



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

VIA HAND DELIVERY

Headquarters Hearing Clerk (1900L)
Office of Administrative Law Judges
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

JAN 30 2012

Re: Joint Motion to Conform Transcript to Actual Testimony
Docket No. TSCA-HQ-2010-5022

Dear Madam:

Enclosed please find an original and two (2) copies each of a Joint Motion to Conform Transcript to Actual Testimony in the above matter.

Please file the original of each document and return one date-stamped copy of each document to Complainant.

Thank you for your attention to this matter.

Sincerely,

Mark A.R. Chalfant
Counsel for Complainant

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2012 JAN 30 PM 3:11

Enclosure

cc: John J. McAleese, III, Morgan Lewis & Bockius LLP (via email and U.S. mail)
Ronald J. Tenpas, Morgan Lewis & Bockius LLP (via email)
William S. Pufko, Morgan Lewis & Bockius LLP (via email)
The Honorable Susan L. Biro, U.S. EPA Office of Administrative Law Judges (hand delivery only)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)	
)	
)	
Elementis Chromium Inc.,)	Docket No. TSCA-HQ-2010-5022
f/k/a Elementis Chromium, LP)	
)	
Respondent.)	
)	
)	
)	

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JOINT MOTION TO CONFORM TRANSCRIPT TO ACTUAL TESTIMONY

Pursuant to the Presiding Officer's December 21, 2011 Post-Hearing Scheduling Order, the Complainant United States Environmental Protection Agency and Respondent Elementis Chromium Inc. respectfully request an order requiring that the transcript be conformed to actual testimony, as described and referenced in the table below.

LIST OF TRANSCRIPT CORRECTIONS		
INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
Docket No. f/k/a	Elementis Chromium, Inc., f/k/a	1:Caption 395:Caption 815:Caption
(303) 312-6117 [MARK CHALFANT, ESQ.]	(303) 312-6177	2
EAP's	EPA's	10:20
health fact, a	health effect at a	11:17
Dr. Glenda Cooper	Dr. Glinda Cooper	12:7

LIST OF TRANSCRIPT CORRECTIONS

INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
late 20th Century	late 20th century	12:22
concentrations. The Final	concentrations, the Final	13:13
that although the experience higher	that, although the experienced higher	13:16
Edward H. Cass	Edward H. Kass	14:9
retained at Applied	retained Applied	16:1
Zicklin School Business	Zicklin School of Business	25:2
Branch and Office	Branch in the Office	25:6
an European American business organization	the European-American Business Organization	25:22
Waynesboro	Queensborough	26:2
Eight (e)	The Agency	27:21
lower does or	lower dose or	34:19
does is not	dose is not	35:5
informations	information	36:6
lower dose then	lower dose than	41:14
on the affects	on the effects	47:6
be studied as	be submitted as	55:9
call Dr. Glenda Cooper	call Dr. Glinda Cooper	67:9
GLENDA COOPER	GLINDA COOPER	67:13
Allied Health Professionals	allied health professionals	86:13
cancer mortality risk	cancer mortality risk,	91:1
standardized mortality, ratio	standardized mortality ratio	91:22
its knowledge, scale,	its knowledge, skill	92:8
opinion? I	opinion? A I	94:16-17
principles in the practice	principles and the practices	95:11-12
evaluating a study	evaluating a study.	103:9
levels and what was	levels than what was	111:3
duration, time, concentration	duration times concentration	145:1
exposures or a longer	exposures over a longer duration	153:1
final four plant report study	Final Four Plant Report study	155:10
final four plant	Final Four Plant	155:16-17

LIST OF TRANSCRIPT CORRECTIONS		
INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
report study.	Report.	
final four plant report study	Final Four Plant Report study	156:14-15
final four plant report	Final Four Plant Report	157:2
final four plant report study?	Final Four Plant Report study?	157:17-18
final four plant report study	Final Four Plant Report study	158:3-4
final four plant report study	Final Four Plant Report study	160:8-9
final four plant report investigators	Final Four Plant Report study investigators	160:19-20
final four plant report study	Final Four Plant Report study	161:17-18
final four plant report?	Final Four Plant Report?	164:1-2
final four plant report	Final Four Plant Report	164:10-11
final four plant report study	Final Four Plant Report study	164:17-18
GLEND A COOPER	GLINDA COOPER	167:22
final four plant report	Final Four Plant Report	168:10
final four plant report study	Final Four Plant Report study	168:14-15
final four plant report study	Final Four Plant Report study	169:1-2
final four plant report study	Final Four Plant Report study	169:10-11
final four plant report study	Final Four Plant Report study	178:21-22
final four plant report	Final Four Plant Report	185:10
You're spoken	You've spoken	190:16
final four plant report investigators	Final Four Plant Report study investigators	197:10-11
final four plant report studies	Final Four Plant Report studies	201:16-17
final four plant	Final Four Plant	202:7

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report	Report	
TOSCA	TSCA	203:11
final four plant report	Final Four Plant Report	203:19
final four plant report	Final Four Plant Report	204:22
does	dose	210:10
were allowed	were low	227:12
Erningen (ph)	Uerdingen	231:18
cubed liters	cubic meters	237:22
per liter	per meter	241:2
per cubic liter	per cubic meter	246:17
what did you	what did your	276:13
It was	I was	283:16
I was an	I was on an	291:12
Is you fee	Is your fee	295:13
final four plant report	Final Four Plant Report	295:18-19
Pastedes, Corrales	Pastides, Korallus	299:10
the Plant study	the plants studied	315:17
for tend useful?	for trend useful	320:15
Final Four Plant report	Final Four Plant Report	323:6-7
Final Four Plant report	Final Four Plant Report	325:6-7
at the door	at the overhead	399:2
complainant's Exhibit 99	Complainant's Exhibit 99	427:3
competence	confidence	452:4
statistical ability	statistical stability	453:11
epidemiology in	epidemiology study in	465:4
Castle Hine plant	Castle Hayne plant	471:12
exposure, friends	exposure, trends	482:12
followed a medical	followed by a medical	490:6
I started the	I started at the	491:5
Underlying Appointment	underlying appointment	492:4
no likely to be biased	not likely to be biased	495:21
two journal a month	two journals a month	502:14
we still only an	we still have only an	511:16
comparative liability	comparative reliability	518:13

LIST OF TRANSCRIPT CORRECTIONS		
INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
a subtle matter	a settled matter	521:4
a subtle matter	a settled matter	521:9
A subtle matter?	A settled matter?	521:10
wouldn't have believe	wouldn't have believed	523:14
with what surety you can.	with what certainty you can.	526:16
or the possibility.	or the plausibility.	527:3-4
long latent period	long latency period	527:7-8
clinical disease and expense.	clinical disease and expiration.	527:9
detail work	detail your work	531:18-19
the '62s and '70s	the '60s and '70s	532:7
a second of study	a second kind of study	532:17
during of work	duration of work	533:20
final four plant report study	Final Four Plant Report	535:18
low or middle line processing	low or middle lime processing	536:4
final four plant report study	Final Four Plant Report study	537:18-19
final four plant report study	Final Four Plant Report study	538:15
final four plant report study	Final Four Plant Report study	539:12
final four plant report	Final Four Plant Report	539:19-20
final four plant report study	Final Four Plant Report study	543:6-7
We have a simple tendency measure	We have a central tendency measure	545:19
final four plant report	Final Four Plant Report	548:22- 549:1
final four plant report	Final Four Plant Report	549:3-4
proceeding in your	proceeding. In your	551:15
either going to air to urine	either going from air to urine	554:5-6
face of the reporter	face of the report	562:9
that assessment qual'd	that assessment solved	574:22
TOSCA subpoena	TSCA subpoena	588:20
And Approximately	And approximately	589:15
authority to cal	authority to calculate	589:20-21

LIST OF TRANSCRIPT CORRECTIONS		
INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
calculate		
as Justice	as justice	591:7
nature of circumstance	nature, circumstances	593:2-3
They're	There are	593:7
which a regulation's	which are regulations	593:9
as Justice	as justice	595:6
Other 80's	Other 8(e)	599:5
that there 2,211	that there were 2,211	601:16
all the way into	all the way until	602:5
, and for 80	, and for 8(e)	603:7
as Justice	as justice	606:7
Section 80	Section 8(e)	607:10
CRUMP (ph) Coalition	Chrome Coalition	613:16
Chromium, Chemicals	Chromium Chemicals	615:19
selectable enforcement	selective enforcement	620:13
with these line	with this line	620:15
I wasn't	It wasn't	625:21
exhibits that were admissibility	exhibits where admissibility	628:10
Ms. Evans	Ms. Edens	632:14
I'm based on	I'm based in	634:4
seminars in short courses	seminars and short courses	635:18
serious association being vinyl chloride	serious association between vinyl chloride	639:13
corporations are students. My students	corporations. My students	641:12-13
you asked at Applied	you asked about Applied	642:21
Eagle's Cliff	Eaglescliffe	654:2
Eagle's Cliff	Eaglescliffe	667:13
Eagle's Cliff	Eaglescliffe	668:9
[p]	exposed	698:18
We ruled our	We ruled out	702:1
It doesn't the	It doesn't meet the	727:1
the point estimate, 1.69	the point estimate, 1.59	729:5
error and able	error and been able	736:12
this finally	this was as finely	738:11
th is	this	742:1
(Background noise)	(Background noise, lights go off)	746:3

LIST OF TRANSCRIPT CORRECTIONS		
INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
control for them.	control for them. [LIGHTS GO OFF]	750:12
went out was ---	went out was - [LIGHTS GO OFF]	751:14
discreet	discrete	823:14
in the last '60s	in the late '60s	828:8
that they are	that there are	829:9
differences in	difference is in	830:21
The big on	The big one	854:16
can	cannot	861:18
being very close the	being very close to the	866:3
study of high line	study of high lime	868:7
Complainant's Exhibit 19	Complainant's Exhibit 98	895:6
Figure 1.	Figure 1, Complainant's Exhibit 1	898:8
on Complainant's Exhibit 5	on Complainant's Exhibit 98	903:11
significantly.	significant.	909:1
represented	represent	910:17
and that ration	and that ratio	920:7
that nay place	that any place	921:13
And at that time it	And at that time I	927:16
the effect of hex-e	the effect of hex-c	939:7
I went bankrupt	It went bankrupt	952:21
Eagle's Cliff	Eaglescliffe	954:12
even here over the last couple days there's	you've been here over the last couple days while there's	959:18-19
bracket in some way that process	bracket in some way around that process	963:7
that time?	that time.	964:19
THOR system	overhead system	975:11
Eagle's Cliff	Eaglescliffe	967:2
Eagle's Cliff	Eaglescliffe	968:5
now I it wrote down	now if I wrote it down	973:1
similarly treated dated	similarly treated data	981:15
Eagle's Cliff	Eaglescliffe	996:15
Eagle's Cliff	Eaglescliffe	1005:18

LIST OF TRANSCRIPT CORRECTIONS

INCORRECT TRANSCRIPTION	TRANSCRIPT CORRECTION	TRANSCRIPT REFERENCE
draw a lime	draw a line	1008:15
1986	1996	1036:8
it's 3.25 micrograms	it's 325 micrograms	1045:7
that mine	than mine	1046:6
between hexi and	between hex-c and	1067:4
for hexi exposure	for hex-c exposure	1069:19
to any hexi	to any hex-c	1072:1
hexi causes lung	hex-c causes lung	1073:1
for EPA in hexi	for EPA in hex-c	1074:15
from 50 to high,	from 50 to five,	1091:17
Exchrome would be	Hex-chrome would be	1104:17
the close our	the close of our	1116:13
it might choose us	it might cause us	1119:4
and a prepublication say	and a prepublication study	1124:1
number data	number of data	1126:10
at what point in shows	at what point it shows	1146:2
we had Subreva	we had SBREFA	1153:10
ADMIN. LAW JUDGE BIRO:	JUDGE BIRO	1161:1

Counsel for Respondent has authorized counsel for Complainant to file this motion on its behalf.

Respectfully submitted,

1/30/2012
Date

Mark A.R. Chalfant
Mark A.R. Chalfant, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
(MC 2249A)
Washington, D.C. 20460-0001
303-312-6177

CERTIFICATE OF SERVICE

I certify that the foregoing *Joint Motion to Conform Transcript to Actual Testimony* in Docket No. TSCA-HQ-2010-5022, dated January 30, 2012, was sent this day in the following manner to the addresses listed below:

Original by hand and email to: Sybil Anderson
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court, Suite 350
1099 14th Street, N.W.
Washington, DC 20005

Copy by U.S. mail and email to:

Attorneys for Respondent: John J. McAleese, III (U.S. mail and email)
Ronald J. Tenpas (email only)
William S. Pufko (email only)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103

Copy by hand to:

Presiding Judge: The Honorable Susan L. Biro
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court, Suite 350
1099 14th Street, N.W.
Washington, DC 20005

Tony R. Ellis
Tony Ellis, Case Development Officer
Waste and Chemical Enforcement Division (2249A)
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460
Telephone: 202-564-4167
Email: ellis.tony@epa.gov

Date: 1-30-12