To: LaPosta, Dore[LaPosta.Dore@epa.gov]; Filippelli, John[Filippelli.John@epa.gov]; Mugdan, Walter[Mugdan.Walter@epa.gov]
From: Enck, Judith
Sent: Thur 9/17/2015 2:31:40 AM
Subject: Fwd: Saint Gobain Hoosick Falls NY Water Supply Contamination
PFOA SAINT GOBAIN NOTICE LETTER TO EPA RE TSCA 9022526801be78d_8EHQ-14-19758_Section 8 (e)_N_363196.pdf
ATT00001.htm
pfoa results reported by The Village of Hoosick Falls, NY.pdf
ATT00002.htm
pfoa exposure kidney cancer ehp.1306615.pdf
ATT00003.htm
PFOAl_Unsafe_At_Small_Doses_EWG 08 2015.pdf
ATT00004.htm

Please review the attached and I would appreciate discussing this with you after oct 1. Give some thought to what division should be in the lead. The most immediate concern is the public drinking water supply and the allegation that workers took containers home. This information comes from former ny dec attorney who is now in private practice. He recently settled a case involving a worker at the facility with kidney cancer

Sent from my iPhone

Begin forwarded message:

From: "David Engel" <DEngel@nolanandheller.com>
To: "Enck, Judith" <Enck.Judith@epa.gov>
Subject: Saint Gobain Hoosick Falls NY Water Supply Contamination

Judith:

This email follows up on our discussion of this afternoon with respect to the above-referenced matter.

Attached please find a copy of the Notice letter sent on behalf of Saint Gobain to EPA on December 30, 2014 with respect to the presence of PFOA in the Hoosick Falls water supply. As noted in the letter, the Notice was provided in an apparent effort to comply with the requirements of the Toxic Substances Control Act (TSCA) with regard to "environmental contamination" that may pose a "significant risk to human health or the environment".

In the letter, Saint Gobain points out that PFOA has been the subject of an EPA "provisional Health advisory" of 0.4 micrograms per liter (400 PPT). Saint Gobain goes on to point out that the level is not enforceable and asserts that the notification is being provided "out of an abundance of caution".

That said, Saint Gobain fails to acknowledge that the 400 PPT value is for short term

exposure and that exposure via a public water supply is of a long term or chronic nature. While Saint Gobain asserts that it is observing the TSCA notification requirements out of an abundance of caution, it failed to exercise caution by contemporaneously informing the Village that long term exposure to PFOA at the levels observed in the water supply represented a public health threat. Within a few weeks of this notification, Saint Gobain had met with the Mayor and was silent when the Mayor made public statements to the effect that the PFOA levels in the water supply were "50,000 times lower" than the level of concern expressed by EPA and that there was no problem with PFOA levels in the range of 200 to 400 PPT. (See attachment below in which the Mayor evidently relies upon DOH for this characterization).

Saint Gobain claims that it has not been a "user of PFOA per se". It is unclear what this assertion actually means. At the same time, Saint Gobain acknowledges that it has participated in a "PFOA phase-out effort" since 2003. In this regard, Saint Gobain clearly was aware that it had a potential PFOA issue in Hoosick Falls before the Village redeveloped its wellfield and treatment plant in close proximity to the Saint Gobain facility in 2009. Given that the PFOA phase out was in part motivated by the goal to avoid further contamination of water supplies, Saint Gobain's silence on this subject as the Village proceeded is particularly troubling.

In addition to the water issue, please be aware that PFOA contamination may be generally present throughout the Village due to other factors. As documented in West Virginia and elsewhere with respect to DuPont facilities, airborne particulate from the plant may have dispersed the chemical over a wide area. In addition, Saint Gobain allowed (and may have encouraged) employees to remove "empty" containers of PFOA substances from the plant for use at home. We have direct evidence that Hoosick residents have been using these containers for storage of linens, clothing and other personal items.

In considering this matter, please be aware that PFOA is environmentally persistent. It is resistant to bio-degradation. Further, the most recent scholarship suggests that there may be virtually no safe threshold level for PFOA exposure. A recent article suggested that EPA's 400 PPT value may be about 1000x too high. (See attachment below)

The first major concerns about PFOA were raised in response to conditions in West Virginia and Ohio associated with releases from DuPont. The original cases resulted in an interim settlement under which the parties agreed that an impartial "Science Panel" would assess the issue of linkage between PFOA exposure and a variety of diseases and medical conditions. After several years of study, the Science panel began to issue its findings. PFOA exposure was found to have a causal relationship to Kidney Cancer, Testicular Cancer, Liver disease, Ulcerative Colitis and other conditions. (See attachment below in which the studies on Kidney and Testicular Cancers are reported) In Hoosick Falls, we are aware of Kidney Cancer cases among the Saint Gobain workers who handled the substance. We are generally aware of a variety of health issues throughout the community. There is a large body of literature and data available on this topic and we will be happy to provide further information to you and your staff.

Thank you for your interest in this matter.

Dave Engel

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