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Mr. Steven Chester
Director, Michigan Department of Environmental Quality
Constitution Hall, 525 W. Allegan
Lansing, MI 48913

September 25, 2009

RE: Inaccuracies on MDEQ website

Dear Mr. Chester,

This letter is to request that inaccurate information on the MDEQ website be corrected.

On March 3, 2009, MDEQ reported the results of an analysis by Dr. John Kern of Kern Statistical Services, who was hired by MDEQ to review the University of Michigan Dioxin Exposure Study (UMDES). The University of Michigan responded to the comments, as noted on our website:

<http://www.sph.umich.edu/dioxin/PDF/KernRequest/UMDES%20response%20to%20Kern%20033009v1.pdf>

On March 30, a full-day meeting was organized with the UMDES team, MDCH, MDEQ, Dr. Kern, EPA Region 5, ATSDR and Dow to respond to Dr. Kern's comments, and to identify analyses that would resolve his questions. MDEQ, Dr. Kern, UMDES, and Dow then met on April 28-29, May 4, and July 9-10 to review the analyses and the results requested by Dr. Kern and the MDEQ.

As a result of these collaborative efforts, the questions raised by Dr. Kern were addressed by July 10. There was agreement among the parties that UMDES analyses were correctly performed and appropriate. There was agreement between the MDEQ, Dr. Kern, and UMDES as to the additional analyses they desired and a timeline was set for their completion. None of these accomplishments and agreements is reflected on the MDEQ website.

It is also worth noting that the studies the MDEQ relies upon, such as the Pilot Exposure Investigation ¹ and the Fish Consumption Survey of People Fishing and Harvesting Fish from the Saginaw Bay Watershed ², have never been subjected to a rigorous critical review by Dr. Kern. We would expect that the MDEQ would have equal interest in the validity of these studies that form part of the basis for its risk management decisions ^{3,4}.

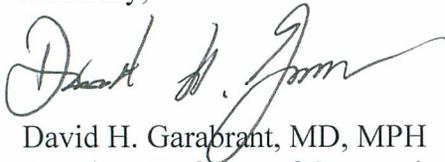
On July 17, 2009, we wrote to Dr. James Sygo of MDEQ to request that the MDEQ website be updated so it would be complete and accurately reflect the agreement of the parties, which is not mentioned in it now. In an email reply on July 22, 2009 Dr. Sygo declined to authorize an

update of its web site to indicate the agreement between MDEQ and UMDES regarding many of the analyses or to note that the original critique by Dr. Kern contained comments that were later found to be inaccurate and misleading upon review by the parties at their aforementioned meetings. The MDEQ website in its current state not only fails to note that these inaccuracies were pointed out by the parties, but by leaving Dr. Kern's original critique unchallenged it unfairly disparages the University of Michigan and its scientists.

In the interest of fairness, the MDEQ website should at the very least note, in its chronology of events, that there is now agreement among the parties that, contrary to Dr. Kern's earlier assertions, UMDES analyses were indeed correct and appropriate.

We are available to discuss options to rectify the current situation. Thank you for your attention in assuring that Midland/Saginaw residents and the citizens of Michigan have access to accurate, timely and reliable information.

Sincerely,



David H. Garabrant, MD, MPH
Emeritus Professor of Occupational Medicine &
Epidemiology
The University of Michigan



Alfred Franzblau, MD
Professor of Occupational Medicine
The University of Michigan

Cc:

Governor Jennifer Granholm
John Kern, Ph.D.
James Collins, Ph.D.
Representative Andrew Coulouris
Representative Kenneth Horn
Representative James Stamas
Senator James Barcia
Senator Roger Kahn
Senator Anthony Stamas
Representative David Camp

References

1. Michigan Department of Community Health. Pilot Exposure Investigation: Dioxin Exposure in Adults Living in the Tittabawassee River Flood Plain, Saginaw County, Michigan. Lansing, Michigan. July 8, 2005
2. Michigan Department of Community Health. Fish Consumption Survey of People Fishing and Harvesting Fish from the Saginaw Bay Watershed. Lansing, Michigan. June 14, 2007.
3. Michigan Department of Community Health and ATSDR Regional Office - Region 5. Health Consultation Evaluation of Saginaw River Dioxin Exposures and Health Risks, Saginaw River, City of Saginaw, Saginaw County, Michigan. Lansing, Michigan, 2008.
4. Michigan Department of Community Health. Health Consultation: Dioxin Contamination on Residential Property in the Tittabawassee River Floodplain Saginaw County, Michigan. EPA FACILITY ID: MID980994354. August 19, 2009