

Mr. A. Stanley Meiburg
Acting Regional Administrator
EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

October 19, 2009

Dear Mr. Meiburg:

The comments below were sent to EPA Headquarters and the Department of Justice after a record breaking consent decree they reached with DuPont/Invista in the spring of 2009.

Please review these comments of the Pittard Road Community in Athens, GA. Pittard Road was given a cancer cluster investigation from 2003-2006 without DuPont/Invista's numerous environmental violations being documented or investigated by local, state and federal authorities.

We recently petitioned the Agency for Toxic Substance & Disease Registry (ATSDR) for another investigation in light of these significant violations. ATSDR denied the investigation. As you maybe aware, ATSDR was found guilty of extensive environmental public health failures by a House hearing on 12th March 2009 so we do not have trust in their cooperative findings with the State of Georgia.

We remain convinced because of these violations and from documents we have obtained through FOIA that Pittard Road was victimized by this industry.

Will you please assist us?

Sincerely,

Jill McElheney

Public Comments DuPont/Invista Consent Decree:

A TALE OF TWO TERRORISMS

It was the best of times in Spring 2009:

DuPont managed to dodge another tetraethyl lead bullet from their stunning thirty years of stealthy operations in Athens, Georgia. Selling off this illegally operating facility to

InVista in 2004, along with eleven others in seven states totaling 680 law breaking acts, it may surpass in genius the infamous blood money DuPont stole from unleashing tetraethyl lead on the world. In any case, the 2004 DuPont/InVista deal of forty facilities worldwide proved DuPont hadn't lost its Midas touch of generating poisoned profits.

InVista, in an outcry that a professional con artist took unfair advantage of them, reached a record breaking audit agreement with the Environmental Protection Agency, and the Department of Justice providing cushy bottom line benefits and legal immunity.

Dr. Richard Besser, in his final days as reigning CDC Interim Director, sat on the front row of a bioterrorism preparedness lecture at the University of Georgia receiving praise from keynote speaker, Dr. Isaac Ashkenazi.

American Cancer Society, in spite of the global economic downturn, restocked their treasure chests once again from a tried and true marketing strategy of heartstring pulling at Relay for Life fundraisers all across cancer stricken communities in Northeast Georgia.

And on Pittard Road, the neighborhood behind DuPont/InVista, only a few miles from the University where Dr. Ashkenazi gave his terrorism lecture this week, and students raised money for the coffers of American Cancer Society, LIFE GOES ON . . .

It was the worst of times in Spring 2009:

Under Dr. Besser's leadership, CDC Agency for Toxic Substances & Disease Registry was charged by Congress in an astounding hearing on Capitol Hill with ongoing and extensive public health failures to protect American citizens from toxic trespasses of hazardous waste.

Stephen Dent, married heir to the DuPont one hundred million dollar (\$100,000,000) fortune, made the news of his sugar daddy escapades with three women who attempted to extort his global InVista sell-off.

American Cancer Society in their own trysts with environmental health movers and shakers released details of a secret meeting which questions the foundational truth of whether it perpetuates or prevents cancer.

The Environmental Protection Agency and the Department of Justice in entering into this consent decree with DuPont/InVista did not consider that these corporations deliberately misled, withheld, and falsified statements in an official three year cancer cluster public health investigation by federal, state, and local authorities.

And on Pittard Road, the community behind DuPont/InVista, only a few miles from the University where Dr. Ashkenazi gave his terrorism lecture this week, and students raised money for the coffers of American Cancer Society, DEATH GOES ON. . .

I sat listening to Dr. Ashkenazi on Tuesday define terrorism as an attack on innocence.

He stressed the importance of getting inside the head of a terrorist to better understand such a violent worldview. Showing graphic videos that revealed terrorists don't think twice about brutalizing their own; muchless, carrying out mass casualties on their sworn enemies, I let my mind wonder. . .

If I was offered \$4000.00 for my oldest son in college to carry out a terrorist act, what depths of despair and brainwashing would take me there? That's the cheap price tag Dr. Ashkenazi placed on a militant indoctrinated mind who comes to believe a sacrificial act of killing oneself to eliminate others has eternal rewards.

I recognized the trademark on these attacks of innocence. A spirit that seeks to kill, steal, and destroy leaves fingerprints at the scene of the crime beyond the chaos and confusion the media captures.

Terrorists are victims themselves of the evil master they serve. Coming as an angel of light but leaving total darkness, they become just another meal for a blood thirsty lion.

Sitting on the front row at the lecture was Dr. Richard Besser, Interim Director of the CDC, who smiled quite a bit perhaps out of relief because the swine flu crisis was apparently under control for the time being. His injury prevention staff joined him. Dr. Ashkenazi was not short of praise for CDC, and informed the audience our U.S. anti-terrorist systems were in place and working well.

But that was not an entirely true statement. An attack on innocence happened just a few miles away from this UGA lecture hall gathering of mass casualty experts. In a neighborhood known as Pittard Road, a toxic assault by DuPont on this community went unchecked for three decades.

In March 2003, an elected Georgia leader, a Pittard Road resident, and a children's environmental health ministry, all petitioned Georgia Public Health to investigate a large number of cancer cases on Pittard Road.

An initial investigation resulted in a mixed messages report released in August 2004 by the local Northeast Health District which concluded that data examined of high cancer cases among young women "indicated that this was likely due to a familial disposition and not linked to environmental pollutants or toxins."

This conclusion was based upon an interview with DuPont/InVista in which the facility was asked about their operations and emissions given their close proximity to Pittard Road homes.

DuPont/InVista responded that "we do not emit anything but vegetable oil." No effort was made to double check the validity of this statement.

Now we know it was false from eighteen violations that are defined in this consent decree confirmed by Counselor Bernadette Rappold, Director, Special Litigation and Projects Division (MC 2248), Office of Civil Enforcement of the U.S. Environmental Protection Agency.

Records obtain through EPA Region IV FOIA on October 2004 indicated hazardous waste played a role in the operations of DuPont dating back as early as 1980 in their polymer-based fiber manufacturing.

A suspiciously large absence of permits and records for twenty five years indicates a regulatory breakdown in overseeing the compliance of DuPont's operations in Athens, Georgia. A simple internet search will prove that nylon and fiber manufacturing of this nature require permits to operate.

Why were these permits missing? Why did the public health agencies refuse to interface with the regulatory agencies on this illegally operating facility? Why were facility monitoring wells not reviewed given the historical background problems with private wells reported by the Pittard Road residents?

Ms. Carolyn Callihan, EPA Region IV, in a phone conversation during the investigation, reported to me that DuPont was not actually in their databases which she found quite odd. Why didn't Ms. Callihan follow up to this omission knowing a public health investigation was underway?

Ms. Cynthia Peurifoy and Mr. Elvie Barlow, EPA Region IV, in a phone conference with me, stated there was nothing Environmental Justice could do for Pittard Road residents. They, too, failed to check this facility who was in noncompliance status during the cancer cluster investigation. They suggested we form a relationship with the industry.

Why didn't Ms. Peurifoy, Mr. Barlow, & Ms. Callihan follow up with this facility during these inquiries? Upon doing so, they would have discovered it was not being tracked by the regulatory agencies thus altering the outcome of the public health investigative reports.

It is evident from the violations outlined in this consent decree that DuPont has a long and extensive history of corporate abuse of the environment. This abuse was occurring at the time of the cancer cluster investigation.

What irony and insensitivity that Mayor Heidi Davison would agree to speak at a DuPont/InVista celebration honoring Dr. Martin Luther King in January 2004 as the predominantly African American community of Pittard Road was being duped of a fair health investigation.

Why didn't Mayor Davison have her newly appointed Environmental Coordinator perform a background check on the facility externalizing their waste onto Pittard Road

given their knowledge of the highly publicized cancer investigation underway at the time?

This facility was also in violation of local ordinances at the time. Bringing to light these violations would have potentially changed the local direction of the Northeast Health District's Investigations into Occurrence of Cancer in the Pittard Road Community in August 2004. Why was this knowledge concealed?

The health investigators avoided ambient air and soil sampling citing lack of funding although residents had referenced these concerns. The contaminants that tested in residential well water were dismissed with unfounded assumptions of their harm, origin, and duration.

Withholding of these eighteen violations maliciously exposed a known sick community to environmental health risks from industrial operations of DuPont/InVista thus invalidating the local public health investigation.

The responsible regulatory agencies with authority failed in their duties to properly investigate the community concerns of this facility, but instead showed partiality to DuPont/InVista.

In 2006, CDC Agency for Toxic Substances & Disease Registry issued a Health Consultation in collaboration with the state of Georgia on the cancer cluster investigation of Pittard Road. This report is not released until an CDC/EPA senior regional representing liaison signs off on approval.

Again, DuPont/InVista remained under the radar in this report although the facility was knowingly compromising the quality of the environment at the time of the investigation with estrogenic compounds and carcinogenic emissions.

There was no effort made by InVista to report their discoveries of DuPont's illegal activities in order that these numerous violations be included in the public health investigation underway at the time.

In fact, the authors of the Health Consultation, stamped with the approval of the U.S. Department of Health and Human Services, attempted to downplay any role chemical trespassing as a causation in the reported cancers from any nearby industrial source. This suggests that public health investigators were deliberately covering up involuntary exposures to Pittard Road residents.

Were agencies aware of these violations taking place under their noses as they falsely assured the community it was safe? The violations of this consent decree include ambient air, water, and soil mediums.

Were the agencies' conclusions predetermined, and a hunt to locate external sources to support their position?

In one inaccurate statement inserted into the Health Consultation and attributed to the American Cancer Society, it claimed: "studies have not been able to identify any chemical in the environment or in our diets that is likely to cause breast cancer."

Not only is this a false statement, the reliability of American Cancer Society data in a government issued report is questionable and inappropriate due to the extensive conflicts of interest the charitable organization has to corporate funding.

A month before EPA and DOJ reached this audit settlement with DuPont/InVista, the Investigations & Oversight Subcommittee of the Science & Technology Committee charged the agencies responsible for issuing these public health reports with jackleg science and extensive public health failure.

http://science.house.gov/publications/hearings_markup_details.aspx?NewsID=2376

Congressman Dr. Paul Broun, ranking member of this committee, and our elected representative, has called for reformation of the procedures and peer reviewing process to prevent this type of faulty and erroneous science resulting in unhealthy toxic assaults to millions of Americans.

We have asked that these reports on Pittard Road be rescinded, and are awaiting response from the CDC and our elected leaders as to instructions on properly filing the official documentation for this 2006 Health Consultation to be withdrawn. Sufficient evidence exists to rescind the Health Consultation based on the eighteen DuPont/InVista violations intentionally omitted from the investigation.

These comments serve as an official request to the Environmental Protection Agency and the Department of Justice to notify the CDC Agency for Toxic Substances & Disease Registry, EPA Region IV, GA Public Health Chemical Hazards Program, GA Environmental Protection Division, and the Northeast Health District that these violations were occurring during their joint investigation therefore rendering their collective conclusions null and void.

These comments serve as an official request to EPA and the Department of Justice to authorize an investigation into this defrauding, and to re-open the cancer cluster investigation to correctly document the eighteen violations and their adverse health effects to Pittard Road residents.

We had also filed an EPA FOIA requesting documentation on this facility to include data on the eighteen violations of this consent decree. An expedited request was made in a timely manner to review the documents for these comments, but no notification of approval has been received by EPA before the deadline for submission of these comments.

At this time, the consent decree is not in the best interest of all parties having brought forth this new information. The Pittard Road Community deserves a fair, accurate, and comprehensive environmental public health investigation into the false statements, inadequate purview, and degradation from illegal operations by DuPont/InVista.

It is likely that the ongoing violations of this facility at the time of the cancer cluster investigation combined with three decades of dodging regulations contributed to the high cancer rates of the Pittard Road families.

We ask that EPA and the DOJ consider these comments and what is in the best interest of those violated by DuPont/InVista by terminating this consent decree.

Thank you,

Jill McElheney

MICAH's Mission
Ministry to Improve Childhood & Adolescent Health
P.O. Box 275
Winterville, GA 30683
706.742.7826 (phone)
706.543.1799 (fax)