

CONFIDENTIAL

Subject: Report on Events Leading to Current Status of
 Equitable Environmental Health (EEH) Study
 Dow Chemical Company, Inc. 00-4337
 Federal District Court
 Orleans Parish, Louisiana

November , 1977

J. A. Clark

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 Equitable Environmental Health (EEH) Study

On or about February 13, 1977 Dr. T. P. Torkelson contacted the Project Manager and requested a recapitulation of all technical members who had responded by balloting on the additional EEH work on further analyses of epidemiological data. Balloting by Panel members was to have been completed by February 2nd at the latest in order that members of the EEH team assigned to this work would not be reassigned to other urgent programs for which ASD had just received contracts.

Dr. Torkelson then estimated the amount of time which would be required for completion of Panel balloting and added to this estimate the time usually required for the return of commitments by the Management Contacts. After evaluating with members of Dow's management the delay which would be incurred if the return of ballots and commitment forms proceeded as expected, and further evaluating the importance to the chemical industry and, in turn, to the technical literature of an EEH report wherein critical cohorts would be more accurately grouped thereby yielding a more valid statistical analysis of the epidemiological data, Dr. Torkelson secured his management's immediate authorization to guarantee payment of the additional EEH work. Therefore, on or about February 23, 1977, Dr. Torkelson called Mr. R. E. Davis, Regional Manager of EEH and (1) authorized that EEH proceed immediately with the work necessary for the revision of the final report, (2) stated that Dow Chemical U.S.A. would guarantee payment for this additional work, (3) secured a preliminary estimate from Mr. Davis of approximately \$10,000, and stated further that he, Dr. Torkelson, would confirm in a letter to Mr. Davis the areas in the then existing report draft requiring further study and revision evolving from Panel critiques. The Project Manager was

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informed of the foregoing action on or about February 1, 1977 in a telephone call from Dr. Torkelson.

On March 11, 1977 Dr. Torkelson confirmed in a letter to Mr. Davis actions outlined in the preceding paragraph. A copy of the letter to Mr. Davis has not been made available to MCA.

After Panel balloting on or after the above mentioned additional work and prior to the preparation of commitments, Mr. Davis was requested to send to the Project Manager confirmation of his original estimate to Dr. Torkelson. The Project Manager requested that Mr. Davis submit a complete estimate with appropriate cost analyses and a description of the scope of the work to be accomplished under the EEH proposal covering their additional studies. This was done in Mr. Davis' letter dated August 18, 1977 (see copy attached).

The consensus of opinions expressed by Panel members indicated that neither pertinent government agencies, concerned academicians, nor the public would be properly served by only approximately 10 extra copies of the final report (over and above those copies required for the Research Coordinators and for Panel distribution). Neither was it feasible for MCA to go into the "reports reproduction business". As a result, the Chairman requested that EEH supply 50 extra copies for a cost of \$300. His prompt action on this particular matter was necessitated by a call from Mr. Davis wherein Mr. Davis stated that were there any loose ends requiring prompt action they should be handled immediately as EEH was in the process of closing its Berkeley office. All operations formerly handled by Berkeley will now be handled by their Rockville office.

Therefore, to Mr. Davis' total fixed cost (not to exceed \$10,200) was added a cost of \$300 to cover the 50 additional copies of the final report. The cost of these additional copies was reflected in the total amount (\$10,500) entered on the commitment form sent to the Management Contacts on September 2, 1977.

All of the requested copies of the final report have been received. The required copies have been sent to the Vinyl Chloride Research Coordinators and to members of the Technical Panel. The final report has not been accepted by either the Research Coordinators nor the Technical Panel.

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As of this date, the Management Contracts of 12 companies have agreed that the cost of the additional SBH work be taken out of existing funds. Currently we are waiting responses from 8 companies.

J. T. Seawell

JTS:ec

cc: Mrs. A. Howard

Mr. J. C. Van Horn

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