Message

From: Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: 5/1/2018 7:59:19 PM
To: Ken Otterbourg [Ex. 6]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: Media inquiry from Fortune magazine re: GenX

Ken,

On background (not for specific attribution):

Q5. How is that different from regulatory standards?

EPA develops toxicity values to help address contamination concerns in a variety of exposure scenarios, including exposure to water and soil. EPA and our state and tribal partners use these values to evaluate specific risk pathways under statutory or regulatory authorities and to establish health-based screening levels for response actions. Regulatory standards are enforceable values established through rulemaking, toxicity values are not.

On Apr 30, 2018, at 8:40 AM, Ken Otterbourg <[Ex. 6] wrote:

Enesta: Thank you for the responses. I appreciate your effort and thoroughness. Just to clarify. I didn't agree on the front end that these responses would be on background. so where or if appropriate, I will attribute them to an EPA spokesperson.

Thanks, and I look forward to getting Robert's response as well.

Best,

Ken Otterbourg

On Fri, Apr 27, 2018 at 3:54 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

> Ken,
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> **I will get back to you separately on question 5.**
>
> **On background:**
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> **Q1. Just to confirm. Currently, there is no standard for release of GenX chemicals in the air or water?**

There are no air regulations directly relating to GenX chemicals. There are no drinking water regulations for GenX chemicals. See # A7 for details for a consent order under the Toxic Substances Control Act.

Q2. The below two items in BOLD are mentioned in the EPA Fact sheet: EPA has initiated an investigation into Chemours' compliance with a 2009 order issued under the Toxic Substances Control Act for the production of GenX to determine if the company is in compliance with the order to control releases at the Fayetteville facility. Has this investigation been completed? If not, where is the process at this point? And why is it taking so long?

A2. The investigation is ongoing and EPA does not comment on ongoing investigations.

Q3. **Separately, the fact sheet mentions this: EPA has received the data from Chemours and is using it to update its risk assessment. To that point. Help me understand risk assessment in the context of GenX. What do we know and what don't we know. Is this class of chemicals somehow more problematic? How does EPA help cut through the fear and uncertainty in the public's mind? What is the challenge of modeling long-term, low dose exposure to emerging contaminants? Are there ways to speed up that process?**

A3. EPA is evaluating the toxicity of two GenX chemicals (Hexafluoropropylene oxide (HFPO) dimer acid and dimer acid ammonium salt) for a number of reasons, including its presence in the environment, availability of data, and requests from state partners. EPA is also working to help provide local communities with the information and tools they need to address these chemicals.

Q4. This is mentioned on this page: https://www.epa.gov/pfas/epa-actions-address-pfas(also attached) Developing human health toxicity values for GenX and PFBS (July 2018) Is that deadline on track? In laymen's terms, what does it mean to develop human health toxicity values (aka: reference dose).

A4. EPA is developing toxicity assessments GenX and PFBS. These PFAS were chosen to be assessed first due to a number of factors including, the availability of health studies, occurrence in the environment. Expected release of these values is July 2018.

Toxicity assessments identify and characterize the health hazards of chemicals. These assessments include gathering information that will help identify a particular hazard and the level of exposure that could cause health effects (dose response). They also include descriptions of the health effects associated with each chemical and provide toxicity values; in this case based on available data for GenX and PFBS, a Reference Doses. A Reference Dose, or RfD, is the amount of chemical someone can ingest daily for a lifetime and is not anticipated to cause harmful health effects. RFD's, or toxicity values in general, are non-regulatory and can be used by states and tribes to develop values for concentrations-in water, soil, or air.

Q5. How is that different from regulatory standards?

Will send response separately.

Q6. Related to this, is EPA conducting its own toxicity assessments? Or is it relying solely on existing research?

A6. EPA is conducting its data analysis using publicly available data to develop a quantitative dose response analysis and derive an oral toxicity value (or *Reference Dose).* These toxicity assessments will undergo an independent, contractor-led peer review.

Q7. Do these chemicals need to be regulated? Does EPA consider them unregulated at the present? Why or why not?

A7. EPA takes the PFAS issue seriously and is working to conduct the scientific data collection and analysis called for under the Safe Drinking Water Act to evaluate PFAS. EPA is also taking a wide range of actions to address PFAS to assist states and local entities with the tools they need to address PFAS in their communities: https://www.epa.gov/pfas/epa-actions-address-pfas

GenX is regulated under TSCA. EPA received the chemical substance referred to as GenX as a new chemical notice under the Toxic Substances Control Act from DuPont (which is now Chemours) in 2008. EPA and the company signed a Consent Order for the substance which required health and environmental testing, and also specific regulatory controls to mitigate worker exposures, environmental releases and the amount of impurities permissible in the final polymers. Under the terms of the Consent Order, for operations in the United States, DuPont is required to recover and capture (destroy) or recycle the chemical from all the process wastewater effluent streams and air emissions (point source and fugitive) at an overall efficiency of 99% and distribute only to those customers that achieve this percentage of efficiency or destruction. EPA is reassessing the terms of the Consent Order given the information about the presence of GenX in surface and drinking water.

Q8. The Lautenberg amendments to TSCA were passed in a rare bipartisan moment. Is that spirit of cooperation/consensus still present as stakeholders work through the rulemaking/implementation process?

A8. EPA is committed to implementing and is moving swiftly to implement the requirements of the Lautenberg Act in cooperation with stakeholders.

Q9. Is there anything else I need to know?

A9. Highlighting the importance of this issue, EPA is hosting a national leadership summit next month to bring together stakeholders from across the country to build on the steps the agency has already taken and address PFAS—including PFOA and PFOS. Through this event, EPA is providing critical national leadership, while ensuring that states, tribes, and local governments have the opportunity to help shape the path forward.

More information.

From: Ken Otterbourg [Ex. 6]
Sent: Thursday, April 26, 2018 12:20 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Subject: Re: Media inquiry from Fortune magazine re: GenX

Thanks very much. I appreciate it.

On Thu, Apr 26, 2018 at 12:18 PM, Jones, Enesta <Jones.Enesta@epa.gov> wrote:

> Hi Ken, I'll be in touch tomorrow, COB, with responses to your other questions.

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