

AR226-1507

ENVIRONMENTAL WORKING GROUP

April 11, 2003

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The Honorable Christine Todd Whitman
Administrator
U.S. Environmental Protection Agency
Washington, D.C.

Re: DuPont's failure to submit key health studies under the requireme
8(e), 15 U.S.C. § 2607(e).

Dear Administrator Whitman:

As your Agency moves forward with its assessment of public health ris
the Teflon-associated chemical known as PFOA (perfluorooctanoic acid
C8), we write to notify you of apparent violations of reporting requirer
Section 8(e) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. !
by a leading manufacturer and user of PFOA, DuPont, that may be hin
assessment. We request that you investigate these potential violations:
DuPont, and require full submission of the relevant studies to the publ
allow for an accurate assessment of the health risks posed by this per
global pollutant that widely contaminates human blood. Given the nati
seriousness of the omissions, we recommend that the Agency levy the
allowable penalty under the law, a \$25,000 fine per day to account for
violations pursuant to 15 U.S.C § 2615 (a). We also ask that you inve
potential criminal violations for DuPont's knowing and willing failure to
these studies, which would also subject the company to a maximum d
\$25,000. Id. at § 2615 (b).

In a 1981 internal company study (attached as Exhibit A) DuPont foun
quantifiable levels of PFOA in umbilical cord blood from one baby, and
of another baby, both of whom were born to women working in the co
Teflon plant in Parkersburg, West Virginia. This study provided eviden
PFOA crosses the placenta and exposes a fetus in utero, at a time whe
had accumulated a significant body of knowledge on the toxicity of PF

The study documentation, made public through litigation, shows that i
measured PFOA in the blood of eight pregnant women employed at th
for seven of these women recorded information on the baby's health a
DuPont found quantifiable levels of PFOA in the blood of seven of eigh
tested, at concentrations ranging up to 2.5 parts per million (ppm). Du
PFOA in umbilical cord blood from one baby at a concentration of 0.05
in the blood of another baby at a concentration of 0.012 ppm. The stu
documentation shows that two of seven women gave birth to babies w
defects, one an "unconfirmed" eye and tear duct defect, and one a no
defect. That same year, DuPont reassigned 50 women at the plant to i
PFOA exposure. We have thoroughly reviewed 8(e) submissions from i
regarding PFOA, and find no record of this study in the Agency's files.

TSCA requires that a company inform the Administrator when it finds i
"that reasonably supports the conclusion that such substance...presen
substantial risk of injury to health." 15 U.S.C § 2607(e). Given the uni
susceptibility of a fetus to permanent health harms from exposures to
chemicals, the finding of an industrial chemical in umbilical cord blood
qualifies as "information that reasonably supports the conclusion that
substance...presents a substantial risk of injury to health..." and there
trigger a submission of the study to EPA under the provisions of TSCA
case of DuPont's 1981 blood study, however, the company also posse
time a significant body of knowledge on PFOA's toxicity that further su
what should have been a reasonable conclusion that the blood tests in
substantial risk to health.

According to a 1961 internal company memorandum on the toxicity of
related chemicals, another document made public through litigation, a
toxicologist found that "C8 and C9 acids... have the ability to increase
the liver of rats at low doses," and further recommends that "all of the
materials...be handled with extreme care. Contact with the skin should
avoided" (DuPont 1961). Between 1961 and 1981 DuPont and its PFO,

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(3M) conducted or summarized 32 additional PFOA toxicity studies in monkeys, guinea pigs, rabbits, and mice (Bilott 2002).

Among other studies that DuPont failed to submit to EPA under requirement law are the company's studies of PFOA contamination in drinking water in areas surrounding its Parkersburg, West Virginia plant (see DuPont at EWG 2002). Upon information and belief, DuPont's 1981 study of P babies' blood, and their finding of PFOA contamination in tap water, are of the health and safety studies conducted by DuPont beginning at least ago that the company failed to submit to EPA under the requirements Section 8(e). 15 U.S.C § 2607(e).

We appreciate your prompt attention to the concerns we raise in this letter. We hope that the full record of PFOA's toxicity to humans will soon be available to the public and Agency as you proceed with your assessment of human health risks posed by the chemical.

Sincerely,

[signed]

Kenneth A. Cook
President, Environmental Working Group

cc: Charles O. Holliday, Jr., Chairman & CEO, DuPont
Steve Johnson, EPA's Assistant Administrator for Prevention, Pesticide Substances

References

Bilott, R. 2002. Letter from Robert A. Bilott of Taft, Stettin, & Holliday to the IRIS Submission Desk. IRIS Submission Inventory for Perfluorooctanoic Acid Ammonium Salt. April 12 2002.

DuPont. 1961. Internal memo Re Toxicity of Teflon® Dispersing Agent. Environmental Working Group (EWG). 2002. DuPont Hid Teflon® Pollution for Decades. Available online at <http://www.ewg.org/policymemo/20021113/20021213.php>. December 13, 2002.

Attachment

Exhibit A. DuPont. 1981. Births and Pregnancies. (Documentation of D of PFOA in the blood of female employees and their babies.)

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