



E. R. ZUMWALT, JR.  
ADMIRAL, U. S. NAVY (RET.)

September 22, 1994

Scott J. Schwarz, Esq.  
Mattioni, Mattioni & Mattioni, Ltd.  
399 Market Street, 2nd Floor  
Philadelphia, PA 19106-2138

Dear Scott:

It was a breath of fresh air to receive your letter of September 16, 1994, and I thank you for it.

I believe the following actions by Attorney General Jimmy Evans would make a great contribution to our battle:

1. A letter to the Administrator of EPA strongly commending them for the draft and urging them to resist all political efforts to denigrate or change their scientific conclusions with copy to all state attorneys general.

2. A letter to the Secretary of Veterans' Affairs urging him in the light of the scientific material in the EPA draft risk assessment, to proceed now to recognize that it is "as likely as not" that all cancers, reproductive and developmental problems, neurological problems, and diabetes are related to exposure to Agent Orange and, therefore, compensable. The Secretary of Veterans' Affairs should be urged not to await the year that must pass before final publication of EPA's assessment in view of the long, long years veterans have already waited--again with copies to all state attorneys general.

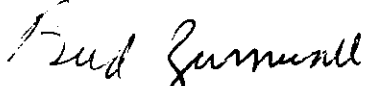
3. A letter to the Chairmen of the Veterans Affairs Committees of the House and Senate urging that the Agent Orange Act of 1991 be expanded to cover the above diseases, with copies to all state attorneys general.

4. A letter of transmittal to the state attorneys general sending the foregoing copies and urging each of them to parallel the efforts of Alabama.

Scott J. Schwarz, Esq.  
September 22, 1994  
Page Two

I hope you will be able to carry out the foregoing. Please give my deepest appreciation to Jimmy Evans, and I am grateful to you.

Sincerely,



E. R. Zumwalt, Jr.  
Admiral, USN (Retired)

1500 Wilson Boulevard, Suite 641  
Arlington, Virginia 22209

Tel: (703) 527-5380  
Fax: (703) 528-5795

cc: Dick Christian

MATTIONI, MATTIONI & MATTIONI, Ltd.  
COUNSELORS AT LAW

SEP 19 1994

DANTE MATTIONI  
FAUSTINO MATTIONI\*  
JOHN MATTIONI\*\*  
BLASCO MATTIONI\*\*  
EUGENE MATTIONI\*\*  
KENNETH M. GIANNANTONIO\*\*  
FRANCIS X. KELLY  
GEORGE R. ZACHARKOW\*\*  
ANDREW H. QUINN\*\*\*  
EVA H. BLEICH\*\*  
ROBERT W. WEIDNER, JR.  
SCOTT J. SCHWARZ\*  
STEPHEN M. MARTIN\*  
ROBERT R. HYDE\*\*  
BRUCE A. O'NEILL  
JOHN J. SELLINGER\*\*  
STEPHEN J. GALATI\*\*  
ANTHONY GRANATO\*\*  
KRISTIL TREADWAY\*\*  
PHILIP J. FORD†  
JOSEPH F. BOUVIER\*\*  
MICHAEL MATTIONI\*\*  
JOHN E. MINIHAN  
ALAN MATTIONI\*\*  
LOUIS J. APOLDO\*\*  
JOSEPH P. CORCORAN III\*\*  
SCOTT W. BARTON+ +\*\*  
HEATHER A. CICALESE\*\*

399 MARKET STREET, 2ND FLOOR  
PHILADELPHIA, PA 19106-2138

215 629-1600

TWX 710-670-1373  
TELEFAX 215-923-2227

NEW JERSEY OFFICE  
(609) 772-0098  
SUITE 606, SENTRY OFFICE PLAZA  
216 HADDON AVENUE  
WESTMONT, NJ 08108

ROME OFFICE  
(39-6) 831-3677  
VIA NOVELLA 1  
00199 ROME, ITALY

OF COUNSEL  
MILTON H. KUNKEN  
(1934-1992)

COUNSEL TO THE FIRM  
BLASCO MATTIONI  
FRANK CARANO

\* DIST. OF COLUMBIA BAR ALSO  
\*\* NEW JERSEY BAR ALSO  
+ ILLINOIS BAR ALSO  
\*\* CALIFORNIA BAR ALSO  
° MASSACHUSETTS BAR ALSO  
\*\* WEST VIRGINIA BAR ALSO  
† FLORIDA BAR ALSO

September 16, 1994

OUR FILE NO.

Admiral Elmo R. Zumwalt, Jr.  
1500 Wilson Blvd.  
Suite 641  
Arlington, VA. 22209

1058-18992

Re: **Petition to EPA by the Alabama Attorney General's Office  
and Admiral Zumwalt - EPA Dioxin Report.**

Dear Admiral Zumwalt:

The Alabama Attorney General, Jimmy Evans, requested that I contact you to discuss the recent EPA Dioxin Assessment. Although I have moved to Philadelphia since we last met in 1991, I continue to represent the State of Alabama under a special appointment as Deputy Attorney General on all matters relating to the dioxin petition that we filed at EPA.

Our preliminary reaction to the dioxin report is optimistic. Although the report falls short of classifying dioxin as a known carcinogen, it reaches the conclusion that dioxin is a probable carcinogen with greater confidence and also confirms the other destructive effects on the reproductive and immune systems.

I have already contacted your secretary and Dick Christian of the American Legion to determine if the Alabama Attorney General can take any additional action to assist the Vietnam veterans in their struggle to get assistance for all possible service related diseases associated with Agent Orange and dioxin.

One option may be to amend the Agent Orange Act of 1991 so as to expand its coverage.

Next week I will be discussing some additional news articles with the Washington Post. Originally, I hoped to arrange a meeting with the editors, but I am not sure yet whether I will be successful in this effort.

Presently I am scheduled to be in Washington on Thursday and Friday of next week. If you have any time available on either of those days, I welcome the chance to meet with you again and discuss these issues in person.

A copy of the Attorney General's press release is enclosed. Thank you again for your continued interest and support.

Very truly yours,

MATTIONI, MATTIONI & MATTIONI, LTD.

  
Scott J. Schwarz

cc: Dick Christian  
The American Legion  
1608 "K "Street, N.W.  
Washington, D.C. 20006-2847

# OFFICE OF THE ATTORNEY GENERAL



JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

FOR IMMEDIATE RELEASE  
September 13, 1994

FOR MORE INFORMATION:  
Joy Patterson 242-7491  
Craig Kneisel 242-4340

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 242-7300

## EVANS PETITION TO EPA LEADS TO DIOXIN UPGRADE

(MONTGOMERY)--Attorney General Jimmy Evans applauded a study released today by the U.S. Environmental Protection Agency calling dioxin a likely cause of cancer in humans. Evans led a coalition of petitioners nationwide in 1991 to ask the EPA to acknowledge dioxin as a known human carcinogen.

"It is long past time that we realize the menace of dioxin contamination to the health of American citizens," Evans said. "This puts to rest the question whether dioxin causes cancer, and confirms its destructive effects on the reproductive and immune systems."

Evans called today's report "a vital first step. We must immediately plan ways to reduce dioxin discharges and keep people from being exposed to this dangerous compound." The Attorney General will study the report and consult with environmental advocates and other interested parties, including the American Legion and retired U.S. Navy Admiral Elmo R. Zumwalt, a leader in efforts to gain compensation for Vietnam veterans injured by dioxin in Agent Orange.

Evans said he hopes that the EPA's labeling dioxin as a likely human carcinogen will help Vietnam veterans in their struggle to get assistance.

The Alabama Attorney General also organized 31 other Attorneys General to file briefs in support of veterans victimized by Agent Orange in Ivy v. Diamond Shamrock.

The EPA estimates dioxin and related compounds cause between one in 1,000 and one in 10,000 of all cancers. Dioxin has also been reported to cause birth and developmental defects and reproductive and immune system problems.

Although the study stops short of Evans' recommendation that dioxin be classified a "known" human carcinogen, the Attorney General believes that detailed studies on human exposure will lead the EPA to that conclusion.

Locally, the report confirms the need for stricter regulation of dioxin by the Alabama Department of Environmental Management, Evans said.

People who eat fish from dioxin-polluted waters are exposed to the toxic chemicals. Particularly vulnerable are Asian Americans, African Americans, subsistence fishers, recreational anglers (whose diets may include more fish) and Vietnam veterans (who may have already been exposed to dioxin in Agent Orange.)

The Attorney General has consistently advocated that ADEM use higher estimates of fish consumption in order to calculate a lower limit on dioxin discharges.

Others joining Evans' petition to the EPA were the Environmental Defense Fund, Bass Anglers Sportsman's Society Inc., the Alabama Conservancy, Greenpeace, the National Association for the Advancement of Colored People, and Citizen Action in Georgia, Massachusetts, Colorado, Arizona, Pennsylvania and Alabama.