

Briefing Paper: Proposed Superseding SDWA Emergency Administrative Order to DuPont (Washington Works plant), for C-8 (PFOA), in Drinking Water

Purpose: To provide information about an upcoming briefing for the OECA AA, and to request RA input on two questions.

Background:

C-8 is an extremely stable surfactant used in the manufacture of Teflon and other perfluorinated compounds (PFCs). Nonstick cookware, stain resistant coatings used in carpets and clothing, fire retardant foams, and grease resistant food packaging are among the products which use PFCs. DuPont has used C-8 in the manufacture of Teflon since the early 1950s at its Washington Works facility in Wood County, WV. Until 2002, 3M manufactured and supplied DuPont with the C-8 it uses at Washington Works. Since that time, DuPont has been manufacturing the compound at its Fayetteville, NC facility. C-8 has the tendency to persist in both the environment and in the blood of humans and animals. Currently, C-8 is an unregulated contaminant in drinking water and the Office of Toxics is still in the process of evaluating the potential toxicity.

C-8 has been identified in both public and private water supplies in the vicinity of DuPont's Washington Works facility, including water supplies in Ohio. As a result, in 2001, WV ordered DuPont to investigate the extent of ground water and surface water contamination of C-8 in private and public water supplies. The 2001 WV Order also established a group of toxicologists to evaluate available toxicity data and establish a temporary concentration of C-8 in drinking water that was protective of public health.

On March 7, 2002, EPA Regions 3 and 5 jointly issued an Emergency Order on Consent to DuPont's Washington Works facility in support of the 2001 WV Order. The EPA Order required the provision of alternate water if any results required in the WV Order, exceeded the temporary concentration of C-8 in drinking water. The toxicologist team established a threshold value of 150 parts per billion (ppb). Because none of the water systems contained C-8 in excess of the threshold value, DuPont was not required to provide alternate water.

In February 2005, in response to the filing of two civil suits brought against DuPont, a Wood County, WV Court ordered the company to provide bottled water and install treatment technology for a number of users from certain public water districts in Ohio and West Virginia.

Current Status:

The Agency has not yet begun development of an MCL for C-8, but OPPT has made progress in evaluating the substance's toxicity. Based on new studies, Agency representatives (including an expert from NEIC) concluded that the value in the 2002 order is not protective of human health and must be replaced by a lower threshold value of 0.20 ppb. In addition, following review of the existing suits, EPA determined that

some residents are not protected by the state court orders requiring provision of alternate water and/or treatment. Therefore, OECA staff recommend issuing a superseding SDWA 1431 Emergency Order to lower the temporary threshold value from 150 ppb to 0.20 ppb C-8. EPA's intent is to seek consent through negotiations with DuPont; however, the order could be issued unilaterally if agreement can not be reached.

A briefing is planned for the AA for OECA to make sure we have agency concurrence to proceed. Dr. Weiss of NEIC will present the technical basis for the 0.20 ppb proposed level. There are no written briefing materials on the science supporting the 0.20 ppb proposed level at this time. Personnel from Regions 3, 4, 5, OECA, WV and Ohio have been involved in discussions to date.

**Questions:**

1. We have asked that the RA's of the affected Regions be able to attend the AA briefing via conference call. The AA briefing is tentatively scheduled for March 20, 12:00-1:00 CST. Should we continue to request and make arrangements for RA attendance at the AA briefing?
2. The emergency order issued in 2002 was signed by the RA's for Regions 3 and 5. The scope of the order is now greatly expanded (covers more facilities, and more Regions) and is much more likely to be litigated. Under the circumstances, should the new Order be signed by multiple RA's? or should it be signed by OECA?