

[Special report] "The DuPont Teflon Case"

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The story of an ordinary environmental lawyer in the United States who used 16 years to pull down the chemical giant and hopes to reproduce it in China?



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The "DuPont Teflon case" made people aware of the potential harm of perfluorinated compounds to human health, and European and American governments and companies began to restrict the production and application of C8.

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The DuPont Teflon case is an ordinary American environmental lawyer who used 16 years to pull down the chemical giant DuPont. It made people aware of the potential harm of perfluorinated compounds to human health. In February 2018, the lawyer named Rob Bilot received a telephone interview with Caixin.

One day in the spring of 1998, a farmer named Wilbur Tennant in Parkersburg, West Virginia, found Billot. All the 153 cows he raised had abnormalities, some of them were malformed and unsteady; some had blue eyes and black teeth, and they died after another. After dissection, the cow's liver and bladder darken or darken. Tennant suspected that the death of his own livestock was related to DuPont's opening of a nearby landfill. However, the investigation team sent by the US Environmental Protection Agency and DuPont Company concluded that the abnormal situation of the herd has no relationship with DuPont.

Bilot's lawyer represented the case and filed a lawsuit against DuPont in 1999. In 2000, Bilot investigated that there was a substance called PFOA in DuPont's landfill. Bilot received a 110,000-page internal document from DuPont through the court. He learned that when DuPont purchased PFOA to TFMOA from 3M in 1951, the latter had already told DuPont how to use incineration and chemical waste. The method to deal with, DuPont has also conducted a secret medical research, as early as known PFOA can cause experimental animals suffering from testicular cancer, pancreas and

liver tumors. Its instructions also indicate that PFOA cannot be discharged into surface water or sewers. But DuPont still uses the sewage pipeline in Parkersburg to inject hundreds of thousands of pounds of PFOA powder into the Ohio River and pour 7,100 tons of PFOA-containing sludge into the "digestion tank," causing the chemical to enter the surface directly. More than 100,000 residents provide drinking water in the groundwater system. In 1991, DuPont discovered that the PFOA content of drinking water in an area was three times that of its internal drinking water safety limit, but the company did not notify workers, the affected public or the government agency responsible for managing chemicals.

In 1993, DuPont developed a low-toxic alternative to PFOA, but the company's headquarters decided not to use alternatives because the products produced with PFOA brought DuPont billions of dollars in profits each year.

As the lawyers mastered the evidence, in August 2000, DuPont agreed to reach a compensation settlement with Tennant.

But Bilot did not close his hand on this. A few months later, he sent a 972-page letter with 136 pieces of evidence to the US Environmental Protection Agency and other departments. A year later, Bilot filed a class-action lawsuit against DuPont on behalf of the contaminated entire community.

In 2004, affected communities convened experts to conduct independent scientific research to investigate whether PFOA was related to a specific disease. Eight years later, in 2012, the results of the study showed that PFOA may be associated with kidney cancer, thyroid disease, high cholesterol, gestational toxemia, and ulcerative colitis.

"DuPont has two choices. One is to reach a settlement with the members who take the class action and to solve the problem one time; the second is to go to court with each plaintiff, but according to the speed of the court, these cases will be It was in 2890." Bilot told Caixin that as long as residents who were diagnosed with related diseases between 2004 and 2012 were able to file individual lawsuits against DuPont. As of October 2015, a total of 3535 people filed a lawsuit against DuPont.

After a long period of litigation, in 2016, when submitting documents to the US Securities and Exchange Commission, DuPont stated that it has set aside US\$492 million for the aftermath of similar environmental emergencies in the next 15 to 20 years. On February 14, 2017, after 3,550 lawsuits of reconciliation, DuPont and its subsidiary, Chemours, spent \$670 million to settle the class action lawsuit for C8 water pollution in the Ohio River Basin. However, in other parts of the United States, there are still other related lawsuits that need to be dealt with urgently.

Bilot said that as far as he knows, DuPont has not been responsible for the environmental problems that have been caused. He told Caixin reporter that the Ohio government is currently suing DuPont for a claim to DuPont for compensation for contaminated water, air, soil and fish resources in the region.

The "DuPont Teflon case" has far-reaching implications. Governments in Europe and the United States have begun to restrict the production of C8. In 2000, the United States 3M company, the main producer of PFOS, announced that it would voluntarily stop producing PFOS and PFOA by the end of 2002. In January 2006, the US

Environmental Protection Agency launched a global operation, which includes eight global PFC production companies including Arkema France, Daikin Japan, Solvay Belgium, and DuPont USA, and pledged to add PFOA by 2010. Emissions and their content in products are reduced by 95% and eliminated by 2015. In December 2006, the European Parliament issued a decree restricting the sale and use of PFOS. PFOS has also been included in a series of multilateral agreements such as the Stockholm Convention. .

In the 1980s, DuPont began investing in GenX (aka PFPrOPrA) to replace PFOA. In 2009, Chemoo announced the introduction of this new chemical raw material and announced that it has been allowed by the US Environmental Protection Agency. However, according to media reports, DuPont's internal experiments from 2006 to 2013 showed that mice affected by GenX were tested for kidney and reproductive system diseases. But DuPont's toxicologists said: "These problems in animal experiments are not enough to prove that GenX is dangerous to humans because of differences between humans and animals."

According to Star News in the United States, Chemou's factory in Fayetteville, an industrial city, discharges GenX-containing wastewater into the Cape Fir River, affecting the drinking water of 60,000 residents. In 2013, research institutes from the University of North Carolina and the US Environmental Protection Agency tested the presence of GenX in three large drinking water treatment plants in the area. They found that GenX is even harder to remove from drinking water than PFOA.

In addition, from 2013 to 2014, researchers found that the mean value of GenX in the Cape Pfir River was as high as 631 ng/l, which is 9 times that of the US Environmental Protection Agency's drinking water standard of 70 ng/l for C8. To date, each study assessing GenX risk has focused on animals, but the National Institute of Public Health and the Environment in the Netherlands analyzed these studies and concluded that it is reasonable to classify GenX as a "suspected human carcinogen" .

Engineer of the Los Angeles Area Water Quality Control Committee, Kai Gensen, told Caixin that at the end of 2017, Chemow's factory in Fayetteville had already voluntarily promised to no longer discharge waste water containing GenX and collect the waste water for special treatment. "However, Kemu also has a GenX plant in West Virginia. The US Environmental Protection Agency sent a letter to Kemu on January 11th, 2018 requesting sampling and testing of potable water near the factory."

According to Jenkinson, Fayetteville's largest drinking water agency and local residents launched a lawsuit against Chemor in October 2017, accusing them of known GenX's risks to human health but still committing illegal emissions. Environmental pollution and human health damage.

Wang Canfa, a professor of environmental law at the China University of Political Science and Law, told Caixin that in terms of environmental health lawsuits, China also has cases similar to the "DuPont Teflon case" , such as the case of the "Principle of Hengshi blood" . However, both China and the United States have their own characteristics in this respect. The United States usually resolves through

settlement and gives high compensation. China has a particularly low level of compensation, and polluting companies do not attach much importance to their environmental image, so they will generally enter judgment procedures. "High compensation will stop US companies from producing or relocating. Chinese companies do not care because they lose less, and reputation is not important to them."

"I believe that the breakthrough in solving environmental health problems is that environmental health lawsuits can be accepted and justly decided in courts," said Wang Canfa. ■