

Subject: Re: Fw: Charge questions for Peer Consultation - EPA suggestions for improvement
From: masantoro@mmm.com
Date: Tue, 11 Mar 2008 10:32:28 -0500
To: menziecura@aol.com
CC: Fehrenbacher.Cathy@epamail.epa.gov, Nash.Joseph@epamail.epa.gov

Charlie,

3M is providing our suggestions and comments for the clarifying questions. Our comments on your draft are attached as a redlined version of your word document. In addition, we providing the following comments. In our conference call I'll go through these comments just so all parties understand our points.

Comment 1.

In a number of questions prospective or future occurrences are highlighted. The only reference to "future" in the charge is in the definition of "Exposure to PFOA Associated with the Site." However, the focus on future in three questions is not, in our opinion, appropriate. These are Q 2, "future land use," Q9, "future conditions," and Q 15e, "future receptors." The use of "future exposures" in questions 14 a is appropriate as it corresponds to the verbiage in the definition.

Comment 2.

3M is providing the following comments on the EPA suggestions for changes or additions to your original draft:

A. Adding verbiage from the MOU within the questions appears at the outset to be fine. However, we feel that some of that verbiage is out of context with the MOU and in some cases goes beyond the MOU. The following points exemplify this comment:

-- EPA's question 9: adding the phrase "adequately characterized" before "potential to bioaccumulate" goes beyond the charge. The MOU states "adequately characterize pathways of migration." (As seen in our redline version of your original, we think this question should be deleted anyway.)

-- EPA's question 5: "environmental media associated with the site" does not comport with the charge which states "pathways of migration associated with the site" We suggest moving the parenthesis to before soils in that sentence.

-- EPA's new question 12: The site conceptual model does not and cannot characterize the presence of PFOA in environmental media. The SCEM is meant to depict potential pathways and to assist in the development of the work plan. We suggest to move the question to the section on Data Assessment and change the wording to: "Does the Data Assessment Report adequately characterize the presence of PFOA associated with the site in accordance with the charge."

-- EPA's question 13: at the end of this question the phrase "without regard to distance from the site" needs to include what is included in that phrase, i.e. waste disposal activities, landfills, land application off-site treatment facilities etc. See the definition of "Associated with the Site."

-- We question the purpose of adding the phrase "to fully address the charge" to the various questions. It seems somewhat redundant.

-- The phrase on and off the site is also added in a number of places, but if this is to be added, the complete phrase should be included, which states "from current or past manufacturing activities at the site."

B. In EPA questions 6, 7 and 8, pathways of migration should be defined as migration from one media to another, as is done in question 5: "from soils to other environmental mediTherefore, we suggest removing the phrase " and within." a."

I'll look forward to our discussion.

Sincerely,

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(See attached file: ChargeQuestions_3M Comment.doc)

Subject: Re: Fw: Charge questions for Consultation - EPA suggestions for improvement
From: Fehrenbacher.Cathy@epamail.epa.gov
Date: 03/07/2008 02:05 PM
To: menziecura@aol.com
CC: Nash.Joseph@epamail.epa.gov, Mike Santoro <masantoro@mmm.com>

Hi Charlie.

I am attaching the EPA suggestions for improvement to the Charge questions. We do not have objections to the questions, and our suggestions emphasize the importance of focusing the Peer Consultation Panel on the Charge and the definitions included within the MOU. We believe the questions are fairly comprehensive in scope, but suggest adding a few additional questions, and revising some of the questions. We hope this is helpful as you finalize the Charge questions per the MOU, and look forward to the conference call next week.

(See attached file: ChargeQuestions_draft EPA suggestions 3-7-08.pdf)

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