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TO: G. L. Adams
D. L. Bacon
J. L. Butenhoff
M. C. Harnetty
W. A. Weppner
L. R. Zobel

FROM: C. Reich

SUBJECT: TSCA Section 8(e) Decision

DATE: March 20, 1998

It is 3M's policy to comply with the Toxic Substances Control Act, including the reporting requirements of TSCA section 8(e). 3M's policy also makes the Group Vice President for the affected business the responsible corporate official for deciding whether information is reportable to EPA under section 8(e). The decision whether to report is made following an investigation by an ad hoc committee, acting on behalf of the division general manager, with assistance from appropriate staff personnel. The ad hoc committee submits a recommendation to the Group Vice President, who has the authority to accept, modify or reject the recommendation, or alternatively, to conduct a de novo review.

As you know, we have recently considered the reportability under Section 8(e) of qualitative metabolism information related to FC-807 and information concerning the presence of perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOC) in both individual and pooled human sera samples of non-occupationally exposed populations at parts per billion (ppb) levels. Although the initial recommendation of the ad hoc 8(e) committee was to report such information to EPA, I have chosen to carry out a de novo review that involved a wider spectrum of both internal and external technical, medical, legal and regulatory experts. As part of that review, I have consulted with personnel in the 3M Chemicals Laboratory, the 3M Chemicals Director of EHS&R, Environmental Toxicology & Services, the 3M Medical Department (including Corporate Toxicology), 3M Corporate Product Responsibility, 3M senior management and the 3M Office of General Counsel. I am also aware that 3M's Office of General Counsel has obtained outside legal advice on this issue from two law firms that specialize in TSCA matters. In summary, I feel the nature and extent of this review goes beyond that which was conducted by the ad hoc committee and forms a more complete body of information upon which to make a decision concerning reportability.

Based on all the relevant information, I have concluded that 3M is not presently in possession of information that would be new to EPA and that reasonably supports a conclusion that suggests a substantial risk of injury to human health or the environment. However, I will review the question of reportability on a continual basis to evaluate whether new information which may become available through our testing program or from any other source is reportable under section 8(e).


C. Reich

BCC: T. J. Dipasquale
C. E. Kiester
D. A. Sanders
D. A. Sonstegard

**Exhibit
1496**

State of Minnesota v. 3M Co.,
Court File No. 27-CV-10-28862

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