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By Electronic Mail

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Re: 3M Company – Response to February 13, 2020 United States Environmental Protection Agency Information Request Pursuant to Section 308 of the Clean Water Act

Dear Ms. Pendleton:

This letter is hereby submitted on behalf of 3M Company ("3M") in response to the United States Environmental Protection Agency's ("EPA") February 13, 2020 information request pursuant to Section 308 of the Clean Water Act ("Information Request" or "Request"). The Information Request seeks information related to 3M's production, management, use, release, or possible release of per- and polyfluoroalkyl substance(s) (collectively "PFAS").

Since receipt of the Information Request, 3M and EPA have engaged in conversations to clarify the scope of the Request and to mutually identify how best to prioritize 3M's responses. Given the breadth of the Information Request, as described in the separate correspondence referenced below, EPA agreed to limit the scope of certain aspects of the Request and to allow 3M to provide documents and produce information on a rolling basis.

On April 13, 2020, 3M submitted an initial response containing (i) a schedule of estimated dates for production of documents and information responsive to the individual requests, and (ii) 3M's understanding of agreements reached with EPA regarding the scope and information collection priorities for each request. On April 28, 2020, EPA responded to 3M's initial response stating that:

> At this time, EPA is agreeable to 3M's proposed schedule to provide documents responsive to the Request for Information. EPA also recognizes that 3M's proposed response schedule will largely focus on the Decatur, Alabama; Cottage Grove, Minnesota; and Cordova, Illinois facilities. However, 3M will provide the list of additional facilities that have manufactured, received, used, or processed PFAS as well as relevant basic information on those facilities. Additionally, unless a different duration is expressly stated within each question, EPA understands that 3M will provide information addressing the duration covered by EPA's Tolling Agreement, from November 7, 2014, to present.

In subsequent correspondence, EPA agreed that 3M could submit a supplemental production on January 31, 2021. However, because this date fell on a Sunday, 3M provided the supplemental production on Monday, February 1, 2021.

On March 5, 2021, EPA requested additional information, including information responsive to Request No. 14 as indicated below. Through this supplemental response, 3M provides the documents and information it has collected to-date that are responsive this request. 3M notes that it is still in the process of searching for and collecting responsive information, and will seasonably supplement this response if additional information is located.

I. Objections and Qualifications

3M makes the following general objections and qualifications to the Request:

- 3M objects to the Information Request insofar as it seeks privileged information, including any and all communications and information that are protected from disclosure by the attorney-client communication privilege, attorney work-product doctrine, or any other applicable privilege or protection.

- 3M objects to the Information Request to the extent it is vague, ambiguous, immaterial, irrelevant, overbroad, unduly burdensome, and beyond the scope of EPA's authority to request information pursuant to Section 308 of the Clean Water Act.

- 3M objects to the Information Request to the extent that it contains redundant requests, and to the extent it (i) requests information that has been provided to EPA by other persons or entities; (ii) seeks information that could be as readily located and identified by EPA as by 3M; and (iii) seeks information that is in the public record, such as public archives and records centers.

- 3M objects to the Information Request as unduly burdensome and beyond the scope of authority of Section 308 of the Clean Water Act, and not in accordance with law to the extent that it requires a narrative response when the answer to a request may be derived or ascertained from the documents produced. Where the answer to a request may be derived or ascertained from documents, 3M will identify the documents from which the answer may be ascertained and will produce the documents with its response.

- 3M objects to Instruction No. 4 of the Information Request purporting to require 3M to mark "[e]ach document submitted [with] . . . a notation indicating the question and subpart of the question to which it is responsive," as unduly burdensome and beyond the scope of EPA's authority under Section 308 of the Clean Water Act.

- 3M objects to Instruction No. 5 of the Information Request purporting to require 3M to identify "all documents and persons consulted, examined, or referred to in preparation of each response" to a specific request for information, as unduly burdensome and beyond the scope of authority of Section 308 of the Clean Water Act.

- 3M objects to the Information Request to the extent it purports to require 3M to provide information and documents not in its possession, custody, or control.

- 3M reserves the right to supplement and revise its response, and reserves the right to assert additional objections as it continues to evaluate its response.

- Responsive documents will contain trade secrets/confidential business information ("CBI") subject to Section 308(b) of the Clean Water Act and 40 C.F.R. Subpart 2, Subpart B, and export-controlled information subject to the Export Administration Regulations, 15 C.F.R. § 730 *et seq.* ("EAR") that should not be released to the public. Among other things, export-controlled information is subject to restrictions on exports, re-exports, or transfers to third countries (including to certain third-country nationals within the United States). 3M will mark such documents accordingly.

- In providing documents and other information, 3M does not waive, and reserves the right to assert, any applicable defenses, including that any claims by EPA relating to issues arising from this response are barred by the applicable statute of limitation.

This response is provided without waiving any of the foregoing qualifications and objections.

II. Response

The relevant EPA information requests are copied below. Below each request, 3M identifies documents it is providing in response to that request. Whenever additional information or documents are referenced in a response to a request, such information and documents are expressly incorporated into the response.

Request No. 14:

Provide a comprehensive list of any fate, transport or studies 3M has performed regarding any PFAS substance with a summary description of each study. Provide a list of toxicological studies 3M performed regarding any PFAS substance. Provide the report or summary of each toxicological study and identify the PFAS substance that was studied.

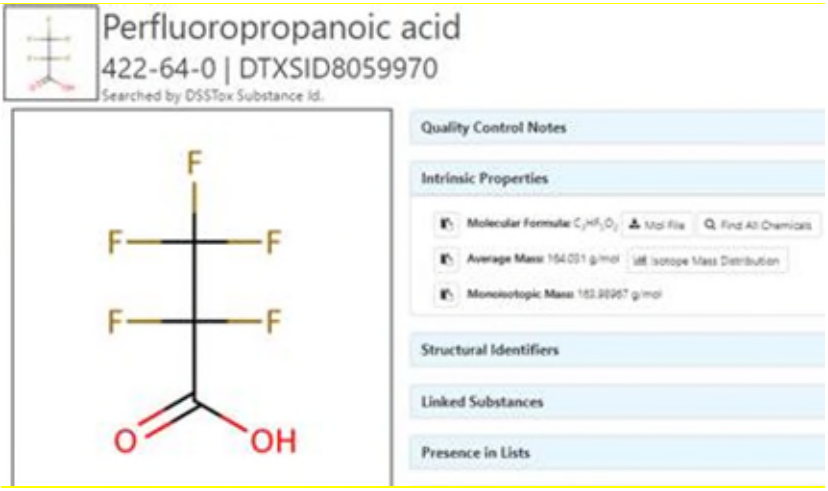
March 5, 2021 Supplemental Request:

Please supplement the PFAS toxicological documents 3M has already provided pursuant to EPA's information request, including, but not limited to, any documents related to the following:

Perfluoropropanoic acid (CASRN 422-64-0)

We request all study data, reports, internal 3M communications, correspondence with EPA or other Federal or State entities, and any other written materials associated with the occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of the chemical known as "perfluoropropanoic acid" (commonly referred to as PFPA). The desalted form of PFPA is identified with a chemical abstracts service registry number (CASRN) of 422-64-0; however, there may be numerous other forms of PFPA, including those with simple counterions (e.g., lithium, potassium, sodium, and calcium), an acid form, and those with organic counterions. Our request includes all of these forms of PFPA, including any other types not listed herein. We are also requesting all information on all chemical substances that may have been used as analogues to inform the potential occurrence, occupational monitoring, including

exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of PFPA in any/all of its potential forms, as stated above. In the context of this information request letter, a chemical analogue is a chemical substance that is used to inform the interpolation of and/or extrapolation to any property or characteristic, through an analogue or category-based read-across approach, associated with the potential occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of PFPA. *Based on targeted evaluation of the PFAS files received from 3M under the Section 308 CWA request circa May 2020, PFPA was not included*.



In the event that 3M catalogued PFPA under a different name and/or internal nomenclature, active synonyms can be accessed via the link below: https://comptox.epa.gov/dashboard/dsstoxdb/results?search=DTXSID8059970#synonyms

Bis(trifluoromethylsulfonyl)amine (referred to as HQ-115 and/or T-4201) (Multiple potential CASRNs; e.g., Lithium salt form = 90076-65-6)

We request all study data, reports, internal 3M communications, correspondence with EPA or other Federal or State entities, and any other written materials associated with the occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of the chemical known as "Bis(trifluoromethylsulfonyl)amine" (commonly referred to as HQ-115; 3M internal nomenclature for this PFAS is T-4201). The Li+ salt form of HQ-115 is identified with a chemical abstracts service registry number (CASRN) of 90076-65-6; however, there may be numerous other forms of HQ-115, including those with other simple counterions (e.g., potassium, sodium, and calcium), an acid form, and those with organic counterions. Our request includes all of these forms of HQ-115, including any other types not listed herein. We are also requesting all information on all chemical substances that may have been used as analogues to inform the potential occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of

HQ-115 in any/all of its potential forms, as stated above. In the context of this information request letter, a chemical analogue is a substance that is used to inform the interpolation of and/or extrapolation to any property or characteristic, through an analogue or category-based read-across approach, associated with the potential occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of HQ-115. *Based on targeted evaluation of the PFAS files received from 3M under the Section 308 CWA request circa May 2020, HQ-115 was included in a master index of studies previously submitted under TSCA 8E; see below for the extracted relevant entries for the Li+ salt form of HQ-115. However, the actual study reports for the two entries below were not included in the files received from 3M last Summer.*

Master Index to Studies Submitted Under TSCA 8(e) by 3M Company on September 24, 2004

Acute Dermal Toxicity Study of T-4201 in Rabbits	Lithium Bis(Trifluoromethanesulfonyl)imide	90076-65-6
T-4201 4 Week Oral Toxicity Study in Rats with 2-Week Recovery Period	Lithium Bis(Trifluoromethanesulfonyl)imide	90076-65-6

In the event that 3M catalogued HQ-115 under a different name and/or internal nomenclature (other than T-4201), active synonyms can be accessed via the link below: https://comptox.epa.gov/dashboard/dsstoxdb/results?search=DTXSID8044468#synonyms

bis(nonafluorobutane sulfonyl)imide (Multiple CASRNs; including but not limited to 191101-38-9 and 129135-87-1)

We request all study data, and reports, associated with the occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of the chemical known as "bis(nonafluorobutane sulfonyl)imide" (commonly referred to as DBI). Separate from our follow up to Question 14 of the Section 308 CWA Information request, we are also requesting all internal 3M communications, correspondence with EPA or other Federal or State entities, and any other written materials associated with the occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of DBI. In the context of this request, "occupational monitoring, including exposures and releases" includes any information that may be aimed at limiting these types of exposures and releases, including but not limited to engineering controls and personal protective equipment (e.g., breakthrough testing on gloves).

The desalted form of DBI is identified with a chemical abstracts service registry number (CASRN) of 191101-38-9; however, there are numerous other forms of DBI compounds, including those with simple counterions (e.g., lithium, potassium, sodium, and calcium), an acid form, and those with organic counterions. Our request includes all of these forms of DBI, including any other types not listed herein. We are also requesting all information on all chemical substances that may have been used as chemical analogues to inform the potential occurrence, occupational monitoring, including exposures and releases,

environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of DBI and other forms of DBI compounds, as stated above. In the context of this information request letter, a chemical analogue is a chemical substance that is used to inform the interpolation of and/or extrapolation to any property or characteristic, through an analogue or category-based read-across approach, associated with the potential occurrence, occupational monitoring, including exposures and releases, environmental fate and transport, toxicity (including toxicokinetics; e.g., absorption, distribution, metabolism, and elimination), and risk(s) of DBI and other forms of DBI compounds.

3M's Supplemental Response to Request No. 14:

In its June 1, 2020 response and February 1, 2021 supplemental response to this request, 3M provided thousands of responsive documents. Subsequently, 3M has produced several thousand additional studies to EPA in conjunction with its response to an information request issued by the Minnesota Pollution Control Agency ("MPCA") on July 1, 2020, as amended on September 2, 2020. EPA was provided with copies of the productions made to MPCA on October 15, 2020, November 16, 2020, December 15, 2020, January 15, 2021, February 16, 2021, March 15, 2021, April 15, 2021, and May 17, 2021. 3M provides more information on confidentiality concerns (CBI and personal privacy information) associated with these documents in the cover letters for each of the MPCA productions noted above, and incorporates 3M's responses to MPCA Request Nos. 5 and 6 into this response.

3M is additionally supplementing its prior responses to this request. *See* Bates Nos. 3M-EPA-00307674 — 3M-EPA-00344076.

3M is asserting a business confidentiality ("CBI") claim under Section 308(b) of the Clean Water Act and 40 C.F.R. Part 2, Subpart B, with respect to the information being provided in response to this request as indicated in the attached CBI Index, which provides the starting Bates numbers for the documents claimed as CBI. The documents indicated in the CBI Index include detailed information about proprietary 3M processes, process conditions, product formulations, and other detailed information about products being produced, including trade secret information, and other confidential information. These documents contain 3M CBI which is not publicly known and is not of general knowledge in the trade or business, i.e., trade secret information which has not been placed in the public domain. Public disclosure of such CBI could be used by 3M competitors to improperly gain competitive advantage. For these reasons, the 3M CBI merits protection from being divulged to the public and should be held as confidential on a permanent basis. 3M has marked these documents as CBI accordingly.

3M underscores that the scope of Request No. 14 is very broad, and that a large number of documents are potentially responsive to this request. 3M is still in the process of auditing its response to this request, and will seasonably supplement its response as appropriate.

3M stands willing to discuss the foregoing with EPA at a mutually convenient time.

Respectfully submitted,

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Confidential Business Information Index

Production Bates Starting Number
3M-EPA-00307749
3M-EPA-00308806
3M-EPA-00309004
3M-EPA-00309010
3M-EPA-00309362
3M-EPA-00309433
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Confidential Business Information Index

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Confidential Business Information Index

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