



E. I. DU PONT DE NEMOURS & COMPANY

WILMINGTON, DELAWARE 19898

LEGAL DEPARTMENT

November 1, 1978

TO: ALL LEGAL DEPARTMENT EMPLOYEES

FROM: T. J. MC CARTHY, CHAIRMAN, SAFETY COMMITTEE

YOUR RESPONSIBILITIES UNDER THE
TOXIC SUBSTANCES CONTROL ACT (TSCA)
SECTION 8(c)

Your safety and health on the job depend on the acceptance of personal responsibility by you and your fellow employees to work safely and to report and correct promptly any unsafe conditions. Injuries and illnesses will not be prevented without everyone's continuing commitment.

For years, all employees in Du Pont have worked to find and correct hazards including those from corrosive, toxic, and otherwise dangerous substances. Now, the Toxic Substances Control Act (TSCA) requires that Du Pont report also to the U.S. Environmental Protection Agency (EPA) certain information on toxic substances which employees find in this effort. Specifically, EPA makes us, as Du Pont employees, responsible for reporting to EPA when we obtain information not already known or available to EPA indicating that a chemical substance or mixture which we make, sell, or use presents a substantial risk of injury to human health or the environment. This includes information collected before you received this notice as well as future information.

As authorized by EPA, the Company has established a procedure for obtaining and submitting to the EPA substantial risk information that comes to the attention of employees. This relieves individual employees of the obligation to report to EPA directly.

Steps in the Procedure

1. First, consider if the hazard information is the kind that must be reported to EPA. It should lead you to believe that a particular chemical or mixture that Du Pont makes, sells, or uses may cause serious threats to

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human health or the environment. These could include human health threats such as cancer or birth defects, environmental threats such as previously unsuspected accumulation of a chemical in part of the environment, or emergency incidents serious enough to cause these health or environmental problems. Information known by EPA or merely confirming adverse effects already described in published literature should not be reported. Minor discharges or spills should be reported to supervision but not to the EPA by this procedure. EPA wants pertinent information promptly but wants to minimize duplicate reports or false alarms.

2. Next, discuss the situation with your supervisor or M. E. Urann, Environment Division. She has additional EPA instructions helpful in deciding if the information is reportable under the law. She can also provide you with the Company report form "Substantial Risk Information".

3. If you decide you have reportable information, fill out the form summarizing the adverse effect, the chemical or mixture involved, and why you believe a substantial risk is present. Then return the form to your supervisor. By giving the form to him, you will have met your obligation. The form will be sent to Wilmington for review. If the information requires reporting, it will be sent promptly to EPA.

4. Finally, you will be told whether or not the Company submitted the information to EPA. If it was not reported, you will also be told why, and if you choose, you may report the information directly to EPA. If you report directly to EPA, Du Pont will not discriminate against you. The law, furthermore, guarantees this.

Penalties

EPA must be notified by certified mail within 15 working days of the time when an employee who is capable of appreciating the significance of the information first obtains it. In emergencies, the EPA must be notified by phone as soon as possible. It is unlawful for any person, including a corporation, to fail or refuse to submit substantial risk information. Violators are subject to a federal civil penalty and possible criminal prosecution.

Additional Information

If you have any questions or wish to obtain additional information concerning the Company's substantial risk reporting program, you should contact M. E. Urann, Extension 48457.

ADDITIONAL INFORMATION
TOXIC SUBSTANCES CONTROL ACT (TSCA)
SECTION 8(e)
SUBSTANTIAL RISK REPORTING PROCEDURES

• Employee Responsibility

Section 8(e) of TSCA states that: "Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment, shall immediately inform the Administrator (EPA) of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information."

The EPA requires employees capable of appreciating the significance of hazardous substance information to report to EPA through a company procedure or directly to EPA if the company does not have an established and internally publicized reporting procedure. Information which reasonably supports the conclusion that a substance or mixture presents a substantial risk to health or the environment must be reported. Since Du Pont has substantial risk reporting procedures, employees meet their obligation by reporting the information to their supervision and relying on supervision to forward it to EPA.

• What Substances are Covered

The law covers chemicals manufactured, processed, or distributed in commerce, including raw materials, processed chemicals (such as intermediates and catalysts), and chemicals manufactured or processed for product research and development.

• What is Substantial Risk Information

EPA requires us to report information reasonably supporting the conclusion that specific chemicals or mixtures present certain risks. The risks must be substantial; that is, they must be of

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considerable concern because of: (1) the seriousness of the threat to health or the environment, and (2) the probability of occurrence of the adverse effect.

Information about the risk could come from designed control studies such as laboratory toxicity tests, epidemiology studies or environmental monitoring, or the information could arise from uncontrolled circumstances reported in medical and health surveys or from direct evidence of effects of certain chemicals on consumers, work or the environment.

EPA has given examples of several reportable effects. We should report situations where a particular chemical or group of chemicals is strongly implicated as the possible cause of serious health effects such as death, cancer, birth defects, mutagenicity, serious or prolonged incapacity, or a relatively serious impairment of a normal body function — or any pattern of such effects.

We must also report information concerning widespread, previously unsuspected, environmental effects. These could include pronounced bioaccumulation or significant ecological change, such as massive fish kills or significant decreases in local wildlife or vegetation. Also reportable are emergency incidents of environmental contamination large enough to seriously threaten humans or the environment with these adverse effects. Substantial risk information in Du Pont files prior to January 1, 1977, which we know of personally, or which has come to our attention since that date must also be reported. EPA's more detailed explanation of substantial risk information has been published in the Federal Register, available from coordinators at each site.

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• What is not to be Reported

We should not report information if it has been previously given to EPA, or if it merely confirms well-established adverse effects already documented in scientific literature. Under Du Pont procedures, Wilmington management, with the advice of Haskell Laboratory and Legal Department, will decide whether information is covered in Section 8(e) or if previous disclosures to EPA are adequate. Also, substantial risks are not intended to include minor air emissions or spills such as those from pipe leaks, loose couplings, or limited discharges to air or water in excess of established limits. These should be reported through supervision as has been done previously but not to EPA by substantial risk reporting procedures.

• How to Report Through the Company System

Except for emergency incidents which must be reported by phone as promptly as possible, relevant substantial risk information must be reported to EPA within fifteen working days after an employee who is capable of appreciating the significance of the information obtains it. Self-explanatory reporting forms are available from supervision. After they are filled out and given to supervision, the site environmental coordinator, or other designated person will forward forms to the Environmental Manager of the Department who will consult as appropriate, with management, the representative on the Haskell Laboratory Liaison Committee, the Director of Haskell Laboratory, the Medical Director, and the Legal Department's Environment Division. If it is decided that the report includes substantial risk information likely to be reportable, the Environmental Manager will forward the report to the Director of Environmental Affairs for consideration by the Corporate Environmental Quality Committee and subsequent submission to EPA by Haskell Laboratory.

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Because only fifteen working days are allowed, it is essential that each step of the procedure be completed within one working day. Use of phone or teletype is recommended where possible. Information communicated by phone should be confirmed in writing using normal Company mailing procedures. In emergencies, field locations (plant sites, and others, including warehouses) must notify Wilmington promptly by phone; Wilmington will then report to EPA.

- Notice of Disposition of Report

The Departmental Environmental Manager, or the Director of Environmental Affairs — as the case may be — will promptly inform the employee in writing of what action has been taken on the report. He will also advise the Medical Director, the Director of Haskell Laboratory, and the Environmental Health Section of the Legal Department. If the report is not sent to EPA, the employee will be advised that while he has completed his responsibility, the law guarantees him the right to report the information directly to EPA without risk of discharge or discrimination concerning terms conditions, or privileges of employment.

- Penalties for Failure to Report

It is unlawful for any person, including a corporation, to fail or refuse to submit substantial risk information. Violators are subject to a Federal civil penalty and possible criminal prosecution.

9/26/78

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(Date)

TOXIC SUBSTANCES CONTROL ACT (TSCA)
SECTION 8 (a)
SUBSTANTIAL RISK INFORMATION

TO: ENVIRONMENTAL COORDINATOR
(Department)
(Site)

1. SUMMARY OF ADVERSE EFFECT; NATURE AND EXTENT OF RISK
2. CHEMICAL SUBSTANCE OR MIXTURE INVOLVED
3. SOURCE OF INFORMATION; REASON EMPLOYEE BELIEVES SUBSTANTIAL RISK TO HEALTH OR THE ENVIRONMENT IS PRESENT

SIGNATURE: _____

EMPLOYEE'S NAME, DEPARTMENT, AND LOCATION:

DISPOSITION OF REPORT:

Signature of Environmental Coordin

Copy 5 - Employee's Retained Copy (See reverse side)

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INSTRUCTIONS

Section 8(e) of the Toxic Substances Control Act (15 U.S.C. 2607) states:

"(e) NOTICE TO ADMINISTRATOR OF SUBSTANTIAL RISK.--Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator (EPA) of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information."

EPA requires that Du Pont and its employees capable of appreciating the significance of substantial risk information report the facts to EPA within fifteen workdays after obtaining them. You satisfy this obligation by completing this form and giving it promptly to your supervisor.

EPA requires you to report information which reasonably supports the conclusion that a substance or mixture which Du Pont makes, sells, or uses presents the substantial risk. You must report situations where a particular chemical or group of chemicals is strongly implicated as the possible cause of serious human health effects such as death, cancer, birth defects, mutagenicity, serious or prolonged incapacity, or a relatively serious impairment of a normal body function, or any pattern of such effects. You must also report information concerning widespread environmental effects previously unsuspected. These could include pronounced bioaccumulation or significant ecological change, such as massive fish kills or significant decreases in local wildlife or vegetation. Also reportable are emergency incidents of environmental contamination large enough to seriously threaten humans or the environment with these adverse effects. Substantial risk information in Du Pont files prior to January 1, 1977, which you know of personally, or which has come to your attention since that date must also be reported. You should not report information if it has been previously given to EPA, or if it merely confirms well-established adverse effects already documented in scientific literature.

We suggest that before you fill out this form, you should discuss the particular situation with your supervisor, site environmental coordinator, or other designated representative. If you report to supervision on this form, you will be notified of the Company's decision whether or not to report this information to EPA. If it was not reported, you will be told why and, if you choose, you may report the information directly to EPA. If you make this choice, Du Pont will not discriminate against you. The law, furthermore, guarantees this.

There are civil and criminal penalties for failure to report appropriate information to EPA.

Give copies 1, 2, 3, and 4 to your supervisor, or environmental coordinator. Retain Copy 5 (green). He will do the following with the copies:

(white)	Copy 1:	Send to Departmental Environmental Manager-Wilmington
(yellow)	Copy 2:	Also send to Departmental Environmental Manager-Wilmington
(pink)	Copy 3:	Send to Environmental Division-Legal Department-Wilmington
(blue)	Copy 4:	Retained by the Environmental Coordinator at the site.

Copy 2 will be returned to you from Wilmington notifying you of the Company's disposition of your report.