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Atrazine EXPOSED Unsealed by the Court & Exposed by SourceWatch

From: Chris Robling [crobling@jaynethompson.com]
Sent: Wednesday, September 16, 2009 1:45 PM
To: Ford Sherry USGR; Goldsmith Steven USGR
Cc: Jayne Thompson
Attachments: Duhigg LTE draft 9-16-09.doc

Attorney-Client Privileged and Confidential

Regarding *The New York Times'* Toxic Waters series:

1. Situation:

In two reports Charles Duhigg has conveyed compelling but fundamentally misleading depictions of the protection of drinking water by the government. More reports are expected shortly. While any number of comprehensive reports indicate that overall, since the 1970s, the quality of pre-treated water in the U.S. has improved dramatically on relative and absolute bases, Duhigg magnifies shortfalls wholly out of proportion to national results, and proceeds to implicate if not condemn the nature of the regulatory regime. Speculation over motives is pointless, but the articles can easily be read as factional expressions within EPA and its stakeholders. Simply put, Duhigg appears to have taken up the banner of the most extreme elements of the water regulation cohort – which has zero interest in the consequences of its agenda for the American people or the economy. Because of Duhigg's writing ability and the *Times'* prominence, such articles will bolster their supporters as the Obama Administration EPA sorts out its priorities.

2. The objection:

Had Duhigg provided an accurate depiction of water protection and enforcement, the public would be well informed. But by throwing in with the extremist regulators, he has polluted the information stream on which voters and taxpayers depend. His inaccuracies – through outright errors, obvious omissions and vast gaps in his topic – subsume the 95+ percent faithful compliance that is underway across industries, product categories, sectors and states.

Unchecked and unchallenged, he alters the landscape of the public mind on these issues to less conformance with reality.

3. Recommended approach:

A. We recommend that point-by-point, line-by-line challenges (or elucidations) be posted on firm websites.

B. We recommend that a strong letter, such as that below (which is also attached) be signed by the president of CropLife America, and presented to his peers for their signatures. Potential national group signers include:

- Farm Bureaus
- Fertilizer / chemical
- Community water districts

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- Ecological regulatory associations / groups
- Grower groups
- Processors
- etc.

- C. We recommend that the letter be delivered to the LTE Editor of the *Times*, and after a suitable period (three days) posted to all websites.
- D. So far Duhigg has quoted only one Member of Congress, Chairman James Oberstar (D-Mn.), who as transportation chair has spent very little of his career in this area. It is an odd choice and probably indicative of his few Congressional supporters for this approach. That lack of Congressional support can be pointed out by a "Dear Colleague" letter along the lines of the draft below that garners numerous signers.
- E. The process should be updated as the series unfolds.

4. Conclusion

Even if Duhigg is in fact focused on internal EPA struggles, his writing travels well beyond those quarters. If he is not challenged and answered, his assertions will be assumed true.

Draft letter text follows:

To the Editor:

Each of us, our organizations and our members stand for full enforcement of the **Clean Water Act** and the **Safe Water Drinking Act**. In fact, our collective memberships spend hundreds of millions of dollars annually toward that end. Each of our groups sponsors conferences and symposia on the task, and our staffs and those of our members assist federal and state regulators daily. All of this takes place under the welcome and watchful eye of Congressional authorizing, appropriating and oversight.

The progress shown in water quality nationally since CWA and SWDA is quite apparent, dramatic and deeply beneficial. All elements of the protection chain – starting with voters who send their representatives to Washington to protect them and our environment – may take just pride in society's successes of the last several decades.

As in any human endeavor, such as journalism, there are gaps, errors and failures. But to focus on these to the knowing exclusion of overwhelming evidence of conscientious compliance, professionalism and respectful independence on both sides of the national ecological regulatory table is an outrage.

That is why we denounce Charles Duhigg's two articles (August 22, 2000, "Debating How Much Weed Killer Is Safe in Your Water Glass," and September 13, 2009 "Clean Water Laws Are Neglected at a Cost in Suffering,") as knowingly, grossly and perniciously distorting a picture of widespread compliance, co-operation and collegiality in advancing society's interests into a fictionalized caricature intended to "scare the bejesus" out of people, to quote the administrator of the U.S. Environmental Protection Agency. Duhigg's work has raised omission, distortion and misrepresentation to art forms worthy of critical attention, were they not marshaled to pollute the very information stream on which the taxpaying and food-consuming public relies to judge the actions of its government.

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Our web sites set the record straight. We appeal to Mr. Duhigg's editor to insist he do the same.

Sincerely,

(Names of signers)

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From: Jayne Thompson [jthompson@jaynethompson.com]
Sent: Saturday, August 22, 2009 12:52 PM
To: Ford Sherry USGR
Cc: Susana Leyva; Chris Robling
Subject: Additional thoughts
Attachments: Jayne Thompson (jthompson@jaynethompson.com).vcf

Importance: High

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Sherry:

Thank you for the update on the coming series in the NYT. We know you have a strategy well in place, but as you requested we would like to suggest some additional ideas for your consideration.

We will have two communications objectives: the first, rapid-response by third parties and Syngenta. The second, a plan for communications from the company and credible third parties if the article gets legs and is merchandized into TV interest-either locally in the cities where the Midwest water monitoring is occurring or nationally.

Rapid Response

- Myth vs. fact analysis. The day the article appears, we will need a team at Syngenta to go through the article line by line and find all 1) inaccuracies and 2) misrepresentations. Turn that into a simple chart where you identify the error in one column and present the accurate information (as briefly as possible) in the adjacent column. No statements or messages, just simple error vs. truth. Then, have a credible third party do the same. Submit both to the reporter and to his editor. Post this to atrazinefacts.com. And then ask for printing of an OpEd to address the error vs. truth analysis in the Editorial Page that week.

- Company response, industry response, credible expert response:.

- o Syngenta will need to have ready a brief statement on the article. Of course you want to stay out of it, but because you will be mentioned by name, you must have a brief response statement available that achieves two goals: addressing the major scientific inaccuracies of the piece while speaking to the average reader and his/her concerns about the impact of atrazine to water quality.

- o American Council on Science & Health comment: a credible, credentialed statement focused on the major inaccuracies/misrepresentations of the NYT article.

- o Crop Life America: the trade group statement on the history/safety of atrazine and the industry's proactive role in monitoring.

- o After we see the article, we will need to revisit the issue of appropriate third-party industry support and identify additional resources, e.g. The Illinois Farm Bureau, The Heartland Institute or other similar organization, etc.

- Whalen op-ed ready for distribution to media in Midwestern cities that are cited in article as part of water monitoring program: Quick turnaround (2 days at most) of a 200-word OpEd from ACSH on the major inaccuracies/misrepresentations of the NYT piece.

Print to Broadcast:

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Someone in **Atrazine EXPOSED Unsealed by the Court & Exposed by SourceWatch** Syngenta must have a spokesperson ready to address the issues in the piece if the story goes national. If there is local interest from a broadcast outlet, assess who the best spokesperson is - local growers/local farm bureau/Crop Life America? Finally, we'd recommend finding the most credible and credentialed independent voice (e.g. Whalen or someone else) to take on broadcast interviews to inject balance into what will otherwise be a one-sided debate.

We expect that the focus of the column will be that the EPA regulatory scheme is broken - by focusing on one compound in isolation, it is failing to protect human health from the effects mixtures are posing to drinking water and to human health. We absolutely need to work with Holiday Shores counsel and Syngenta to develop appropriate messages on this topic.

And finally, as I'm sure you noted already, Charles Dubigg is an award-winning reporter--
<<http://topics.nytimes.com/topics/reference/timestopics/people/d/charles_dubigg/index.html>>.

I hope these ideas are useful. We are ready to assist in any way needed as this matter proceeds.

Best regards and thank you for the update.

Jayne

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