

Reference News Release: EPA Settles PFOA Case Against DuPont for Largest Environmental Administrative Penalty in Agency History

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(Washington, D.C.-Dec. 14, 2005) DuPont will pay \$10.25 million -- the largest civil administrative penalty EPA has ever obtained under any federal environmental statute -- to settle violations alleged by EPA over the company's failure to comply with federal law. Under the settlement, filed with the Agency's Environmental Appeals Board, Dupont is also committing to \$6.25 million for Supplemental Environmental Projects (SEPs).

The settlement, which still must be approved by the EAB, would resolve DuPont's violations related to the synthetic chemical Perfluorooctanoic Acid (PFOA) under provisions of both the Toxic Substances Control Act (TSCA) and the Resource Conservation and Recovery Act (RCRA).

The settlement resolves the four violations alleged in the Agency's two complaints filed against DuPont in July and December 2004, and settles four additional counts involving information about PFOA that EPA obtained after initiating its action against DuPont. Seven of the eight counts involve violations of TSCA Section 8(e) -- the requirement that companies report to EPA substantial risk information about chemicals they manufacture, process or distribute in commerce.

"This is the largest civil administrative penalty EPA has ever obtained under any environmental statute. Not by a little, by a lot," said Granta Y. Nakayama, assistant administrator for the Office of Enforcement and Compliance Assurance. "EPA takes violations of toxic substances laws seriously and is committed to enforcing those laws. This settlement sends a strong message that companies are responsible for promptly informing EPA about risk information associated with their chemicals."

PFOA (also known as C8 or Ammonium Perfluorooctanoate [APFO]), is used in the manufacturing process of fluoropolymers, including some Teflon® products, at DuPont's Washington Works facility in Washington, W.Va. Fluoropolymers impart desirable properties, including fire resistance and oil, stain, grease, and water repellency. They are used to provide non-stick surfaces on cookware and waterproof, breathable membranes for clothing.

As part of this settlement, DuPont has voluntarily agreed to undertake two Supplemental Environmental Projects (SEPs) valued at \$6.25 million. A SEP is an environmentally beneficial project that the violator agrees to undertake in exchange for mitigation of the penalty to be paid. SEPs are related to the environmental violation and further EPA's goal of protecting and enhancing public health and the environment.

The first SEP, valued at \$5 million and to be completed in three years, is a project designed to investigate the potential of nine of DuPont's fluorotelomer-based products to breakdown to form PFOA. This SEP will help industry, scientists, the public and EPA examine the potential sources of PFOA in the environment and potential routes of human exposure to PFOA. The public will have an opportunity to nominate members to a Peer Consultation Panel, an independent group of scientists that will address specific charges identified in the SEP. DuPont has agreed to require the laboratories that it contracts with to perform work under the SEP to follow the agency's Good Laboratory Practices standards as well as prepare and follow a Quality Assurance Project Plan.

For the second SEP, DuPont will spend \$1.25 million to implement over an expected three year period, the Microscale and Green Chemistry Project at schools in Wood County, West Virginia. This SEP will foster science laboratory curriculum changes to reduce risks posed by chemicals in schools. Using microscale chemistry, which reduces exposure to chemicals, and green chemistry, an approach that uses safer chemicals, the project will reduce risks to children's health and enhance science safety in all of the participating schools.

"We are pleased that as a direct result of this settlement with DuPont, valuable information will be produced for the scientific community to better understand the presence of PFOA in the environment and any potential risks it poses to the public," said Susan Hazen, EPA's principal deputy assistant administrator for the Office of Prevention, Pesticides, and Toxic Substances. "We are hopeful that today's action will serve as an important reminder of the importance of timely

industry reporting of substantial risk information to EPA."

The violations resolved in this settlement consist of multiple failures to report information to EPA about substantial risk of injury to human health or the environment that DuPont obtained about PFOA from as early as 1981 and as recently as 2004. The seven TSCA Section 8(e) counts fall within three types of categories: human health information, environmental contamination, and animal toxicity studies. More information on the violations is available at: <http://yosemite.epa.gov/opa/admpress.nsf/blab9f485b098972852562e7004dc686/826fe743d67d744685256f620074c136!OpenDocument>

The Consent Agreement and SEPs can be viewed at: <https://www.epa.gov/enforcement/ei-dupont-de-nemours-and-company-pfoa-settlements>

The full record of EPA's case against DuPont is available to the public through EPA's Headquarters Hearing Clerk who is located in EPA's Office of Administrative Law Judges at 1099 14th St. N.W., Washington, D.C. and can be reached at 202-564-6263. Copies of the settlement are available to the public through the Board's Clerk who is located in the Colorado building, 1341 G St. N.W., Suite 600, Washington, D.C. 20005 and can be reached at 202-233-0122.

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