

## Open Response to Letters from Aaron Marr Page dated January 3, 2012

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On January 3, 2012, we each received inaccurate and insulting letters from an individual named Aaron Marr Page claiming to represent the Ecuadorian plaintiffs in the *Aguinda v. Chevron* case. These letters repeat baseless accusations already addressed elsewhere, provide no new information, and ask us to disavow expert opinions and conclusions that were based on thorough and careful investigation and analysis. We see no reason to alter our opinions.

Page's letters make numerous fallacious statements apparently designed to exploit emotion and divert attention from the real issues. For example:

- The false contention that "*Chevron appears to have hidden from you its entire 'pre-inspection' process, during which its technical team hunted for 'clean' spots they could safely draw samples from without fear of running into contamination.*" In fact, at the time we wrote our 2006 report, we were aware of the pre-inspection process conducted both by Chevron and the Plaintiffs. However, we have never seen the results of the Plaintiffs' pre-inspection investigations.
- The false contention that Chevron altered documents provided to us which "*ordered Chevron's technical team to find only 'clean' samples during the judicial inspections . . .*" Page apparently has no understanding of how environmental investigations are properly done. Without collecting clean samples from outside the perimeter of a contaminated area it is impossible to map the contamination or determine the extent, volume or area contaminated. This information is necessary to assess potential risk and the need for or cost of remedial efforts. Chevron's Judicial Inspection teams followed standard practices for environmental site assessment.
- The false contention that Chevron somehow hid from us the fact "*that most residents near the sites 'rely on other sources (primarily wells and springs) for drinking water'—critical information for an expert considering whether the sampling and testing program is 'appropriate to address . . . risks to human health,' . . .*" This charge is ridiculous; apparently Page is not familiar with the Judicial Inspection reports submitted to the Ecuadorian court. During the Judicial Inspections, Chevron's experts collected drinking water samples for analysis whenever possible. Those data are presented and discussed in the Judicial Inspection reports. As stated in one of our reports,<sup>1</sup> there no evidence of groundwater contamination by petroleum hydrocarbons as the result of historical oil operations.

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<sup>1</sup> *Expert Report on Remedial Cost: Rebuttal to Environmental Damages Valuation – Texpet-Ecuador Concession Area*, by P. J. Alvarez, D. M. Mackay, and R. E. Hinchee dated September 2010

We have also reviewed the Plaintiffs' press release cited in Page's letter; it repeats some of these false accusations and contains additional equally fallacious contentions. For example, the press release states *"An illustration of how Chevron's fraudulent sampling scheme in Ecuador worked can be seen in this photo of Shushifindi 38, a Chevron well site closed in the 1980s that is still polluting soils and groundwater. During the trial, Chevron reported to the court that it found no 'detectable contamination' at the site by lifting soil samples from a dense forest up-gradient from the obviously contaminated pit in the photo."* This erroneous statement reflects misunderstandings or intentional distortions. In fact, Chevron's expert's Judicial Inspection report for Shushufindi 38 includes a photograph of the pit and the pit was described as having crude oil over its surface. Additionally, Chevron's expert collected a sample of the weathered crude from the pit for detailed chemical analysis. The results were included in the Judicial Inspection report submitted to the Ecuadorian court. This pit has recently been remediated by Petroecuador as part of its remedial program.

In another example, the press release claims *"Chevron's legal team concocted a plan to guarantee the company would find only 'clean' soil samples from dozens of contaminated well sites inspected by the court while 'dirty' samples would be sent to a secret laboratory where they would not be disclosed."* This is another ridiculous contention. The supposedly *"secret"* samples and results referred to in the press release were disclosed and discussed by Chevron's experts in reports filed with the Ecuadorian court.

In fact, as we stated in one of our reports,<sup>2</sup> it was the Plaintiffs' experts who failed to follow agreed-upon sampling and analysis plans, frequently used inappropriate or incorrect analytical procedures, failed to follow scientifically based quality assurance and quality control procedures, and were incomplete in their analyses and/or reporting of results. Further, the Plaintiffs' experts failed to collect important samples such as drinking water from wells and springs near the sites.

In his letters, Page speaks of the importance of scientific and methodological integrity. We absolutely agree; our careers have been dedicated to the highest levels of scientific integrity and methodological accuracy. Page's assertions are baseless and his letters provide no new information. Our opinions stand unchanged.



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Pedro J. J. Alvarez

January 6, 2012



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Douglas M. Mackay

January 6, 2012



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Robert E. Hinchee

January 6, 2012

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<sup>2</sup> *Analysis of Plaintiffs' Experts' Assessments of Environmental and Human Health Impacts* by P. J. Alvarez, D. M Mackay, and R. E. Hinchee dated October 18, 2007