Message

From: Duchovnay, Andrew [Duchovnay.Andrew@epa.gov]
Sent: 10/19/2017 1:57:55 PM
To: Field, Stephen [Field.Stephen@epa.gov]; Day, Christopher [Day.Christopher@epa.gov]; Swan, Russell [Swan.Russell@epa.gov]; Ramalho, Louis [Ramalho.Louis@epa.gov]; Reinhart, Roger [Reinhart.Roger@epa.gov]; Bennett, James [bennett.james@epa.gov]
Subject: FW: Chemours Article and Complaint
Attachments: 2017-10-03 Nix v. Chemours (E.D.N.C.) Complaint.pdf

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From: Speir, Jeffrey
Sent: Wednesday, October 11, 2017 2:58 PM
To: Clark, Jacqueline <clark.jacqueline@epa.gov>; Duchovnay, Andrew <Duchovnay.Andrew@epa.gov>
Subject: FW: Chemours Article and Complaint

FYI – I wanted to send along the article (below) and complaint (attached) which asserts tort claims against Chemours for GenX discharges in North Carolina. The complaint notes Chemours' experience at the Parkersburg, WV facility:

> 13. The DuPont Defendants had long used and disposed of ammonium perfluorooctanoate ("APFO"), a PFAS compound, at their Washington Works Facility in Parkersburg, West Virginia. APFO is the ammonium salt of perfluorooctanoic acid ("PFOA"), a toxic PFAS compound. Among other releases, the Washington Works Facility released PFOA to the Ohio River, which is used by several municipal water systems to supply household water to their customers. In 2000, the 3M Company, who had supplied PFOA to the DuPont Defendants for use in manufacturing at their Washington Works facility, ceased manufacturing PFOA under pressure from the U.S. E.P.A. due to the documented toxic effects of PFOA and other PFAS compounds.
>
> 14. The DuPont Defendants, since approximately 1961, had studied the health effects of PFOA in laboratory animals, and in its workforce at Parkersburg. From their experience at Parkersburg, the DuPont Defendants knew that their manufacturing processes, including their process for processing and using APFO, released PFAS to the environment, that PFAS were toxic, and that their release resulted in exposure of toxic chemicals to the people living as its neighbors.

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From: Miles, James
Sent: Friday, October 06, 2017 8:22 AM
To: Garvey, Mark <Garvey.Mark@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>
Cc: Bookman, Robert <Bookman.Robert@epa.gov>; George, Verne <George.Verne@epa.gov>
Subject: Article about private party suit

Daily Environment Report: News Archive > 2017 > October > 10/06/2017 > News > Chemicals: Chemours Knew N.C. Discharges Toxic, Landowner Charges in Suit

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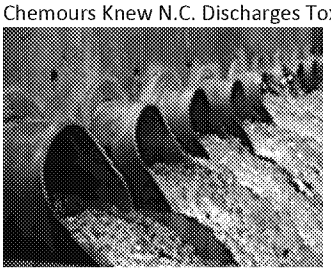
Chemicals
Chemours Knew N.C. Discharges Toxic, Landowner Charges in Suit



Snapshot

- Landowner alleges Chemours knew discharges were toxic based on West Virginia facility problems
- Focus now turns to GenX, a substitute chemical used in waterproof coatings

By Andrew M. Ballard

DuPont Co. and the Chemours Co. knew they were discharging toxic substances into the water at their Fayetteville, N.C., facility, a North Carolina property owner alleges.

In a lawsuit filed Oct. 3, Brent Nix claims that, based on their previous experiences at their Parkersburg, W. Va., facility, the companies were aware the Teflon-related chemicals being released posed health and environmental risks (*Nix v. The Chemours Co. FC, LLC*, E.D.N.C., No. 2:17-cv-00189, 10/3/17). Nix seeks class action certification for his lawsuit and payment for property loss and diagnostic health testing.

In February, Dupont and its former unit Chemours agreed to pay $670.7 million to settle personal-injury lawsuits stemming from water supplies in Ohio and West Virginia that were contaminated from the release of perfluorooctanoic acid (PFOA) at Parkersburg. Nix claims that the companies therefore knew that the releases of PFOA and related chemicals—including GenX at Fayetteville—were toxic.

The compounds at issue are used to make stain resistant coatings for carpets, rain gear, fast food wrappers, and frying pans. Sufficient exposure to PFOA has been linked to thyroid disease, high cholesterol, early signs of liver damage, and testicular and kidney cancer, among other health effects, according to a 2012 paper in the journal Environmental Health Perspectives.

Regulators May Pull Permit

State and federal officials are investigating the issue of contamination in the Cape Fear River from GenX and other chemicals released from the Fayetteville facility. Chemours has stopped discharging GenX and two other compounds due to concerns about their potential health risk and is providing bottled water to local residents whose drinking water wells are contaminated with the compound.

North Carolina regulators also have initiated a legal action against Chemours over the matter and, on Sept. 5, gave the company a 60-day notice that they intended to suspend the facility's discharge permit, which would affect normal operations.

Jamie Kritzer, a spokesman for the state Department of Environmental Quality, told Bloomberg BNA Oct. 5 that the state's investigation is ongoing and Chemours continues to provide testing data and other information related to the matter. In addition to stopping the discharge of GenX, the company has been ordered to stop releases of two other compounds, both of which are perfluoroethersulfonic acid byproducts, he said.

Chemours representatives did not respond to requests for comment from Bloomberg BNA.

To contact the reporter on this story: Andrew M. Ballard in Raleigh, N.C. at aballard@bna.com

To contact the editor on this story: Rachael Daigle at rdaigle@bna.com

For More Information

The complaint is at http://src.bna.com/s8f

Information on the state's investigation is at https://deq.nc.gov/news/hot-topics/genx-investigation

The state's legal notice is at http://src.bna.com/s8X

The 60-day notice of permit suspension is at http://src.bna.com/s8Y

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