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January 14, 2005

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Andrew N. Liveris  
President and Chief Executive Officer  
Dow Chemical Company  
2030 Dow Center  
Midland, Michigan 48667

**Re: Devil's Swamp, East Baton Rouge Parish, Louisiana**

Dear Mr. Liveris:

We write to you today regarding a matter of grave importance to the African-American families who routinely eat fish contaminated with PCBs, hexachlorobenzene (HCB), and hexachlorobutadiene (HCBd) at levels 60-90 times what the government says are safe as a direct result of your and other companies' activities. We call upon you to stop obstructing cleanup of these hazards and to start providing alternative food to the families until the threats posed by Devil's Swamp Lake are abated.

As you know, Dow Chemical Company is one of eleven member companies that make up NPC Services, Inc. (NPC). NPC was formed to clean up the contamination at the Petro Processors Superfund site in East Baton Rouge Parish, Louisiana. The U.S. Environmental Protection Agency (EPA) has named its member companies as responsible parties at the site. The site is one of the worst in the country, especially because it has contaminated the fish in the Devil's Swamp Lake to the point that they pose an unacceptable risk to subsistence fishermen who depend on their catch to feed their families.

Rather than cooperate in cleaning up the site, NPC and its member companies have engaged in a long battle of attrition, raising arcane technical objections at every turn that have stymied any significant progress toward eliminating these threats. On March 8, 2004 EPA proposed to list Devil's Swamp Lake, a man-made lake in the middle of Devil's Swamp and adjacent to the Petro Processors site, to the Superfund National Priorities List (NPL) in order to begin cleanup of the chemicals that pollute the watershed and poison

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its fish. NPC opposed the listing, as it did nearly ten years ago, this time adding to its arsenal of obstructions a challenge under the Information Quality Act (IQA).

Enclosed please find the Center for Progressive Regulation's (CPR) response to NPC's IQA petition. CPR's letter calls upon EPA to immediately finalize the listing of Devil's Swamp Lake. The letter also asks EPA to order responsible parties to provide groceries to the affected communities pending cleanup of the lake, so that they no longer face the choice of endangering their health or going hungry. Companies are routinely ordered to provide alternative water to communities facing similar hazards, and EPA has ample authority under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund) to order the provision of alternative food supplies.

Today we call upon you to live up to Dow's humanitarian and legal obligations by voluntarily providing groceries to the families that are at risk as a direct result of Dow's waste disposal and delay tactics. Cleanup of the Devil's Swamp watershed is decades past due, and even if EPA finalized listing tomorrow, will not be complete for many years to come. We sincerely hope you will provide that protection by offering groceries to those in need.

Sincerely,



**Robert R.M. Verchick**  
Wendell H. Gauthier~Michael X. St. Martin  
Eminent Scholar Chair in Environmental Law  
Loyola University, New Orleans  
*Board Member*



**Rena I. Steinzor**  
Professor of Law  
University of Maryland  
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**Sidney Shapiro**  
University Distinguished Professor  
Wake Forest University Chair in Law  
Wake Forest Law School  
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**Margaret Clune**  
*Policy Analyst*

cc: Reed D. Rubinstein, Esq., Greenberg Traurig (via facsimile)  
Wilma Subra, Louisiana Environmental Action Network (LEAN)/Subra Company  
(via electronic mail)  
Velma Smith, National Environmental Trust (via electronic mail)  
Richard E. Greene, Administrator, EPA Region 6  
Bart Canellas, Remedial Project Manager, EPA Region 6 (via electronic mail)

Lee R. Raymond, Chairman and CEO, ExxonMobil Corporation  
Thomas E. Gottwald, President and CEO, NewMarket Corporation  
Jeroen van der Veer, CEO, Shell Chemical LP  
Alan S. McKim, CEO, Clean Harbors Environmental Services, Inc.  
Mayor-President Melvin “Kip” Holden, City of Baton Rouge, Parish of East Baton Rouge, Louisiana  
The Honorable Mary Landrieu, United States Senate  
The Honorable David Vitter, United States Senate  
The Honorable Richard Baker, United States House of Representatives  
The Honorable Frank Lautenberg, United States Senate  
The Honorable Hillary Rodham Clinton, United States Senate  
The Honorable Susan Collins, Chair, Committee on Governmental Affairs, United States Senate  
The Honorable Joseph Lieberman, Ranking Member, Committee on Governmental Affairs, United States Senate  
The Honorable James Inhofe, Chair, Committee on Environmental & Public Works, United States Senate  
The Honorable James Jeffords, Ranking Member, Committee on Environmental & Public Works, United States Senate  
The Honorable Joe Barton, Chair, Committee on Energy and Commerce, U.S. House of Representatives  
The Honorable John Dingell, Ranking Member Committee on Energy and Commerce, U.S. House of Representatives  
The Honorable Tom Davis, Chair, Committee on Government Reform, U.S. House of Representatives  
The Honorable Henry Waxman, Ranking Member, Committee on Government Reform, U.S. House of Representatives