



RECEIVED APR 8 8 1983

ROBERT ABRAMS
Attorney General

STATE OF NEW YORK
DEPARTMENT OF LAW

TWO WORLD TRADE CENTER
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MARCIA J. CLEVELAND
Assistant Attorney General
In Charge
Environmental Protection Bureau

March 31, 1983

Hon. John T. Curtin
U.S. District Court Judge
United States District Court
for the Western District
of New York
68 Court Street
Buffalo, New York 14202

Re: United States of America et al.
v. Hooker Chemicals & Plastics
Corp., et al.
Civil Action No. 79-989C
(Hyde Park)

Dear Judge Curtin:

I have enclosed a copy of an affidavit of Dr. Robert H. Huffaker of the New York State Department of Health, written in response to the Court's order of March 9, 1983 in which the Court ordered the State of New York to show cause on April 1, 1983, as to why the Past Particulate Migration Study cannot be completed as soon as possible.

Sincerely,

Mary Ellen Burns /s/s
MARY ELLEN BURNS
Assistant Attorney General

MEB:ra

Encl.

cc: Clerk of the Court
All Counsel of Record

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, et. al.,	:	CIV-79-989C
Plaintiffs,	:	(Hyde Park
v.	:	Landfill)
HOOKEr CHEMICALS & PLASTICS	:	AFFIDAVIT OF
CORPORATION, et. al.,	:	DR. ROBERT H.
Defendants.	:	HUFFAKER

STATE OF NEW YORK)
COUNTY OF ALBANY) ss:

DR. ROBERT H. HUFFAKER, being duly sworn, deposes and
says:

1. I am the Associate Director of the Office of
Public Health of the New York State Department of Health
[hereinafter the Department] and in that capacity am
responsible for the Department's Bureau of Toxic Substances
Assessment's activities. This Bureau is responsible for
designing and implementing the Department's study of past
particulate migration from the Hyde Park landfill. As such, I
am involved in the Department's efforts to design a protocol
for such a study and am familiar with the facts and
circumstances surrounding these efforts.

2. I make this Affidavit in response to this Court's Order of March 9, 1983 in which the State of New York was ordered to show cause why the aforementioned study cannot be completed as soon as possible.

3. As set forth in the "Response to Public Comments on the Stipulation and Judgment Approving Settlement Agreement", submitted to the Court in April, 1981, the Department is committed to undertake a study of past particulate migration from the Hyde Park landfill site and has accordingly devoted and intends to continue to devote its resources to design and implement such a study.

4. The Department wishes to design a study that will yield scientifically valid and useful information. The criteria used in developing the study, including the designation of appropriate samples and sampling locations, will be selected to serve this end. The Department also considers outside scientific peer review of the study protocol appropriate and necessary for the development of a well designed study. Such review by outside scientists provides a mechanism for rigorous evaluation of a study's design before implementation of the study and is frequently sought in the development of protocols.

5. As is more specifically indicated below, the Department has been engaged in a continuing effort to formulate a study protocol. We estimate that implementation of the study, namely, field sampling, can begin in August, 1983.

6. The Court was apprised of the Department's activities in formulating the study protocol through August 20, 1982 by affidavit, dated August 24, 1982 (annexed as Exhibit A) which was submitted to the Court in the context of a motion for clarification of the responsibilities of the parties to the Hyde Park Settlement decree brought by plaintiff-intervenor. The Court also was advised that a draft study protocol would be forwarded to State and federal agencies and plaintiff-intervenor's attorney no later than September 10, 1982 for review and comment.

7. As indicated in a cover letter and distribution list of September 10, 1982 (annexed as Exhibit B), a draft study protocol was sent to various governmental agencies, private organizations whose evaluation of the protocol was deemed appropriate to seek, and plaintiff-intervenor's attorney.

8. As a result of the foregoing, the Department received a combination of written and verbal comments on the draft study protocol from approximately sixteen individuals outside the Department, who represented various federal and State agencies, universities, and plaintiff-intervenor. The last of these comments was received on October 26, 1982.

9. During this period and thereafter, the Department began the process of reviewing and assessing the comments that were received. Included in the comments was a recommendation that the services of a consulting statistician be secured to address issues concerning the study protocol provisions for

sample selection and data analysis. On November 5, 1982, the Department requested the assistance of statisticians from the State University of New York at Albany. To date there have been four meetings with the consulting statisticians, the first meeting being November 8, 1982 and the most recent March 16, 1983.

10. During the period in which the Department was receiving and assessing comments on the draft study protocol, the study protocol became the subject of media attention. (See exhibit C; October 22, 1982, "Researchers term dump study flawed," Buffalo Gazette.) This development raised a concern among Department scientists about whether the integrity of the study, as formulated at that time, could be jeopardized due to the possibility of bias of the study group resulting from public dissemination of the specifics of the study protocol.

11. Due to a combination of the merit of the comments generated by outside scientific review of the draft study protocol and the concern of whether the study might be jeopardized as a result of the media attention the draft protocol received, the Department determined that further assessment of the study protocol was advisable and that it would be appropriate to seek further outside review. By letter of December 31, 1982 (annexed as Exhibit D) the Department

requested the federal Department of Health and Human Services' Centers for Disease Control's assistance to review the draft protocol and to recommend improvements in the study design or alternate approaches to the study. Subsequent written communications between the Centers for Disease Control and the Department are annexed as Exhibits E, F and G. A representative for the Centers for Disease Control has advised that the Center would be willing to provide Department staff assistance in formulating a study protocol. Meetings between the Department and the Center have been scheduled for May 10 and 11, 1983, the first dates representatives from the Center can meet with the Department.

12. We estimate that field sampling can begin in August, 1983. This estimate is based upon the following projected time requirements:

1. April, 1983: Exchange of study protocol drafts and recommendations with Centers for Disease Control/formulation of revised draft study protocol.
2. May 10, 11, 1983: Meetings with Centers for Disease Control to finalize draft study protocol.
3. May 16, 1983 to June, 1983: Distribution of protocol for outside peer review/time for reviewers to comment.
4. June, 1983 to July 1983: Department assessment of reviewers' comments/finalization of study protocol.
5. August, 1983: Preparation for field sampling/implementation of study protocol.

13. The Department anticipates that the original draft study protocol, which was previously distributed for the purpose of securing outside peer review, will undergo major changes or be completely redesigned which will make further peer review appropriate and necessary. In the context of that process, the Department feels that it is appropriate to provide plaintiff-intervenor's attorney with a copy of the revised study protocol, as was done with the previous protocol, for the purpose of providing plaintiff-intervenor the opportunity to secure expert review and to comment to the Department.

14. The Department is requesting the Court's guidance and assistance in setting limitations on plaintiff-intervenor's use and dissemination of the revised study protocol and other material that may be provided relevant to the study protocol. Specifically, the Department believes that plaintiff-intervenor's use and dissemination of the revised study protocol and other material relevant to the study protocol must be limited to the purposes for which these materials are provided, to wit, to provide plaintiff-intervenor the opportunity to secure expert scientific review and to comment to the Department. Absent such limitations, Department scientists are very concerned that their ability to conduct a scientifically valid study would be compromised. A crucial element in any scientific study, as in the Hyde Park study, is the avoidance of any bias in the subjects of the subgroup from whom data or information are collected. Such bias can result,

for example, from study subjects' prior knowledge about the specific purposes or particulars of the design of a study that conscious or unconscious modification of their responses or the data collected may occur.

15. We are available to address any questions the Court may have.

Dr. Robert H. Huffaker
Dr. Robert H. Huffaker

Suscribed and sworn to me this 29th
day of March, 1983

E. Marta Sachey
NOTARY PUBLIC

E. MARTA SACHEY
NOTARY PUBLIC, State of New York
No. 4646561
Qualified in Albany County
Commission Expires March 30, 1985

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
THE STATE OF NEW YORK,

Plaintiffs

vs.

HOOKEE CHEMICALS AND PLASTICS CORP.; OXY
CHEMICAL CORPORATION; HOOKEE CHEMICAL
CORPORATION; OCCIDENTAL PETROLEUM INVEST-
MENT CO.; OCCIDENTAL PETROLEUM CORPORATION;
THE TOWN OF LEWISTON; THE TOWN OF NIAGARA,
[HYDE PARK LANDFILL]

Defendants.

CIVIL ACTION

NO. 79-989C

AFFIDAVIT OF

E. MARTA SACHEY

STATE OF NEW YORK)

)ss

COUNTY OF ALBANY)

E. MARTA SACHEY, being duly sworn, deposes and says:

1. I am an attorney with the New York State Department of Health [hereinafter the Department] assigned to the above-captioned case and as such am familiar with the facts and circumstances surrounding the Department's involvement in the implementation of the Hyde Park Settlement Agreement including the Department's activities relating to the study of past particulate migration from the Hyde Park landfill site.

2. I make this affidavit in response to the supplemental affidavit, dated August 16, 1982, of Lewis Steele in support of the College Heights Property Owners Association motion for clarification of responsibilities under the Hyde Park Settlement Agreement and, more specifically, to that portion of the affidavit concerning the study of past particulate migration from the Hyde Park landfill site.

3. On May 20, 1982 Lewis Steele telephoned deponent requesting that he be given an opportunity to review and comment on the Department's protocol for its past particulate migration study. By letter of June 4, 1982, a copy of which is annexed, Lewis Steele was advised that the Department would provide him with a copy of the preliminary draft of the past particulate migration study protocol for review and comment when it was completed.

4. The Department of Health is committed to undertake a study of past particulate migration from the Hyde Park landfill site and has accordingly devoted resources to develop and implement such a study; the Department appreciates the importance of this study under the terms of the Hyde Park Settlement Agreement [Addendum I, para. M, pp. 1-51-52] and for residents near the landfill.

5. As is correctly pointed out in paragraph 30 of Lewis Steele's supplemental affidavit, the study is a "complex one"; formulation of the study protocol has required rigorous scientific thought and extensive internal Department review is virtually completed. The next step before finalization of the protocol is to obtain scientific peer review from other State and federal agencies.

6. Because of the complexity of the study and the Department's desire to develop a scientifically rigorous approach, it is taking longer than initially anticipated to formulate and implement the study.

7. Detailed below is a chronology, not exhaustive, of the Department's continuing efforts in formulating the study protocol, communicated to deponent by Department personnel actively involved in the formulation of the protocol.

a. May 12, 1981: The Department contacts New York University Medical Center's Institute of Environmental Medicine, Laboratory for Environmental Studies (hereinafter New York University) requesting a meeting to discuss New York University acting as a consultant for evaluation of available historical meteorologic data for the Niagara Frontier.

b. May 16, 1981: Department personnel meet with representatives from the New York University for preliminary discussion of evaluation of historical meteorologic data.

c. June , 1981: The Department receives draft proposal and report from the New York University regarding development of the study's sampling procedures, meteorologic data analysis scheme and available analytical capability.

d. October 10, 1981: The Department makes initial consultive contact with NIOSH regarding its role as a consultant for the study protocol.

e. October 22, 1981: Department personnel meet with NIOSH (National Institute for Occupational Safety and Health) representatives to discuss development of sampling and analytical techniques for study.

f. November 10, 1981: An Internal Department meeting is held to discuss development of analytical methods for the study.

g. November 11, 1981: Dust samples from the Albany, N.Y. area are collected by Department personnel to be used in developing analytical methods for the study.

h. November 12 & 13, 1981: The Department receives analytical data from NIOSH for review.

i. November 16, 1981: Department personnel meet with representatives of New York University to discuss details of the meteorological data evaluation.

j. November 17, 1981: The Department requests the State Department of Environmental Conservation, Division of Air to carry out computer simulation of particulate dispersion from Hyde Park landfill.

k. November 18, 1981: The Department's Center for Laboratories and Research submits an outline for the analytical protocol development.

l. November 23, 24, 30, 1981: Department personnel conduct field survey of Hyde Park area for preliminary evaluation of potential sampling locations.

m. December 3, 1981: The Department purchases meteorologic computer tapes for the Niagara Falls International Airport from the National Climatic Center.

n. January, 1982: The Department's Center for Laboratories and Research receives dust samples from Niagara Falls residence to be used in the development of analytical methods for the study.

o. January, 1982 to May, 1982: Drafts of proposed introductory letter and resident questionnaire to be used in the study are internally reviewed and redrafted.

p. February, 1982: The Department's Center for Laboratories and Research receives more dust samples to be used in the development of analytical methods.

q. April 1, 28, 1982: The Department's Center for Laboratories and Research and Bureau of Toxic Substances Assessment meet to assess study's project management and discuss all elements of the study.

r. May, 1982: Department personnel conduct search of published literature on indoor air quality and dust deposition rates in the Niagara Frontier.

s. May 3, 1982: Department personnel meet with representatives from New York University to review progress on analysis of Niagara Frontier meteorologic data.

t. June, July 1982: The Department develops a risk and exposure assessment for the study.

u. July, 1982: The Department develops an outline for the study protocol.

v. July, 1982: The Department conducts literature search on environmental stability of potential analytes for study.

w. August 9, 1982: The Department receives first-run results of computer dispersion modelling from the Department of Environmental Conservation, Division of Air.

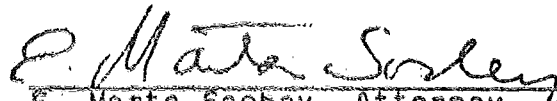
x. August 10, 1982: A proposed draft of study protocol distributed to Department personnel for internal review.

y. August 11, 1982 to August 20, 1982: Department personnel submit comments on proposed study protocol.

7. As evidenced by the foregoing, since at least May, 1981, the Department has been engaged in on-going activities necessary for the formulation of a scientifically sound protocol for the study of past particulate migration from the Hyde Park landfill site. Such activities have included development of analytical methods, internal review, consultation with outside experts, and procurement of data from outside sources.

8. Those Department personnel responsible for formulating the study protocol have advised deponent that a preliminary draft will be forwarded to Lewis Steele, in addition to other State agencies (DEC, DOL) and federal agencies (EPA, NIOSH) for review and comment no later than September 10, 1982.

9. As soon as the aforesaid review is completed, the Department will begin to implement the study protocol.


E. Marta Sachey, Attorney
New York State Department of Health
Bureau of Legal Affairs

Sworn to before me, this
24th day of August, 1982.


NOTARY PUBLIC
ALBANY COUNTY
NY COMM. EXP. 3/30/84
-6-

Exhibit A - page 6

STATE OF NEW YORK
DEPARTMENT OF HEALTH OFFICE OF PUBLIC HEALTH

TOWER BUILDING • THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA • ALBANY, N.Y. 12237

DAVID AXELROD, M.D.
Commissioner

GLENN E. HAUGHIE, M.D.
Director

September 10, 1982

Dear :

Enclosed is a draft copy of our plan of study and protocols for assessing the impact of past particulate migration from the Hyde Park Landfill to the surrounding residential areas. The study is an outgrowth of the Settlement Agreement which was negotiated between Hooker Chemicals & Plastics Corp. (now Occidental Chemical Corp. - OCC) and the State and Federal Governments for remediation of the Hyde Park Landfill. The present study is designed to determine if contaminated dust at a level which would constitute a human endangerment exists in the residential neighborhood and if such dust does exist whether it migrated from the Hyde Park Landfill.

I would like you to review and evaluate the study and protocols for its scientific and technical content and merit. It is my intent to send the introductory letters on September 28, 1982 to the residents who will be selected so that field work may begin early in October. With this schedule, I would appreciate your major comments by telephone no later than September 20, 1982 and your written comments received by September 24, 1982.

You may reach me by phone at 518-473-8427. If I am not immediately available, you may contact either Mr. Al Wakeman or Dr. John Hawley.

Sincerely,

G. Anders Carlson, Ph.D.
Chief, Special Studies Section
Bureau of Toxic Substance
Assessment

GAC:sm

Enc.

cc: Dr. Huffaker
Dr. N. Kim

EXHIBIT B - page 1

Distribution

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Researchers term dump study flawed

By RAE TYSON
Gazette Staff Writer

10/22/82
B. J. Kelly

It is a study to detect airborne chemicals that drifted into area homes from the nearby Hyde Park Boulevard chemical dump. State Health Department scientists had hoped to begin the study this month.

But a panel of scientists working for the residents maintain the study is seriously flawed. One expert called portions of the state plan "counterfeit science."

In comments released Thursday by the College Heights Property Owners Association, the scientists raised a number of issues with the study, which involves the collection and analysis of dust samples in the attics of Hyde Park Boulevard area homes.

State officials said the study would provide evidence of human health risk by assessing past exposure to airborne contaminants from the massive Occidental Chemical Corp. dump.

The Town of Niagara dump was used for waste disposal from 1953 to 1975.

"Unless the study design is restructured, the study results are likely to be inconclusive and possibly open to misinterpretation," wrote Frank H. Trinkl of the Center for Policy Studies in Berkeley, Calif.

"I have some serious reservations about the scope and design of this study," wrote Ellen K. Silbergeld, chief toxics scientist with the Environmental Defense Fund.

Irwin D.J. Bross, director of biostatistics at Roswell Park Memorial Institute in Buffalo said the state's plan to use laboratory animal studies to correlate human health risk "sounds like counterfeit science."

Using the animal studies, Bross said, will not "give any information about the extent of human endangerment that was the original target" of the health department's research effort.

Lewis Steele, attorney for the residents, said he sent the detailed scientific reports Thursday to the state Health Department in Albany.

"The state has promised not to start the study until they've reviewed and responded to the experts," Steele said.

"We will review it and we will respond," health department spokesman William Fagel said.

The state Health Department had originally promised the study following requests from the Lewiston Town Board in 1979. The study was delayed after state and federal lawsuits were filed against Occidental, then known as the Hooker Chemicals & Plastics Corp.

The lawsuits were settled out of court in April, with Occidental agreeing to finance extensive testing and cleanup activities.

The homes involved in the study are in Lewiston along Bloody Run Creek, a drainage ditch that flows from the dump to the Niagara River.

Steele said he would prefer to settle the controversy with the health department amicably.

EXHIBIT C



STATE OF NEW YORK
DEPARTMENT OF HEALTH
ALBANY

DAVID AXELROD, M.D.
COMMISSIONER

December 31, 1982

Dear Dr. Foege:

The Centers for Disease Control have, over the past several years, provided assistance and advice to the New York State Department of Health in a number of major environmental issues. I would like again to prevail upon the Centers' expertise to provide the Department of Health with assistance in developing a procedure for assessment of environmental exposure.

The current request relates to a consent decree entered into between the state and federal governments and the Hooker Chemicals and Plastics Corporation. During the hearings on the proposed consent order addressing the potential health and environmental issues associated with exposures emanating from the Hyde Park landfill, the New York State Department of Health indicated its intention to undertake an environmental health testing program to determine the scope of past airborne particulate migration from the landfill site.

The elements of an environmental testing program were designed in response to comments from the various intervenors involved in the consent order:

"Both the Federal and State governments believe the best health studies in chemical waste disposal situations are those that:
1) identify through sampling and analysis which and what concentrations of chemicals are present in the air, soil, sediment, water, groundwater, and, where appropriate, in dust; 2) examine the toxicity of those chemicals; 3) determine the exposure of humans to the chemicals; and 4) quantify the risk of harm from that exposure."

A draft protocol encompassing these elements was circulated to the interested parties for review and comment. The subsequent appearance in the media, not only of comments and criticisms, but of the entire protocol, may have significantly impaired the scientific validity of a study predicated on the protocol. While we remain committed to proceeding with a study of potential sources of environmental exposure, we believe that major revisions will be required to address unavoidable bias generated by the premature publication of the protocol.

I would very much appreciate the assistance of the CDC in reviewing the original proposal and in recommending suggestions to either improve on its design or to recommend another approach designed to meet the requirements of the original consent agreement. CDC's participation both in the review of the study and in the oversight of the implementation would help to ensure public acceptance of the scientific validity of the study. Staff of the Department are available to meet with your designees to discuss the project at your convenience.

EXHIBIT D - page 1

December 31, 1982

For your information I am enclosing the original proposal, as well as written comments on the proposal and a joint federal and state response to those comments. If there is any additional information which you feel would be helpful in evaluating this request, please do not hesitate to contact me.

Sincerely,



David Axelrod, M.D.
Commissioner of Health

Enclosures

William H. Foege, M.D., Director
Centers for Disease Control
U.S. Public Health Service
Building 1, Rm. 2104
1600 Clifton Road, N.E.
Atlanta, Georgia 90333

Exhibit D-page 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
Atlanta GA 30333

RECEIVED

February 2, 1983

FEB 7 1983

NYS DEPARTMENT OF HEALTH
OFFICE OF THE COMMISSIONER

David Axelrod, M.D.
Commissioner of Health
State of New York
Department of Health
Albany, New York 12237

Dear Dr. Axelrod:

This is in response to your December 31 letter to Dr. Foegen requesting that we review and comment on the Hyde Park Past Particulate Migration Study protocol, and suggest improvements or alternative approaches to the problem.

After reviewing the documents, we find the idea of sampling an undisturbed attic or similar site for persistent toxic chemicals an attractive one. Unfortunately, we also agree with a number of the criticisms that the protocol has gone astray. In particular, we feel that while the attic sampling may be the more practical in-house site, the assumption that the exposure to attic dust for only 12 hours per year as a measure of exposure is inappropriate. The measure was originally intended as an "index" of exposure 24-hours per day during routine activities around the home both in- and out-doors. Thus, if the logic of attic sampling is valid, the exposure should not be 12 hours per year but more nearly 24 hours per day for 30 years. This is because most persons were exposed continually or nearly so by house dust and outdoor dust.

We would also like to see some attempt to ascertain whether or not the persistent chemicals listed in the protocol are present at all in the soil around these homes. If samples from identified undisturbed lawns can be collected, they would be useful in determining the presence and thus possibility of exposure to these chemicals.

Our first thoughts are that before any great health risk assessment be attempted with its many assumptions and difficulties, you should first determine if the chemicals can be detected in soil and attic dust. If these compounds are not present in measurable quantities in soil or dust in the supposed highly contaminated area, no sampling, analysis, or risk assessment is reasonable. Consequently, we would suggest the following preparatory and preliminary steps:

1. Identify the houses and areas to be tested as outlined.
2. Search for lawns that by history at least have been relatively undisturbed and collect core samples. These samples from selected areas could then be analyzed for the persistent chemicals that may have migrated from the landfill. We realize that such samples

Exhibit E - page 1

could also contain chemicals applied as herbicides, insecticides, and fertilizers, and will have been subjected to weathering, degradation, and dispersion. Even so, such sampling and analyses will at least indicate if these chemicals are present from any source.

3. Attic dust should also be collected from flat surfaces in selected houses, using vacuum equipment to obtain dust of all particle sizes. We suspect that larger amounts than indicated in the protocol will be needed.
4. The attic samples should then be analyzed by laboratories without knowledge of which houses are included.
5. The analysis of soil and attic dust will ascertain if any chemicals like those found in the Hyde Park landfill are present and in what quantity. The amount found would give some measure/estimate of the potential 30-year accumulation. This may represent a maximum potential exposure since not all particles are of respirable size. Moreover, exposure would not be constant due to travel out of the area (to school, work, etc.) and seasonal differences (lower in winter with windows closed or summer if an air conditioner with a filter is used).

Although we realize that these brief thoughts do not represent a complete protocol review, we feel they do outline a first step which ascertains whether or not the persistent chemicals found in the Hyde Park landfill are also present in the more intimate human environment. We also recognize that we have deliberately avoided the question of human risk assessment, because if these chemicals are not present in measurable quantities, the feasibility of risk assessment may be moot.

We would be willing to cooperate with your staff in the further development of a protocol. With that idea in mind, please contact me to discuss how we might best proceed.

Sincerely yours,



Glyn G. Caldwell, M.D.
Deputy Director
Chronic Diseases Division
Center for Environmental Health

February 9, 1983

Glyn G. Caldwell, M.D.
Deputy Director
Chronic Diseases Division
Center for Environmental Health
1600 Clifton Road, NE
Atlanta, Georgia 30333

Dear Dr. Caldwell:

Your thoughtful response to our request for CDC participation in the Hyde Park East Particulate Migration study is appreciated.

Dr. Nancy Kim's Toxic Substances Assessment Bureau will review the plan in light of your suggestions. We will either prepare a new plan or modify the current one, and you are invited to work with us on developing the new approach. Will it be possible for you to come to Albany for one or two days during this process?

In addition to help with the study design, CDC's participation in oversight of the plan implementation is requested. If the concept is agreeable, we can work on details when you come up.

Sincerely,

Robert H. Huffaker, D.V.M., M.P.H.
Associate Director
Office of Public Health

EXHIBIT F

STATE OF NEW YORK



DEPARTMENT OF HEALTH

TOWER BUILDING • THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA • ALBANY, N.Y. 12237

DAVID AXELROD, M.D.
Commissioner

March 28, 1983

Glyn G. Caldwell, M.D.
Deputy Director
Chronic Diseases Division
Center for Environmental Health
Atlanta, Georgia 30333

Dear Dr. Caldwell:

I appreciate your willingness to meet with us to discuss a revised protocol for the Past Particulate Migration Study. As you requested, we would be pleased to have you meet with us on May 10 - 11, 1983.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Kim" followed by a small "JH" monogram.

Nancy K. Kim, Ph.D.
Director
Bureau of Toxic Substance Assessment

NKK/pab

cc: Dr. Huffaker
Dr. Hawley
Dr. Carlson
Dr. Eadon
~~Ms. Sachey~~

Exhibit G

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 1983, a copy of the foregoing Response was served by first class, postage prepaid, unless otherwise indicated, on the following counsel:

JACK PENCA, ESQ.
Assistant United States
Attorney
United States Courthouse
Court and Franklin Streets
Buffalo, New York 14202

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Division of Land and Natural
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