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March 20, 2006

**BY ELECTRONIC AND U.S. MAIL**

Joan E. Denton, Ph. D., Director  
Office of Environmental Health Hazard Assessment  
1001 I Street  
P.O. Box 2815  
Sacramento, California 95812-2815

**Re: Petition for Listing Perfluorooctanoic Acid under Proposition 65**

Dear Dr. Denton:

I am writing on behalf of our client E. I. du Pont de Nemours and Company (“DuPont” or the “Company”) regarding a petition submitted to your Office on February 22, 2006 requesting that perfluorooctanoic acid and its salts (“PFOA”) be proposed for expedited consideration by the Carcinogen Identification Committee (“CIC”) under California’s Safe Drinking Water and Toxics Enforcement Act (“Proposition 65”) as a chemical that is “known to the state to cause cancer.”

DuPont believes that PFOA does not warrant expedited consideration as a potential carcinogen under Proposition 65. A more considered approach, consistent with that taken by other regulatory agencies that are awaiting forthcoming data, is more appropriate and will be more useful in developing a sound regulatory conclusion regarding the potential carcinogenicity of PFOA. Of course, DuPont would be pleased to address questions from your Office regarding the toxicological properties of the chemical and to provide and discuss scientific data at any time.

We are convinced that if PFOA ultimately is considered under Proposition 65, it will not meet the criteria for listing under the Act. In the meantime, the allegations in the petition regarding exposure to PFOA do not merit expedited review. To date, there are no known human health effects associated with PFOA. Based on health and toxicological studies conducted by DuPont and other researchers, DuPont believes the weight of the evidence indicates that PFOA exposure does not pose a health risk to the general public.

The reference in the petition to the January 20, 2006 draft report of US EPA’s Scientific Advisory Board (“SAB”) does not provide a legitimate basis for expediting consideration. In a

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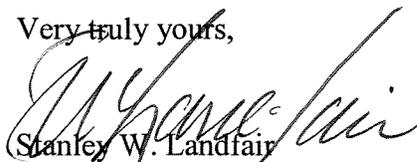
January 25, 2006 letter to DuPont from Administrator Stephen Johnson, US EPA said “. . . to date EPA is not aware of any studies specifically relating current levels of PFOA exposure to human health effects.” Moreover, the draft SAB report, which is indeed a draft, was not supported by all of the SAB panel members and remains the subject of Agency review. DuPont supports the position of those panel members who agreed with US EPA’s draft risk assessment for PFOA, which, if adopted, would not provide a basis for listing the chemical under Proposition 65. We are confident that if CIC reviews all of the relevant data, it will reach the same conclusion reached by US EPA. Nevertheless, we see no reason to expedite consideration.

We understand that any response to the petition, or any decision whether to abbreviate or modify the prioritization process by which chemicals normally are placed before the CIC for consideration, is essentially a matter for your judgment and within your discretion. On behalf of Dupont, therefore, we offer and request the opportunity to discuss this matter with you and your staff at any time, and to respond to any reasonable request for information regarding PFOA. In this regard, we invite to your attention a website maintained by Dupont at [www.pfoa.dupont.com](http://www.pfoa.dupont.com), and another website maintained by the Society of the Plastics Industry, Inc. at [www.pfoa-facts.com](http://www.pfoa-facts.com), which provide basic information regarding this chemical, its manufacture and its uses, as well as references to other sources of information regarding the toxicological properties of PFOA.

Please contact me if you or your staff are willing to meet with DuPont or to obtain information from the Company. In addition, please notify us promptly if you intend to refer this matter to the CIC, place the matter on the agenda for discussion at the next CIC meeting, or take any other action in response to the petition, so that DuPont may participate fully in the decision-making process.

DuPont looks forward to your response, and to the opportunity to work with your Office to resolve this matter in the public interest.

Very truly yours,



Stanley W. Landfair  
Counsel for E.I. du Pont de Nemours and  
Company

cc: Carol Monaghan-Cummings, Chief Counsel, OEHHA  
Edward G. Weil, Deputy Attorney General