

November 16, 2023

[REDACTED]
Chief: Special Procedures Branch OHCHR
U.N. Human Rights Office of High Commissioner
Email: ohchr-registry@un.org

Ref.: AL OTH 111/2023

Dear [REDACTED]:

Thank you for the opportunity to respond to the allegations in the High Commissioner's letter of September 25, 2023, addressed to Mr. Magro and sent as a joint communication by the Special Rapporteur (the "Letter"). We take the allegations outlined in the letter seriously.¹ However, as noted in your letter, Corteva is a stand-alone "pure-play" agriculture company and is separately owned and operated from Chemours and DuPont. As such, it never made, used, or sold the PFAS compounds that are the subject of the Letter. Corteva produces innovative seed and crop protection solutions along with digital insights that enable farmers to increase productivity and profitability potential, and improve resilience to mounting weed, insect and disease, and weather pressures.

Because the allegations and inquiries set forth in the letter involve concerns raised in active litigation, subject to joint defense agreements, we are not at liberty to provide a complete response to all the allegations and inquiries set forth in the Letter.

However, since Corteva never owned or operated the Fayetteville Works Facility, Corteva's actions could not have caused any alleged human rights harm identified in the Letter; facilitated or enabled any such alleged harm; foreseen the alleged harm; nor, is there any connection between Corteva's operations and the alleged harm. Corteva cannot provide responses to inquiries in the Letter numbered 1, 4 and 6-9 as it does not have the ability to direct or speak for Chemours' operations.

¹ With respect, Corteva elects to respond to your letter as a courtesy, while not conceding that the Special Rapporteur or the U.N. generally has any authority, power or jurisdiction over these environmental matters occurring within the United States, particularly those matters where litigation in the United States is already ongoing and where U. S. federal and state regulators operate to oversee and provide legal/regulatory guidance regarding required environmental regulations and requirements.

Corteva’s Compliance with Laws/Due Diligence Practices (Letter Inquires 2-3)

Corteva maintains a Code of Conduct requiring that all employees abide by all applicable laws, regulations and report potential violations of the law.² Corteva also provides a mechanism for employees to report such violations anonymously and has a zero-tolerance policy for retaliation against employees who report such violations.³ In 2022, 100% of Corteva’s employees completed Code of Conduct certification and training.⁴

As a member of the U.N Global Compact, Corteva has committed to aligning its operations and strategies with the U.N. Global Compact principles on business and human rights. Corteva supports its “protect, respect, and remedy” framework and its principles of due diligence. Suppliers are required to agree or attest to our Supplier Code of Conduct within their contract terms, including acknowledging our zero-tolerance policy on human rights violations. Corteva requires that all of its global vendors, contractors, and suppliers of any product or raw material, wherever it originates, apply its Human Trafficking, Child Labor and Forced Labor Principles. The Supplier Code of Conduct and Human Trafficking, Child Labor and Forced Labor Principles expressly outline zero tolerance on these issues, and if any claim against them was found to be true would ultimately terminate the contract.⁵

Chemical Safety (Letter Inquiry No. 11)

Corteva has never made, used, or sold the PFAS compounds identified in the Letter. In the production of its products, Corteva applies the Precautionary Approach advocated by U.N. Global Compact Principle 7. Consistent with the interpretation of many countries and organizations, Corteva interprets the U.N.’s Precautionary Approach as a regulatory best practice. Corteva follows the precautionary principle by applying its classic definition: taking measures to “do no harm.” Corteva takes appropriate actions to prevent harm through a rigorous scientific approach and following regulatory best practices and requirements when we bring new products to market.⁶

² Corteva Code of Conduct, https://www.corteva.com/content/dam/dpagco/corteva/global/corporate/files/code-of-conduct/Corteva_Code_Interactive_enEN_English.pdf. (p. 6, 27)

³ Corteva Code of Conduct, https://www.corteva.com/content/dam/dpagco/corteva/global/corporate/files/code-of-conduct/Corteva_Code_Interactive_enEN_English.pdf. (p. 31)

⁴ Corteva Sustainability and ESG Report 2022, https://www.corteva.com/content/dam/dpagco/corteva/global/corporate/files/sustainability/DOC-Corteva_2022_Sustainability_and_ESG_Report-Global.pdf (p. 34)

⁵ Corteva ESG and Sustainability Report, https://www.corteva.com/content/dam/dpagco/corteva/global/corporate/files/sustainability/DOC-Corteva_2022_Sustainability_and_ESG_Report-Global.pdf (p. 73-74); Corteva Supplier Code of Conduct, https://www.supplier-center.corteva.com/content/dam/dpagco/supplier-center/files/code_of_conduct.pdf; Corteva Human Trafficking, Child Labor and Forced Labor Principles, <https://www.supplier-center.corteva.com/content/dam/dpagco/supplier-center/Corteva%20Statement%20-%20Child%20and%20Forced%20Labor%20Rev.%2004%2023.pdf>

⁶ Corteva ESG and Sustainability Report, https://www.corteva.com/content/dam/dpagco/corteva/global/corporate/files/sustainability/DOC-Corteva_2022_Sustainability_and_ESG_Report-Global.pdf (p. 42);

The crop protection product development and approval processes are one of the most stringent in the world. Approximately 150 studies per product must be done to assess environmental and human health impacts, and those studies must be done in compliance with international standards on Good Laboratory Practice. Government regulators conduct their own risk assessments to assess safety, exposure levels, residual exposure and adverse effects. Only products that meet the most stringent guidelines are authorized. This decade plus process is only the beginning. Post-authorization, pesticide products must be monitored, and additional safety and periodic review data must be provided to authorities. Our international laws and regulations ensure the safe utilization of these products and minimize their impact on environmental and human health.⁷

Corteva's stringent safety standards, and those of regulatory bodies around the world, help ensure our products contribute to the delivery of safe and reliable food and also support efforts to protect the environment. Internally, Corteva takes a unique and proactive approach with its industry leading Predictive Safety Center, which helps design crop protection products with environmental factors in mind as part of the product development process. Externally, Corteva is aligned to the FAO International Code of Conduct on Pesticide Management and Excellence Through Stewardship best practices.⁸

Historical DuPont's Commitment

Solely by way of explanatory background, and to correct some of the allegations in your letter. Historical DuPont⁹ has a long history of industry participation in a voluntary emissions reduction program for perfluorooctanoic acid (PFOA), the 2010/15 PFOA Stewardship Program. Historical DuPont voluntarily committed to this program.¹⁰ It met the program goals in 2015.¹¹

As stated in Historical DuPont's January 25, 2006 letter to EPA, Historical DuPont conducted an expansive global program to reduce potential public exposure to PFOA. Historical DuPont committed to eliminate where possible or severely restrict environmental emissions of PFOA and its potential precursors from its facilities, processes and products. In addition, Historical DuPont supported the EPA public

⁷ Position Statement on Crop Protection, <https://www.corteva.com/who-we-are/position-statements.html#:~:text=At%20Corteva%20Agriscience%2C%20it%20is,and%20determined%20to%20be%20inadequate.>

⁸ Corteva ESG and Sustainability Report, https://www.corteva.com/content/dam/dpagco/corteva/global/corporate/files/sustainability/DOC-Corteva_2022_Sustainability_and_ESG_Report-Global.pdf (p. 45).

⁹ This background explanation of historical facts pertains to the company previously known as E. I. du Pont de Nemours and Company. The assets and liabilities, including for PFAS, for the historical operations of E. I. du Pont's performance chemical business, including the Fayetteville Works Facility, were transferred to Chemours by way of a Separation Agreement dated July 1, 2015.

¹⁰ January 25, 2006, Historical DuPont letter to EPA Administrator capturing Historical DuPont's commitment to reduce PFOA emissions.

¹¹ <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-20102015-pfoa-stewardship-program#meet>

process and worked collaboratively to meet the needs of the Agency in gaining greater knowledge about PFOA and its impact on human health and the environment.

Conclusion

I hope our response clarifies Corteva's role with respect to the PFAS matters addressed in the Letter and provides some additional historical facts on this topic. If you need further clarification, please reach out to me.

Respectfully submitted,



Senior Vice President,
General Counsel & Secretary

cc: Chuck Magro, Chief Executive Officer