

AFFIDAVIT

WE THE UNDERSIGNED SWEAR THAT THE FOLLOWING IS A TRUTHFUL ACCOUNT OF AN INCIDENT RELATING TO THE ASSIGNMENT OF CAUSATION OF ADVERSE HEALTH EFFECTS TO NEW CARPET IN THE HEADQUARTERS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY (USEPA):

1. WE ARE OFFICERS OF NATIONAL FEDERATION OF FEDERAL EMPLOYEES LOCAL 2050 AND EMPLOYEES OF THE USEPA. OUR UNION REPRESENTS ABOUT 1100 PROFESSIONAL EMPLOYEES, I.E. CHEMISTS, TOXICOLOGISTS, ENVIRONMENTAL SCIENTISTS, ETC. AT USEPA HEADQUARTERS. AT THE TIME REFERENCED IN THIS AFFIDAVIT, DR. CARTON WAS LOCAL PRESIDENT, DR. HIRZY WAS PRESIDENT-ELECT, AND DR. MORISON WAS CHIEF STEWARD OF THE UNION. DR. CARTON IS A GS-13 ENVIRONMENTAL SCIENTIST, DR. HIRZY IS A GS-15 CHEMIST, AND DR. MORISON IS A GS-14 ECOLOGIST.

2. DURING THE PERIOD OCTOBER 1987-APRIL 1988, USEPA INSTALLED ABOUT 27,000 SQUARE YARDS OF NEW CARPET IN ITS HEADQUARTERS FACILITIES. MANY USEPA EMPLOYEES BECAME SICK IMMEDIATELY FOLLOWING INSTALLATION OF THE CARPET, AND THE UNION BEGAN A CAMPAIGN TO HAVE THE CARPET REMOVED. DURING THIS CAMPAIGN THE UNION RECEIVED MANY PHONE CALLS AND LETTERS FROM CITIZENS COMPLAINING OF SIMILAR ILLNESSES FOLLOWING INSTALLATION OF NEW CARPET IN THEIR HOMES OR WORKPLACES. THE UNION FILED A PETITION WITH USEPA TO REGULATE CERTAIN ASPECTS OF NEW CARPET, BASED ON INJURIES TO USEPA WORKERS AND TO OTHER CITIZENS. ON APRIL 17, 1990, USEPA PUBLISHED IN THE FEDERAL REGISTER A DENIAL OF THE UNION'S PETITION, STATING, IN ESSENCE, THAT THE UNION HAD FAILED TO ESTABLISH WITH SCIENTIFIC CERTAINTY THAT THE NEW CARPET AT USEPA HEADQUARTERS HAD BEEN RESPONSIBLE FOR ANY INJURIES. AMONG OTHER ACTIVITIES RELATED TO THE CARPET

SITUATION AT USEPA HEADQUARTERS, USEPA CONVENED A SYMPOSIUM ON INDOOR AIR HEALTH RISKS, WHICH WE THREE ATTENDED.

3. FROM APRIL 17 THROUGH APRIL 19, 1991, WE ATTENDED THE THREE-DAY SYMPOSIUM TITLED, "METHODOLOGY FOR ASSESSING HEALTH RISKS FROM COMPLEX MIXTURES IN INDOOR AIR" AT THE HOLIDAY INN CROWN PLAZA IN ARLINGTON, VIRGINIA.

4. DURING A RECESS OF THE SYMPOSIUM ON OR ABOUT APRIL 18, 1991, A GROUP OF WHICH WE WERE PART GATHERED OUTSIDE THE MEETING ROOM, THE PLAZA BALLROOM, TO DISCUSS, AMONG OTHER THINGS, THE UNION'S PETITION WITH USEPA AND THE AGENCY'S DENIAL OF THE PETITION.

5. DURING THE COURSE OF THE DISCUSSION ABOUT SCIENTIFIC CERTAINTY AND STANDARDS OF PROOF, MR. ROBERT AXELRAD, CHIEF OF THE INDOOR AIR DIVISION, USEPA SAID IN OUR PRESENCE, TO THE EFFECT:

"EVERYONE KNOWS THAT THE NEW CARPET MADE PEOPLE SICK".

6. WE WERE NATURALLY ASTOUNDED AT THIS ADMISSION, GIVEN THAT THE AGENCY HAD JUST DENIED OUR PETITION, WHICH HAD BEEN PRINCIPALLY BASED ON THE INJURIES TO USEPA EMPLOYEES. WHEN WE ASKED MR. AXELRAD TO REPEAT WHAT HE HAD JUST SAID, HE DID, ADDING, TO THE EFFECT:

"SO, NOW I SUPPOSE YOU GUYS ARE GOING TO TRY TO USE THIS SOMETIME, HUH?"

7. WE SWEAR UNDER PENALTY OF PERJURY THAT THE FOREGOING IS A TRUE AND ACCURATE ACCOUNT OF OUR RECOLLECTIONS OF THIS INCIDENT.

I, ELIZABETH H. SMITH, NOTARY PUBLIC

FOR THE DISTRICT OF COLUMBIA, SWEAR THAT THE UNDERSIGNED ARE KNOWN TO ME, APPEARED BEFORE ME ON December 5, 1991 AND SWORE TO THE TRUTH OF THE FOREGOING TWO-PAGE STATEMENT. MY COMMISSION

EXPIRES ON Elizabeth H. Smith  
Notary Public, District of Columbia  
My Commission Expires Sept. 14, 1995

SIGNED Elizabeth H. Smith 12/5/91  
Notary Public in and for Date  
the District of Columbia

Robert J. Carton 12/5/91  
Robert J. Carton, Ph.D. Date

J. William Hirzy 12/5/91  
J. William Hirzy, Ph.D. Date

Rufus Morison 12/5/91  
Rufus Morison, Ph.D. Date