

**From:** McDougall, Robert  
**Sent:** Tuesday, October 15, 2019 11:08 AM  
**To:** [MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)  
**Subject:** Vermont Public Records Act Request

Dear Mr. Harden:

I am writing in response to your Vermont Public Records Act request dated October 14, 2019, in which you request copies of:

*all correspondence, and any accompanying information, including also any attachments, that a) was sent to or from or copies (whether as cc: or bcc:) Robert McDougall, that b) also includes, anywhere, the following search terms i) PFOS, ii) PFAS, and/or iii) PFOA and which is c) dated from March 27, 2019 through the date you process this request, inclusive.*

To narrow the request, you have stated:

*please consider as non-responsive electronic correspondence that merely receives or forwards press clippings, such as news services or stories or opinion pieces, if that correspondence has no comment or no substantive comment added by a party other than the original sender in the thread (an electronic mail message that includes any expression of opinion or See discussion of SEC Data Delivery Standards, infra. viewpoint would be considered as including substantive comment; examples of non-responsive emails would be those forwarding a news report or opinion piece with no comment or only “fyi”, or “interesting”). Additionally, please consider all published or docketed materials, including pleadings and/or news articles, as non-responsive.*


During the period covered by your request, **March 27, 2019 to present**, the State of Vermont has been involved in three significant litigation matters involving PFOS/PFAS/PFOA: *State of Vermont v. Saint-Gobain Performance Plastics*, Docket No. 92-4-19 Bncv (resolved 5/28/19); *State of Vermont v. 3M et al*, Docket No. 547-6-19 Cncv (filed 6/26/19); and *State of Vermont v. 3M et al*, Civil Action No. 2:19-cv-00134 (filed 6/26/19). Additionally, PFOA/PFAS contamination is an ongoing concern in Vermont. As a result, I expect your request may cover several hundred, and perhaps 1,000+ separate records, the vast majority of which will likely be exempt from disclosure as attorney-client communications (i.e. communications to/from our State Agency clients and/or with our outside co-counsel), as attorney work product, or as relevant to litigation. The time and resources needed to collect and review these documents will be significant.

Given the above, I am writing to see if there is any further narrowing of the request that might be considered before I start into processing your request further. Please advise.

Sincerely,

Robert F. McDougall  
Assistant Attorney General  
Chief, Environmental Protection Division  
Office of the Attorney General

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