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JUN 21 1991

Honorable Gerald R. Solomon  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Solomon:

Your letter of May 9, 1991 to the Administrator of the U.S. Environmental Protection Agency (EPA), William K. Reilly, concerning the release of a preliminary risk assessment as part of the Phase 1 Report of the Reassessment Remedial Investigation and Feasibility Study (Reassessment RI/FS) for the Hudson River PCBs Superfund site has been referred to me for reply.

First, I want to reiterate my position that Region II will conduct the Reassessment RI/FS in an objective, scientifically sound manner. Secondly, I will address concerns you have raised regarding the study.

EPA did not release a preliminary baseline Risk Assessment at the joint meeting of the Hudson River PCB Oversight Committee (HROC), the Steering Committee and the Scientific and Technical Committee, which was held on May 15, 1991, in Albany, New York. At that meeting, EPA's contractor, TAMS Consultants, Inc., presented some of the preliminary findings from Phase 1 of the Reassessment RI/FS. However, EPA has stated that a preliminary quantitative baseline risk assessment will be included in the Phase 1 Report which is scheduled for release to the public in early July for full comment by all interested parties.

Releasing a preliminary baseline risk assessment as part of the Phase 1 Report is in no way inconsistent with the National Contingency Plan (NCP). General Electric (G.E.) has claimed that EPA is violating the NCP because EPA is not using data collected as part of the Reassessment RI/FS. However, EPA already has a substantial amount of data regarding the site, which enable us to prepare a preliminary risk assessment as to at least some exposure pathways. For example, we have data regarding PCB concentrations in fish over approximately a 14-year period up to and including 1988. We believe that the available data is sufficiently comprehensive and current to make performance of a preliminary risk assessment appropriate. It is important to realize that because there are 14 years of fish tissue data available, EPA can analyze the trend in fish tissue concentrations over time. Through this analysis, EPA can safely make the assumption that the 1990 values for PCB concentrations in fish

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will not differ significantly from the 1988 values. In addition, the trend can be projected out for a thirty year period and an average concentration value can be deduced and used in the risk assessment. The risk assessment will reflect reasonable maximum exposure scenarios which are required by our regulations. Of course, the preliminary risk assessment prepared for Phase 1 will be updated and adjusted as necessary during later stages of the Reassessment RI/FS to include the 1990 DEC fish data and/or other information which becomes available on a timely basis, before a decision is made regarding the selection of remedy for the site. I should also mention that an important result of the Phase 1 risk assessment will be the identification of the data which must be added to the existing database to more fully define human health risks at the site. This will help direct any Phase 2 data gathering efforts that are needed to fill data gaps and enable us to better estimate baseline risks. EPA Region II will make use of any and all valid, relevant scientific evidence available to it in selecting the final remedy for the site. All use of data will be in the context of applicable national policy and guidance.

Since sufficient scientific information currently exists to quantify the risk associated with the consumption of fish from the Upper Hudson River, EPA believes that it would not be appropriate to withhold this information from the public in the Phase 1 Report. EPA's credibility is based on giving reliable, timely information to the public as it is available, and the Agency has set up an extensive interaction process to keep the public informed and involved in the Reassessment process. We believe that withholding of information such as this from the public will jeopardize the credibility of the Reassessment RI/FS process, as well as damage the viability of our public interaction program. In addition, we note that the public has been aware since 1976 that there is a threat from eating upper Hudson River fish, because fish tissue concentrations remain above the Food and Drug Administration limit, and therefore, the fishing ban still remains in effect.

We have been notified that G.E. is sponsoring a reevaluation of the toxicity of PCBs through a "re-read" of the toxicological slides that were used to define the toxicity of PCBs. G.E. hopes to provide information to EPA on a national level that will be used to decrease the Cancer Potency Factors (CPFs) that are currently used by the Agency. However, the time frame for peer review, and hence national acceptance of the potentially new CPFs is unknown, as are the specific results of the project. Consequently, EPA must use the current, scientifically acceptable guidance regarding the toxicity of PCBs. If the CPFs change prior to issuance of the Final Reassessment RI/FS Report, then the risk assessment work would be updated. However, at this time, EPA must proceed with the Reassessment RI/FS based on the currently acceptable scientific principles and definitions.

I would also like to point out that EPA encourages the development of new remedial technologies, such as bioremediation. In fact, on May 14, 1991, EPA issued a Research and Development permit under the Toxic Substances Control Act to G.E. to conduct an in-situ biodegradation experiment. As part of the Reassessment RI/FS, EPA staff has met with G.E. to discuss biological degradation of PCBs, and the information gained will be incorporated into the Reassessment RI/FS Report.

EPA and G.E. have worked cooperatively to expedite the "capping" of the remnant deposits so as to alleviate exposure via volatilization of PCBs into the air and direct contact with the remnant deposit material. The decision to "cap" these sites was made by EPA in 1984 and was recognized as an interim remedy that mainly addressed the public health concerns mentioned above. The remedy was not intended to totally eliminate migration of PCBs from the remnant deposits into the river, and it is unlikely to do so because PCBs can still enter the river via groundwater. The effects of capping the remnant deposits will be considered in the Reassessment RI/FS to the extent that is possible without extending the study for several years. In addition, the Reassessment RI/FS will evaluate the environmental effects from the PCBs in the Hudson River.

EPA believes that the Reassessment RI/FS must be based on good science and has taken the measures necessary to do so. EPA has also undertaken extensive efforts to involve and educate the public as to the process being used. By implementing these actions, EPA is doing its best to keep this study unbiased, and based upon sound science. I reiterate, EPA Region II will make use of any and all valid, relevant scientific evidence available to it in selecting the final remedy for the site.

If you have any further questions or need additional information, please let me know or have your staff contact Jeane Rosianski of the Office of External Programs at (212) 264-7834.

Sincerely,

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Constantine Sidamon-Eristoff  
Regional Administrator

cc: Thomas Jorling, Commissioner  
New York State Department of Environmental Conservation

bcc: Rosemary Carroll  
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Administrative Record File

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