



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

AUG 3 2011

VIA E-MAIL &  
UPS OVERNIGHT DELIVERY

Ms. Ellen J. Kullman  
Chief Executive Officer  
E.I. du Pont de Nemours and Company  
1007 Market Street  
Wilmington, Delaware 19898

Dear Ms. Kullman:

This letter is intended as follow-up to our meeting on Monday, August 1, 2011, regarding E.I. du Pont de Nemours and Company's ("DuPont") Imprelis product (EPA Reg. No. 352-793). We appreciate the company meeting with the Environmental Protection Agency ("EPA") as EPA investigates the damage stemming from the use of Imprelis. EPA has two outstanding concerns that are discussed below.

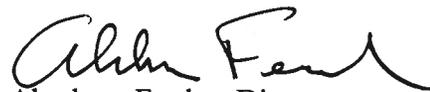
First, DuPont has stated that it is willing to voluntarily stop the sale and distribution of Imprelis and to recall Imprelis from its distributors and customers. The movement of Imprelis in commerce, whether or not through DuPont's recall efforts, must at all times comport with the requirements Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"). Such activities are best implemented through a Stop Sale, Use, or Removal Order ("SSURO"). In a letter issued today, EPA invites DuPont to meet with EPA to discuss EPA's issuance of a SSURO.

Second, EPA has received thousands of documents from DuPont, many of which the company has claimed as confidential business information ("CBI") under FIFRA. EPA is concerned about the sweeping nature of DuPont's assertion of confidentiality and is evaluating whether these studies warrant such a claim under the law. We understand that EPA counsel has conveyed the Agency's concerns to DuPont. FIFRA § 10(d)(1) requires that safety and efficacy information be made available to the public. EPA believes that the public interest demands that this information be made publicly available as soon as possible and, therefore, EPA strongly encourages DuPont to reconsider its CBI claims for these studies, especially for the phytotoxicity studies related to effects on trees.



If you have any questions in regard to the foregoing, please contact Harry Daw, Associate Director, Land and Chemicals Division, Office of Toxics and Pesticides by telephone at (215) 814-3244 or by e-mail at [daw.harry@epa.gov](mailto:daw.harry@epa.gov).

Sincerely,



Abraham Ferdas, Director  
Land and Chemicals Division

Cc: K. Sherman, Esq.  
W. Lehrenbaum, Esq.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

VIA E-MAIL &  
UPS OVERNIGHT DELIVERY

August 3, 2011

Ms. Ellen J. Kullman  
Chief Executive Officer  
E. I. du Pont de Nemours and Company  
1007 Market Street  
Wilmington, DE 19898

Dear Ms. Kullman:

The United States Environmental Protection Agency, Region III ("EPA"), has reason to believe that E. I. du Pont de Nemours and Company ("DuPont") has ownership, control or custody of a registered pesticide product that may be misbranded in violation of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 *et seq.* ("FIFRA"). Specifically, EPA has reason to believe, based on DuPont's own test data and information gathered during EPA and state investigations, that the directions for use and/or warning or caution statements on the DuPont Imprelis Herbicide (EPA Reg. No. 352-793) ("Imprelis") labeling are inadequate to protect non-target plant species, including certain species of trees, making DuPont's Imprelis product misbranded under sections 2(q)(1)(F) and/or (G) of FIFRA. In addition, based on DuPont's representations, EPA understands that DuPont and its distributors and customers currently have in their possession, custody, and control inventory of Dupont's Imprelis product.

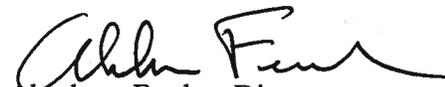
Please be aware that it is a violation of FIFRA to distribute or sell any pesticide which is misbranded pursuant to section 12(a)(1)(E) of FIFRA. EPA is considering its enforcement options regarding this matter, including: 1) issuance of a stop sale, use, or removal order ("SSURO") pursuant to section 13(a) of FIFRA and 2) assessment of civil penalties.

EPA encourages DuPont to confer with EPA in an informal conference within the next four (4) business days to show cause why the issuance of a SSURO is not appropriate. To do so, please contact Harry Daw, Associate Director, Land and Chemicals Division, Office of Toxics and Pesticides, by telephone at (215) 814-3244 or by e-mail at [daw.harry@epa.gov](mailto:daw.harry@epa.gov).



For any legal-related questions, please contact Janet E. Sharke, Senior Assistant Regional Counsel, by telephone at (215) 814-2689 or by e-mail at [sharke.janet@epa.gov](mailto:sharke.janet@epa.gov).

Sincerely,



Abraham Ferdas, Director  
Land and Chemicals Division

cc: K. Sherman, Esq.  
W. Lehrenbaum, Esq.