MESSAGE FROM: ALAN SHAKIN, ESQ. U.S. CONSUMER PRODUCT SAFETY COMMISSION.

TO: Arnold P. Wendroff, Ph.D. - Mercury Poisoning Project

DATE: January 1, 1997

ON: Answering machine (718) 499-8336

--- Verbatim Transcript ---

"Hi, it's Alan Shakin at the Consumer Product Safety Commission. Uh, I got your little note about how I let you down. Um. I know our policy failed miserably. Um. Not our policy, our approach. But we did do what we agreed to do. We were going to try to collect some information, and, um, that was what you originally asked us to do. And, ah, we tried, we sent letters out. And, ah, people [sic] just lying to us. And, um, it, I think it was essentially worthless information that we got, what little we did get. So, I admit we gave up. Um, but for the same reasons that we didn't attempt to do more back then, ah, I don't see that we're going to attempt to do any more right now. So, I mean, I think that you have a good cause, and I wish that we could do something, but, um, basically the way I see it is that ah, we tried to do the little we could do, and it got us nowhere, and um, that's where we are. So I didn't want to ignore your note. Um, but, ah, I don't really have anything ah, substantial to say. I just ah, thought I'd let you know what my point of view was. Um, so that's the story. Bye."

Transcribed on 1/1/97 by:

[Signature]

Arnold P. Wendroff, Ph.D.

Transcription checked for accuracy on 1/2/97 by:

[Signature]

Joyce Jed, Ph.D.
Arnold P. Wendorff, Ph.D.
Mercury Poisoning Project
544 Eighth Street
Brooklyn, New York 11215

Dear Dr. Wendorff:

This is in response to your October 31, 1996 letter to Regional Administrator Jeanne Fox concerning the alleged illegal sale of unlabeled elemental mercury and its "environmental justice" implications and your subsequent November 11, 1996 letter requesting guidance on filing a citizens petition under Section 21 of TSCA. I have been asked to respond to your requests.

Your letters raise issues concerning the lack of enforcement of labeling laws by the City of New York and the U.S. Consumer Product Safety Commission and what EPA might be able to do under CERCLA and TSCA to prevent or eliminate the improper sale of mercury containing products. These issues also relate to religious or pseudo-religious practices by members of the community. These are indeed complex and sensitive issues which need careful consideration and handling.

We, therefore, think that it is prudent for you and other community representatives, to meet with us and discuss these issues so we can more fully understand your concerns and the problems in the community. Representatives of the Pesticides and Toxic Substances Branch and Ms. Melva Hayden, the Regional Environmental Justice Coordinator, will participate in the discussion. This meeting will give us the opportunity to explain the type of assistance that we may be able to provide at the Regional level.

Please call Michael Biouze of my staff at (908) 906-6892 to arrange a convenient time for the meeting. We look forward to hearing from you.

Sincerely,

Conrad Simon, Director
Division of Enforcement and Compliance Assistance
August 14, 1997

Dr. Arnold Wendooff
544 Eighth Street
Brooklyn, New York 11215

Dear Dr. Wendooff,

I would like to take this opportunity to thank you for the array of articles and papers you provided to our office concerning the use of elemental mercury in certain magico-religious practices among Hispanic and Caribbean populations. In addition, the time and attention you have given to sharing your concern for public health from this potential source of mercury exposure, both in your letters and telephone conversations, is appreciated.

We have reviewed the materials you provided and contacted various local, state and federal agencies to ascertain the status of any current or proposed activities related to this issue.

In your letter of July 18, 1997, you requested that the New York State Department of Health contact the Centers for Disease Control (CDC) to request that they perform a health investigation of mercury health effects within the Hispanic and Caribbean populations in New York City. At this time, we believe that a CDC investigation would be unnecessarily redundant with efforts currently underway, and CDC officials agree. We will follow the progress of these efforts and are committed to help them as we are able.

Once again, I would like to thank you for the attention you have given this issue and for your continued efforts to keep my office abreast of recent activities related to this practice and its impact on environmental health.

Sincerely,

Edward G. Horn, Ph.D.
Director
Bureau of Toxic Substance Assessment

cc: Dr. Klitzman, NYC DOH
Dr. Lesser, NYC DMH
Ms. Fletcher, EPA