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January 10, 2005

Peter D. Robertson
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Mr. Charles M. Auer
Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
EPA East
1201 Constitution Avenue, NW
Washington, DC 20460

COMPANY SANITIZED

Re: Further DuPont Voluntary Response to EPA's November 4, 2004 Request
Submission to AR-226 and TSCA 8(e) Office
Miscellaneous: Analytical Methods and Environmental Monitoring/Fate

Dear Charlie:

The attached document production and information submitted with this letter represents DuPont's continued good faith effort to respond to EPA's November 4, 2004 request for voluntary submission of certain material.

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Submission for January 10, 2005

The documents submitted with this letter are documents that DuPont located during this continued document review and that relate to categories for which DuPont has already made document submissions – namely, environmental monitoring, biodegradation, environmental fate, and water analytical methods. A summary of the steps taken to collect the information requested by EPA for this submission, along with the guidelines used to assess responsiveness to the EPA request, is provided on the Attachment 1 to this letter.

A summary of the contents of this submission is provided in Attachment 2 to this letter. There is confidential business information contained in this submission. In addition to a cumulative index for this submission, each individual binder also contains an index for the contents of the binder.



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MR 28218D



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TSCA 8(e) Office Submission

DuPont does not believe that the information submitted with this letter triggers reporting obligations under TSCA section 8(e). However, in the course of discussions with OPPT and the Office of Regulatory Enforcement (ORE), it has become clear to DuPont that those two offices are applying standards of reporting under TSCA section 8(e) that DuPont cannot anticipate. Accordingly, DuPont initially informed EPA that DuPont intended to submit all productions to both the AR-226 docket and the TSCA 8(e) office, as was done with the submission of November 15, 2004. EPA has, however, informed counsel for DuPont that it is not necessary to make a duplicate, formal submission to the 8(e) office in order to discharge any reporting obligations that EPA might otherwise assert. Instead, EPA has asked that DuPont make only a single submission and advised that DuPont should indicate in this cover letter that the submission is intended for both the AR-226 docket and the TSCA 8(e) office.

As such, DuPont states that the enclosed documents are intended to be a submission to both the AR-226 docket and, as a precaution, to the TSCA 8(e) office, notwithstanding DuPont's firm belief that the information does not trigger reporting obligations under that section of TSCA. This submission should not be construed as a direct or indirect admission that DuPont believes that any of the enclosed information triggers such reporting obligations. We understand that ORE has agreed that DuPont's submission shall not prevent DuPont from asserting, in any proceeding, that section 8(e) did not require submission of this information.

Continued Activity

After EPA has had the opportunity to review this letter and the documents, we are available at your convenience to discuss the documents in further detail to assist in your understanding. In the meantime, we will continue to review and produce any additional documents that are located and are relevant to the topics that are the subject of this submission, or prior submissions, and create the electronic files you requested.

Please contact me directly if you have any questions or need further clarification with respect to this submission.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Peter D. Robertson', written over the word 'Sincerely,'.

Peter D. Robertson



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Attachments

- Attachment 1
- Attachment 2 – Summary of submission (3 volumes – 2 public, 1 CBI)

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ATTACHMENT 1

The sections below provide a summary of the steps taken to collect and produce the information provided in this submission. DuPont had previously provided EPA with documents pertaining to Environmental Monitoring, Environmental Fate, and Biodegradation. For each category, please note that DuPont does not maintain a comprehensive file of all such information for the entire Company. In making the initial submissions for these categories and other categories, documents were collected either from the over one million pages of documents collected for a class action lawsuit in West Virginia or from files of individuals most likely to have documents responsive to EPA's request. Note that the documents collected for purposes of the West Virginia litigation are primarily related to PFOA. After the initial submissions were made, review continued of collected documents pertaining to the subject matter of this letter and the documents submitted with this letter are the result of that review.

For purposes of this document production, and in the interest of attempting to make this production useful and purposeful to the Agency and to avoid redundancy, DuPont followed the guidelines provided below. Please note, however, that if the Agency wants DuPont to submit the type of information that is indicated below as not being submitted herewith, please notify us and we will provide the requested information.

It is noted, in particular, that DuPont requested specific guidance on whether the Agency wanted DuPont to provide all underlying raw data and other underlying information for environmental data. The Agency stated that, at this time, it is not necessary to provide those documents. DuPont will provide such information upon request from the Agency, although the documentation is expected to be voluminous and as such, we will need sufficient time to gather it.

General Guidelines for January 10th Submission

In reviewing documents for this submission, and following discussion with EPA concerning the content of the prior submissions, DuPont focused on submitting final reports, draft reports where no final report is known to exist, and documents that contain data. This submission does not include the following types of documents:

- Draft documents where it is known that a final version exists



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- Documents known to be in the possession of EPA (either at headquarters or an EPA Regional Office)
- Non-DuPont documents (includes documents from other companies, plaintiffs' counsel, etc.)
- Presentations and other documents that reference data that is in a report submitted to EPA
- Documents known to be publicly available
- Documents that are subject to attorney-client privilege
- Documents concerning work-in-progress
- Supporting reports/documents for data (e.g., lab analysis, lab notebooks, field logs, waste characterization sheets, model inputs, etc.)
- Air permits, underlying documents for the air permits, and analysis to show permit compliance
- Documents on emissions reduction, treatment, recycle, process improvements



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Summary of Collection Process for Specific Categories of Requested Information

The documents for this submission were collected from review of the documents produced in the class action litigation, along with collection of documents from individuals in the Company most likely to possess such information.



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ATTACHMENT 2

Summary of January 10, 2005 Submission

Public Version

<u>Box no.</u>	<u>Volume</u>	<u>Part no.</u>	<u>Topic</u>
1	-	-	Cumulative index for Vols. 39 and 40
1	39	-	PFOA in Water - Past Analytical Procedures
1	40	-	Environmental Fate/Monitoring

Confidential Business Information Version

<u>Box no.</u>	<u>Volume</u>	<u>Part no.</u>	<u>Topic</u>
1	40	-	Environmental Fate/Monitoring

DuPont Company

VOL	TAB	DATE	DESCRIPTION	CATEGORY
40	1	8/30/04	Study – Activated Sludge Respiration Inhibition Test of Zonyl® DuPont Glasgow Labs	Telomer: Testing of Zonyl® for toxicity towards activated sludge
40	2	1/20/03	APFO Containment at Washington Works; Part II – Process Water	Environmental Emissions
40	3	5/22/00	Modeling Releases of Ammonium Perfluorooctanoate into the Ohio River; William R. Berti DuPont Glasgow Labs	Environmental Modeling
40	4	5/1/00	Adsorption-Desorption Screening Studies of Ammonium Perfluorooctanoate; William R. Berti DuPont Glasgow Labs	Environmental Fate: Adsorption-Desorption
40	5	9/26/97	Closing Report; Addendum #1 – Product Area: DuPont Fine Powder/Dispersion	Environmental: Waste Disposal
40	6	3/11/97	Evaluation of the Biodegradability of C-8 Using the Modified Sturm Test (OECD 301 B) DuPont Glasgow Labs	Environmental Fate: Biodegradability of C8
40	7	11/26/91	Summary – Evaluation of Surfactant C-8 Relative to Chambers Works	Environmental Fate: Fate of C8 in waste water treatment system

PFOA IN WATER
PAST ANALYTICAL
PROCEDURES

VOLUME 39

January 10, 2005
EPA PRODUCTION

Does Not Contain TSCA CBI

DuPont Company

VOL	TAB	DATE	DESCRIPTION	CATEGORY
39	1	4/9/01	FC-143 in Water/Wastewater by SPME/GCMS – Lancaster Labs	Analytical Method for PFOA in Water This lab was used for water testing circa 1998-2001
39	2	4/3/01	Extraction of Low Level FC-143 in Water and Wastewater – Lancaster Labs	Analytical Method for PFOA in Water See Tab 1 above
39	3	10/1/91	Low Level Determination of FC-143 In Water- CH2M Hill Labs	Analytical Method for PFOA in Water CH2M Hill was the lab used to analyze water samples circa early 1990's to 1998
39	4	9/9/91	Letter to Mr. Michael McClusky from Jewell W. Smiley Re: Progress Report for FC-143 Method Development	Analytical Method for PFOA in Water Progress on method development by CH2M Hill Labs
39	5	4/3/81	Determination of Perfluorooctanoic Acid in Water Gas Chromatographic Method – DuPont Experimental Station	Analytical Method for PFOA in Water This method was developed by DuPont and was used while the CH2M Hill Lab method was developed (see Tab 3 above)

ENVIRONMENTAL FATE / MONITORING

VOLUME 40

**January 10, 2005
EPA PRODUCTION**

Company Sanitized
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DuPont Company

VOL	TAB	DATE	DESCRIPTION	CATEGORY
40	1	8/30/04	Study – Activated Sludge Respiration Inhibition Test of Zonyl® DuPont Glasgow Labs	Telomer: Testing of Zonyl® for toxicity towards activated sludge
40	2	1/20/03	APFO Containment at Washington Works; Part II – Process Water	Environmental Emissions
40	3	5/22/00	Modeling Releases of Ammonium Perfluorooctanoate into the Ohio River; William R. Berti DuPont Glasgow Labs	Environmental Modeling
40	4	5/1/00	Adsorption-Desorption Screening Studies of Ammonium Perfluorooctanoate; William R. Berti DuPont Glasgow Labs	Environmental Fate: Adsorption-Desorption
40	5	9/26/97	Closing Report; Addendum #1 – Product Area: DuPont Fine Powder/Dispersion	Environmental: Waste Disposal
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40	7	11/26/91	Summary – Evaluation of Surfactant C-8 Relative to Chambers Works	Environmental Fate: Fate of C8 in waste water treatment system