Group, former DEP Secretary Michael Callahan agreed to address a number of outstanding scientific questions relating to the amount of the toxic Teflon production catalyst, CB, that should be allowed in local drinking water supplies.

We appreciate that the DEP agreed to address the issues we raised but we are deeply concerned about what appear to be clear conflicts of interest with top officials in the Department, and within the panel charged with the review of all Teflon-related pollution matters. Given the seriousness of this matter to the health of West Virginians, we urge you to take steps to eliminate even the suggestion of any conflict of interest in this process. We respectfully request that you convene an independent panel that reports directly to you to review the science issues we have raised, and that this panel excludes any DuPont employees, advisors, lawyers or consultants, past or present. We further ask that this new panel have at least three members who are independent and unaffiliated with the chemical industry, and who possess expertise in neonatal and pediatric toxicity and environmental health.

As things stand today, the top two officials in your Department of Environmental Protection who are charged with protecting the public and environment from Teflon-related pollution, Acting DEP Chief Stephanie Timmermeyer, and Joseph Dawley, DEP General Counsel, both worked for the law firm Spilman Thomas & Battle and represented DuPont in negotiations with the DEP that established the process for setting safe limits of CB in tap water. Allyn Turner, director of the DEP division of Water Resources, was with the Spilman firm until 1998.

We understand that both Timmermeyer and Dawley have agreed not to participate in discussions or actions relevant to CB and other Teflon-related pollution matters. While appropriate, this move will not likely be sufficient, because there are equally serious conflicts of interest apparent on the CB Assessment of Toxicity Team (CATT) charged with establishing the drinking water guidance level.

As you may be aware, half of the 10 voting members of the CATT are either employed by DuPont (2) or the chemical industry consulting firm TERA (3). A sixth voting member, the chair of the committee, Dr. Dee Ann Staats, made a career as an expert witness testifying against the concerns of communities fighting chemical and oil company pollution prior to coming to work for the State of West Virginia. There are no

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independent scientists on the CATT, no experts from public interest organizations, and no one with specific expertise in fetal, neonatal or pediatric environmental health.

It was not surprising then, that the CATT panel produced a C8 drinking water guideline based on an extreme and highly selective review of the science. In the process, safety margins traditionally used to protect the public from drinking water contaminants were not applied, the extreme persistence of C8 was ignored, and the public and independent scientists had no input into the process. If the same CATT panel uses the same process to address the issues we have raised, why should we expect the answers to be different than they were the first time around?

Recent reports of DuPont's behavior in Ohio illustrate precisely why industry scientists and consultants cannot be trusted with the health of the citizens of West Virginia. As reported in *The Marietta Times* and *The Columbus Post Dispatch*, internal DuPont documents show that DuPont secretly tested tap water in Little Hocking, Ohio six times between 1984 and 1989, and found the Teflon catalyst C8 in that tap water. The Company neglected to inform the water utility and the community of this contamination for 18 years even as the company had repeated indications that the contaminant presented serious health risks.

Consumers of Little Hocking water only found out about the contamination when town officials petitioned the State of West Virginia to test for it. And even then DuPont did not divulge that it had found the Teflon-related pollution in Little Hocking tap water as early as 1984.

This type of behavior simply does not deserve the public trust. With these facts now available, we cannot help but wonder what else DuPont knows about the hazards of C8 that it is currently hiding from the public. It would be unfair and even naïve to let this company directly or indirectly influence the establishment of drinking water standards for C8 when they demonstrated such unscrupulous and arrogant behavior upon finding the chemical in tap water in 1984.

C8, a vital component of Teflon production, contaminates the entire human population. It is found in dolphins, fish, cormorants and scores of other animals in every corner of the globe. C8 is the most persistent chemical ever made, and according to most scientists it has infinite stability in the environment. This means that all of it ever made will keep cycling through the environment and through people - literally forever. Given that C8 causes cancer, damages reproductive organs, is toxic to the immune system and produces a host of other adverse health effects in people and animals, it is no exaggeration to say that it is unprecedented in its combination of toxicity and persistence. C8 and other Teflon-related perfluorinated compounds may turn out to be the most problematic class of chemicals ever known to man.

West Virginia is the first governmental entity to set a standard of any kind for a perfluorinated compound, and for that the state is to be commended. But the West Virginia standard will not be the last, and it would be regrettable if the state's work came to be seen over time as tainted by industry influence.

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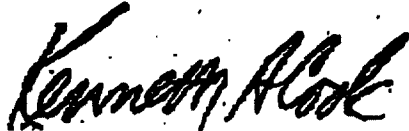
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The Honorable Bob Wise
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We reiterate our request that as governor, you assemble an independent panel that reports directly to you, devoid of any DuPont employees, advisors, or consultants past or present to review the science issues we have raised, and that this new panel have at least three members with expertise in neonatal and pediatric toxicity and environmental health. We would be pleased to provide for your review a list of independent scientists with expertise in these areas.

Sincerely,



Kenneth A. Cook
President
Environmental Working Group

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