

EMARZ
EMCSF 20.10.4 VI

FMC Corporation
1735 Market Street
Philadelphia PA 19103

FMC Corporation

215.299.6000 phone
215.299.6947 fax
www.fmc.com

Via Email

June 4, 2010

Kai Elgethun PhD MPH
Public Health Toxicologist / Health Assessor
Idaho Department of Health & Welfare
450 West State Street, 6th Floor
Boise, ID 83720-0036

**RE: Letter Health Consultation - Phosphine gas and human exposures from
Pond 15S, FMC site, Eastern Michaud Flats, June 2, 2010**

Dear Dr. Elgethun:

The U.S. Environmental Protection Agency (EPA) provided a copy of the subject letter report to FMC yesterday and we have now reviewed the document. It is unfortunate that FMC was not provided a draft, and that you did not otherwise contact FMC or visit the site, to gather more complete and accurate information. FMC believes that your lack of complete information has led to some inaccuracies in your characterization of the site. This letter serves as a request that the Idaho Department of Health & Welfare revise and re-issue the report to correct its inaccuracies.

First, it should be noted that the majority of your recommendations are for activities that are already in place or underway. Two significant examples are your recommendations that FMC should immediately implement work practices to minimize contact with phosphine and that FMC should assure that all persons entering the RCRA pond area wear or carry a real-time portable phosphine monitor. If you had had an accurate understanding of the site and work practices, you would have known that both of these "recommendations" have been in place for years. They are longstanding requirements under the FMC pond work rules. Implementation of FMC's pond work rules by FMC and its contractors ensure that no employee is exposed above OSHA allowable levels. More fundamentally, FMC is shocked that the consult implies that compliance with OSHA is a "recommendation." FMC has always taken compliance with federal OSHA regulations very seriously and is committed to continuing to meet and exceed minimum OSHA regulatory requirements.

If you had understood FMC's established pond work rules and the extensive set of phosphine monitoring data—which you could have learned had you contacted FMC for information before drafting the report—it is inconceivable that you would have included

USEPA SF



1349273

FMC

language in the report characterizing the site as “an urgent public health hazard.” This language is inflammatory, irresponsible and alarmist especially in light of your acknowledgement in the report that NO phosphine has been detected at the facility fence line.

Your report also completely disregards FMC’s efforts, not only at Pond 15S lift station (LW) 01 where phosphine recently has been observed but also at all the closed RCRA ponds and across the facility as a whole, to prevent worker exposure above the OSHA PELs and make continued progress toward reducing those levels. If you had contacted us for additional information, you would have learned that there is a windsock located on a post abutting the LS-01 manhole that allows pond workers to immediately know the upwind direction should phosphine be detected. This ensures that FMC’s contractors, who are highly trained on pond safety procedures, can fully implement the RCRA Pond Work rules and minimize their exposure to these highly localized situations. Workers in the Pond 15S area, who are operating and monitoring our gas extraction and treatment system, wear phosphine monitors to ensure that they are not being exposed above allowable levels.

Further, actions underway have greatly reduced the levels observed immediately downwind of LS-01, as FMC has reported to EPA. While we have not yet met our goal of no phosphine accumulation in LS-01, we are making good progress in gas extraction and hope to completely cut off the pathway between the pond cap anchor trench and the cap drainage line by extracting gas in the zone of that interface. Further, as FMC has previously advised EPA, the phosphine levels immediately downwind of LS-01 are already significantly lower than the older values cited in the IDHW consult. Your report includes reference to “routine exceedences of the [meter] UDL” and a median concentration of 3.4 ppm. Since May 7, there was only one exceedence of the UDL and the median had been reduced to 0.11 ppm .

Your report compounds its error in stating that the “urgent public health hazard” at the FMC site extends to “visitors to the pond area and any potential trespassers in the pond area.” If you had contacted us, you would have learned that FMC does not allow “visitors” into the RCRA ponds area, including Pond 15S. The only exception is agency representatives who have a legal right to have access to this area. Also, fencing and other site security measures prevent trespassers from entering the pond area.

Given this additional information, which we would have happily provided had you contacted us during your evaluation, it is clearly irresponsible to have published a report that does not reflect complete, accurate, and current conditions at the site. FMC requests that, at a minimum, the report be re-issued without the incorrect and alarmist characterization of “urgent public health hazard.”

Dr. Elgethun – Idaho DOHW
June 4, 2010 – page 3

FMC requests that you consider the following: If a local automotive repair facility had a paint booth, and levels of benzene in the paint booth exceeded OSHA allowable concentrations, but employees were trained and provided tools to avoid entry into the paint booth during operation, would this too be an “urgent public health hazard”? While matters are not always quite so neat, this inflammatory characterization of the FMC site serves no purpose that could be consistent with the Idaho Department of Health and Welfare’s duty to provide accurate and reliable information to the citizenry.

Sincerely,



Robert T. Forbes
Director, Environment

cc: Greg Weigel – EPA
Kira Lynch – EPA
Andy Boyd – EPA
Carla Fisher – EPA
Marc Stieffleman – EPA
Richard Armstrong – ID DHW