

The following citations were extracted from EPA documents obtained under the Freedom of Information Act by the Lone Tree Council.

Dow Hot Issue August 2005

EPA and MDEQ have concerns with the manner in which Dow is conducting corrective action. Concerns include: apparently concealed data which was produced by unapproved studies conducted over the last 2 years (License violation); unrealistically short time frames for MDEQ to review work plans (Framework Violation); performing corrective action studies without approved work plans; and Dow's unwillingness to meet with MDEQ to discuss work plans.

Dow Hot Issue February 2006

The elevated dioxin concentrations within the Saginaw Bay Watershed could potentially pose unacceptable risks to public health and the environment, and need to be comprehensively characterized and addressed in a proactive manner.

Dow Hot Issues June 2006

Of major issue, Dow has proposed to conduct numerous studies that EPA believes are unnecessary, of limited value, and will result in a delay of the initiation of final remedies until at least 2011 for the Tittabawassee River and 2017 for the Midland area. Given the very significant risks associated with exposure to dioxins, furans and other possible hazardous constituents throughout the Saginaw Bay watershed, Dow's time frame for the completion of the final remedies is not acceptable. In addition, On June 1, 2006 ATSDR has agreed to conduct a public health assessment of the Saginaw River and floodplain in response to a citizen petition.

Dow Hot Issues June 2006

Lastly, on June 19, 2006, the Michigan Department of Community Health released preliminary finding from a fish consumption survey which indicates that, despite fish advisories, significant consumption of catfish and carp (highly contaminated species) are occurring in the Saginaw Bay watershed, and may be impacting the health of certain at risk subpopulations.

Dow Briefing Document June 16th 2006

While EPA guidance allows "lines of evidence", the Agencies are concerned that Dow may use the population studies to "trump" the risk assessments, rather than be just one factor that is considered. Although EPA principles on how to integrate new information (lines of evidence) into an existing assessment is in development by EPA's Science Policy Council, this direction is not currently available. There is much uncertainty in population studies done over only 2-3 years. Also, none of the study areas were randomly selected. Areas were selected by Dow.

EPA staff is concerned that Dow may be trying to place the MDEQ in the position of either approving an inadequately reviewed and/or incomplete SAP or forcing MDEQ to request additional time to review and approve the SAP and then Dow may attempt to blame MDEQ for delays to sampling in 2006.

The SLERA is incomplete in that it does not consider dioxins and furans. It appears Dow is avoiding documenting alarmingly high SLERA risk levels for D/Fs. Dow is willing to accept MDEQ D/F risk results, but will not include the results in the SLERA (presumably due to the high risk numbers).

Population study areas for the BERA were chosen for convenience, and were not randomly selected, which will make representativeness statistically invalid. The scientific basis for the proposed extensive (and time intensive) exposure studies, and bioavailability study does not appear to be legitimate. Rather, these studies appear to be intended to delay the remediation process.

EPA Comments on Dow's Notice of Deficiency April 2006

EPA also has significant concerns with human health risks associated with dioxin exposure through the food chain pathway, especially for at risk populations such as pregnant women, children, subsistence hunters and fishers and Native Americans. For example, a recent Michigan Department of Community Health study has identified potentially at risk segments of the Saginaw Bay watershed population which consume a significant amount of highly contaminated fish. Of particular note, issues of environmental justice and fair treatment may be relevant with regard to some of these populations

EPA Comments "Talking Points" November 2006

The Human Health Risk Assessment Work Plans do not comply with EPA risk assessment policy and guidance, therefore, can't be approved. Our ultimate goal is to develop a plan that is protective of human health, the environment and local economic needs and interests.

EPA Comments June 2007

Dow, however, is conducting its remedial investigation of the Saginaw Bay watershed without approved or enforceable compliance schedules in conflict with the terms and conditions of Dow's RCRA permit.