



Consulting • Engineering • Remediation

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VIA FEDERAL EXPRESS

November 14, 1995

Hasmukh C. Shah, Ph.D.
Manager
Vinyl Chloride Panel
Chemical Manufacturers Association
2501 M Street, NW
Washington, D.C., 20037

Dear Dr. Shah:

This letter is in response to your letter of October 31, 1995, regarding the transfer of data for the CMA vinyl chloride epidemiology study from ENSR to Applied Epidemiology, Inc. (AEI). I apologize for not answering earlier to your letter of September 1, 1995, but I wanted to make every effort possible to locate the missing death certificates before providing a status of the situation.

Regarding the transfer of files on the magnetic tape, ENSR, through its subcontractor, Dr. Whorton, has transferred all the information that we have in our possession. AEI may want to contact Ms. Nancy Gordon or Dr. Otto Wong, who worked with the files in the original study, if they feel that they need some help in interpreting and manipulating the data on the tape.

Regarding the death certificates, we have made every attempt possible to locate the missing ones and we have come to the conclusion that they are no longer in our archives. We understand that these missing files are valuable for the AEI study, but we are not able to locate them and, therefore, to transfer them to AEI. We appreciate that there is a financial cost associated with obtaining these death certificates (you mentioned a cost of \$8,290 for the 829 death certificates) and ENSR would be willing to absorb this cost.

You mention that CMA had entered into an agreement with AEI to initiate work in May 1995 and as a result of the delay due to the transfer of data, costs in the amount of \$40,948 have been incurred by AEI. ENSR was not aware of this arrangement between CMA and AEI, and cannot be held responsible for damages arising from a transaction that was not within the knowledge or control of ENSR. Furthermore, we note that CMA agreed to hold ENSR harmless for damages of this type when it entered into the agreement with ENSR (see waiver for consequential damages).

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You mention that the records that have been transferred by ENSR to AEI were not complete nor organized. ENSR acquired these files when EHA became the Health Sciences division of ENSR more than seven years ago and these files were organized by the staff who had conducted the study. We have transferred these files from our archiving storage facility, in the way they were organized, according to the terms of Task 1 of our scope of work.

ENSR appreciates CMA as an important client and we look forward to reaching a mutually agreeable resolution of this unfortunate issue. As I stated earlier, ENSR is willing to participate in the cost associated with obtaining the death certificates that have been lost.

I will call you in a week to initiate the resolution of this situation. ~~Do not hesitate~~ to call me in the interim if you have any questions.

Sincerely,

ENSR Consulting, Engineering and Remediation

A handwritten signature in black ink, appearing to read 'Christian Seigneur'.

Christian Seigneur, Ph.D.
General Manager

CS:cm

cc: D. Whorton