

TAFT, STETTINIUS & HOLLISTER LLP

59 pp

425 WALNUT STREET, SUITE 1800

CINCINNATI, OHIO 45202-3957

513-381-2838

FAX: 513-381-0205

www.taftlaw.com

COLUMBUS, OHIO OFFICE
TWELFTH FLOOR
21 EAST STATE STREET
COLUMBUS, OHIO 43215-4221
614-221-2838
FAX: 614-221-2007

NORTHERN KENTUCKY OFFICE
SUITE 340
1717 DIXIE HIGHWAY
COVINGTON, KENTUCKY 41011-4704
859-331-2838
513-381-2838
FAX: 513-381-6613

ROBERT A. BILOTT
(513) 357-9638
bilott@taftlaw.com

CLEVELAND, OHIO OFFICE
3500 BP TOWER
200 PUBLIC SQUARE
CLEVELAND, OHIO 44114-2302
216-241-2838
FAX: 216-241-3707

April 4, 2003

FEDERAL EXPRESS

Dr. Charles M. Auer
Chemical Control Division
Office of Prevention, Pesticides and Toxic
Substances
U.S. Environmental Protection Agency
1201 Constitution Avenue, N.W.
Mail Code 7405M
Washington, DC 20004

Jennifer Seed
U.S. Environmental Protection Agency
410 M Street, S.W.
Washington, DC 20460

Christopher Jones, Esq.
Director
Ohio Environmental Protection Agency
122 South Front Street
Columbus, OH 43215

Thomas V. Skinner
Regional Administrator
U.S. Environmental Protection Agency
77 West Jackson Blvd.
Chicago, IL 60604

Oscar Hernandez
Director, Risk Assessment Division
Office of Prevention, Pesticides and Toxic
Substances
U.S. Environmental Protection Agency
1201 Constitution Avenue, N.W.
Mail Code 7405M
Washington, DC 20004

John Wheeler, Ph.D.
ATSDR
1825 Century Center Blvd.
Atlanta, GA 30345

Donald S. Welsh
Regional Administrator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RECEIVED
OPPT NCIC
2003 APR 27 PM 2:46

Re: Human Health Threat Arising From Releases Of AFOA/APFO/C-8 In
West Virginia And Ohio

Ladies and Gentlemen:

This letter serves as a supplement to our letter on the referenced topic dated February 3, 2003 (AR-226-1216). In that letter, we provided information to you in connection with our concern that there may be a threat to the health of those living in both Ohio and West Virginia

CONTAINING COPY

000001

April 4, 2003

Page 2

whose drinking water is contaminated with C-8 from DuPont's Washington Works Plant in Wood County, West Virginia. Since the mailing of that letter, information has been made available through public disclosure of USEPA's March 17, 2003 "Preliminary Risk Assessment Of The Developmental Toxicity Associated With Perfluorooctanoate Acid And Its Salts" and in a report recently released by the Environmental Working Group on its Web site (ewg.org) indicating that USEPA may not possess certain information generated by E.I. duPont de Nemours and Company ("DuPont") with respect to the human health effects of C-8. More specifically, it is not clear whether your agencies have reviewed certain information possessed by DuPont relating to the health of workers at its Washington Works Plant where potential C-8 exposure has occurred, not only in the specific manufacturing areas where C-8 is used, but throughout the Plant by virtue of historic C-8 contamination of the Plant's air and drinking water. Thus, because we understand that USEPA and other governmental agencies are in the process of evaluating all available human health information in order to determine how best to respond to this human health threat, we have enclosed the following documents for consideration and inclusion in USEPA's Administrative Record 226 for C-8^{1/}:

1. DuPont Internal Memo, "Ammonium Perfluorooctanoate (FC-143) C-8 Compounds" (3/25/81) (EID096503);
2. DuPont Internal Memo, "C-8 Blood Sampling Results: Births and Pregnancies" (4/81) (EID079375);
3. DuPont Internal Memo, "C-8 Study" (8/5/96) (EID107066-71);
4. DuPont Epidemiology Surveillance Report, "Mortality And Cancer Incidence Surveillance At Washington Works" (6/30/96) (EID121880-94);
5. DuPont Toxic Substance Control Act (TSCA) Section 8(c) Form: Allegation of Significant Adverse Health/Environmental Effect (8/26/97) (YLP000136-139);
6. DuPont Internal Memo, "Cancer Incidence Report 1959-2001,^{2/} All-Cause Mortality Report 1957-2000, Washington Works, Parkersburg, West Virginia" (1/27/03) (EID645647-65).

We also have enclosed a copy of an internal DuPont memorandum (EID613678-687) indicating that, according to DuPont, certain adverse effects were observed in the recent 2-generation C-8 rat study at dose levels lower than certain of the adverse effect levels referenced by the study's

^{1/} As a defendant in a class action lawsuit pending against DuPont in the West Virginia State Court in which we serve as class counsel, DuPont has the right to mark documents produced in that case as falling under the terms of a Stipulated Protective Order that allows parties to limit distribution of documents, if they qualify as documents for which "confidential business information" (CBI), protection would be available under, among other provisions, 40 C.F.R. Part 2, Subpart B. DuPont did not stamp any of the attached copies from its files as subject to the terms of the Stipulated Protective Order.

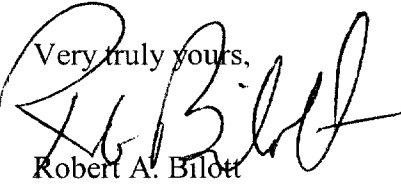
^{2/} It is not clear why this more current cancer incidence report apparently omits data from 1956-1958, which was included in DuPont's earlier, 1996 cancer incidence report.

000002

April 4, 2003

Page 3

rat study at dose levels lower than certain of the adverse effect levels referenced by the study's authors and by USEPA in its March 17, 2003, preliminary risk assessment for PFOA, indicating that the risks to human health may, in fact, be significantly higher than indicated in USEPA's current draft risk assessment.

Very truly yours,

Robert A. Bilott

RAB/mdm

Enclosures

cc: R. Edison Hill, Esq. (w/o encls.)
Larry A. Winter, Esq. (w/o encls.)
Gerald J. Rapien, Esq. (w/o encls.)
Mary Dominiak, (USEPA, OPPT) (for inclusion in AR-226) (w/ encls.)

000003