

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

October 21, 2020

Mr. Marc Doyle
Chief Executive Officer
DuPont de Nemours, Inc.
974 Centre Road
Wilmington, DE 19805

Mr. Mark P. Vergnano
President & Chief Executive Officer
The Chemours Company
1007 Market Street, P.O. Box 2047
Wilmington, DE 19899

Dear Mr. Doyle and Mr. Vergnano:

The Subcommittee on Environment is continuing its investigation of the exposure of Americans to toxic per- and polyfluoroalkyl substances (PFAS) chemicals, which include perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), and GenX substances. I am writing for information regarding any continued use of PFOA, also known as c8 or ammonium perfluorooctanoate, at the Chemours Company (formerly DuPont) Washington Works facility in Parkersburg, West Virginia, the DuPont Circleville Works plant in Circleville, Ohio, or any other facility in the United States.

The Environmental Protection Agency (EPA) has stated that exposure to PFAS chemicals has been linked to increased risk of certain cancers, birth defects, and other negative health effects.¹ In addition, a peer-reviewed study conducted by scientists at the Environmental Working Group found evidence of widespread water contamination from PFAS chemicals across the country and estimated that more than 200 million Americans may be exposed to these substances in their drinking water.²

The Washington Works facility in Parkersburg, West Virginia is required to monitor for and report discharges of PFOA under at least four different National Pollutant Discharge Elimination System (NPDES) permits: WV0076538 (Local Landfill permit), WV0001279 (Washington Works facility permit), WV0076244 (Letart Landfill permit), and WV0076066 (Dry Run Landfill permit). Although three of these permits pertain to landfills, the Washington Works facility permit appears to apply to discharges from the Washington Works facility itself at

¹ Environmental Protection Agency, *Fact Sheet: PFOA & PFOS Drinking Water Health Advisories* (Nov. 2016) (online at www.epa.gov/sites/production/files/2016-06/documents/drinkingwaterhealthadvisories_pfoa_pfos_updated_5.31.16.pdf).

² Environmental Working Group, *Study: More Than 200 Million Americans Could Have Toxic PFAS in Their Drinking Water*, (Oct. 14, 2020) (online at www.ewg.org/release/study-more-200-million-americans-could-have-toxic-pfas-their-drinking-water).

several different outfalls. The Circleville Plant in Circleville, Ohio is also required to monitor and report discharges of PFOA under at least one NPDES permit, OH0006327.³

The Subcommittee is concerned about ongoing detections of PFOA in areas surrounding your facilities. DuPont was one of eight companies that participated in EPA's 2010/2015 PFOA Stewardship Program.⁴ The program required participants to "commit to achieve, no later than 2010, a 95 percent reduction, measured from a year 2000 baseline, in both facility emissions to all media of PFOA, precursor chemicals that can break down to PFOA, and related higher homologue chemicals, and product content levels of these chemicals" and "to commit to working toward the elimination of these chemicals from emissions and products by 2015."⁵ When the Chemours Company (Chemours) was created in 2015 as a spin-off of DuPont's chemical division, it appeared that Chemours continued with the commitment not to use PFOA in any of its operations, and Chemours' website claims that the company "has never made or used PFOA."⁶

However, EPA's Enforcement and Compliance History Online data indicates that, even in 2019, PFOA has been detected at both facilities.⁷ The Subcommittee is particularly concerned about detections under the Washington Works facility permit because that permit requires sampling to be taken at specific outfalls at the facility. Samples taken near permitted landfills could be tied to legacy disposal of PFOA, but the source of PFOA pollution detected at these outfalls is less clear. Likewise, the source of the PFOA detected through monitoring under NPDES permit OH0006327 at the Circleville Works plant is also unclear.

The continued presence of PFOA at your facilities in the quantities reported to EPA is alarming, and the Subcommittee remains concerned about PFAS contamination throughout the United States, in communities like Parkersburg, West Virginia which have been exposed to PFOA for decades, and the adverse health outcomes associated with exposure to PFAS.

³ Ohio Environmental Protection Agency, National Pollutant Discharge Elimination System (NPDES) Permit Program, *Public Notice: NPDES Permit Modification to Discharge to State Waters for DuPont Specialty Products USA, LLC* (Sept. 15, 2020) (online at wwwapp.epa.ohio.gov/dsw/permits/Draft/4IF00001.pdf).

⁴ Environmental Protection Agency, *Fact Sheet: 2010/2015 PFOA Stewardship Program* (online at www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-20102015-pfoa-stewardship-program) (accessed on Oct. 14, 2020).

⁵ *Id.*

⁶ Committee on Oversight and Reform, *Hearing on The Devil They Knew: PFAS Contamination and the Need for Corporate Accountability* (Sept. 10, 2019) (online at <https://oversight.house.gov/legislation/hearings/the-devil-they-knew-pfas-contamination-and-the-need-for-corporate-0>); see also The Chemours Company, *Teflon Education Information Sheet* (online at https://pages.chemours.com/teflon_education.html) (accessed on Oct. 9, 2020).

⁷ Environmental Protection Agency, Enforcement and Compliance History Online, *Detailed Facility Report: E I DuPont De Nemours – Washington Works* (online at <https://echo.epa.gov/detailed-facility-report?fid=110000586081>) (accessed on Oct. 9, 2020); see also Environmental Protection Agency, Enforcement and Compliance History Online, *Detailed Facility Report: DuPont Circleville Plant* (online at <https://echo.epa.gov/detailed-facility-report?fid=110000381881>) (accessed on Oct. 9, 2020).

To better understand the scope and source of continued PFAS pollution at these facilities, the Subcommittee requests by November 6, 2020, all documents and information relating to the current use of the following subjects:

1. PFOA by DuPont and/or Chemours at the Washington Works facility or the Circleville Works plant;
2. Chemicals that break down into PFOA, often referred to as “precursors,” by DuPont and/or Chemours at the Washington Works facility or the Circleville Works plant; and
3. PFOA or any of its precursors by DuPont or Chemours at any of your facilities anywhere in the United States.


In addition, the Subcommittee requests you provide written answers to the following questions by the same date:

1. If DuPont and/or Chemours are no longer using PFOA or any of its precursor chemicals, consistent with commitments made as part of your participation in EPA’s PFOA Stewardship Program, how do you account for ongoing PFOA detections at these facilities?
2. Do DuPont and/or Chemours have any legacy stocks of PFOA or its precursors at either the Washington Works or Circleville facility? If so, how do you plan to dispose of those stocks?

The Subcommittee also requests that you or your designee provide a briefing to Subcommittee staff by November 6, 2020 on DuPont and Chemours’ current use, disposal, and remediation efforts associated with PFOA and its precursors.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Harley Rouda
Chairman
Subcommittee on Environment

Enclosure

cc: The Honorable Mark Green, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.