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C8 criminal probe continuing, DuPont says

■ Company employees were subpoenaed

By **Ken Ward Jr.**
Staff writer

Federal investigators are continuing a criminal probe into DuPont Co.'s handling of issues surrounding the toxic chemical C8, the company said in a new financial filing.

Prosecutors have subpoenaed several former DuPont employees to testify about the matter before a federal grand jury, DuPont said in the new filing. That adds to DuPont's previous disclosure in May 2005 that the company had been subpoenaed by the U.S. Department of Justice for records about C8.

DuPont provided the new information to stockholders in its 2006 annual report, filed on Friday with the U.S. Securities and Exchange Commission.

Company spokesman Dan Turner declined Tuesday to answer questions about the disclosure. "We're going to leave the language as is and we're not going to comment further," he said.

Justice Department spokeswoman Cynthia Magnuson declined to comment and refused to confirm that subpoenas had been issued.

Previously, DuPont has said that the original subpoena, received by the company on May 17, 2005, was "extensive and comprehensive."

DuPont said in its original disclosure that prosecutors sought "the production of documents previously produced to [the U.S. Environmental protection Agency] and other documents related to" C8 and related chemicals.

DuPont has said the company was "aware of [federal prosecutors'] interest" in the C8 case prior to receiving the original subpoena, but declined to say when it became aware of the investigation.

DuPont's new SEC filing did not name the former employees, but several former DuPont scientists have given sworn statements in a Wood County lawsuit against the company.

Dr. Bruce Karrh, a retired DuPont medical director, testified that the company dropped his proposal for a more detailed review after he found similar birth defects in two of the eight children born to women who worked at the company's Parkersburg plant.

Glenn R. Evers, a former DuPont engineer, has argued publicly that DuPont covered up the dangers of C8 leaching from paper food packaging.

Before going public in November 2005, Evers testified in a deposition that DuPont discovered in a 1966 study that chemicals like C8 could be transferred to food if they are used as package coatings.

C8 is another name for perfluorooctanoate, and is also known as perfluorooctanoic acid, or PFOA. At its Washington Works plant south of Parkersburg, DuPont has used C8 for more than 50 years, most notably in the production of Teflon.

For years, C8 — and DuPont's emissions of it — have been basically unregulated. But in the past few years, C8 has come under increased scrutiny. Fueled in large part by internal DuPont documents uncovered by lawyers for Wood County residents, the EPA has begun a detailed review of the chemical and sued DuPont for allegedly hiding information about C8's dangers.

Two years ago, DuPont agreed to a \$107.6 million settlement of a lawsuit filed against DuPont on behalf of thousands of Washington Works neighbors whose drinking water was allegedly poisoned with C8.

In December 2005, DuPont agreed to a \$16.5 million settlement with the EPA to resolve the agency's lawsuit over allegations that DuPont covered up information about the health risks of C8.

The EPA had alleged in July 2004 that DuPont for 20 years hid from regulators and the public key data about C8's health effects and about the pollution of water supplies near the Washington Works plant.

Specifically, the EPA alleged that DuPont never told the government it had water tests that showed C8 in residential water supplies in concentrations greater than the company's internal limit. Also, the EPA alleged that DuPont withheld for more than 20 years the results of a test that showed at least one pregnant worker from the Parkersburg plant had transferred the chemical from her body to her fetus.

When it announced that settlement, the EPA also made public for the first time allegations that DuPont covered up the

results of one study that found troublesome levels of C8 in the blood of non-plant workers who live near the Washington Works plant, and hid three other studies about the "significant lethality" found in animal tests of three other C8-like substances.

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