

MEMBER OF CONGRESS
24TH DISTRICT, NEW YORK
ROOM 2285 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-5814

GASLIGHT SQUARE
SARATOGA SPRINGS, NY 12866
(518) 587-9800

MEMBER
HOUSE TASK FORCE ON AMERICAN
PRISONERS OF WAR AND
MISSING IN SOUTHEAST ASIA

Congress of the United States
House of Representatives
Washington, DC 20515

July 15, 1991

RANKING REPUBLICAN

MEMBER
HOUSE TASK FORCE ON
CHILD CARE, DRUGS,
EDUCATION AND THE ELDERLY

ASSISTANT FLOOR WHIP

R2
CW

36718
Chel...
RA

Mr. Constantine Sidamon-Eristoff
EPA Regional Administrator
26 Federal Plaza
New York, New York 10276

Dear Connie:

I've had an opportunity to review the letter you sent me concerning the Hudson River Reassessment, and I find it objectionable for several reasons. Most important of these is the implication that the EPA must publish a risk assessment, regardless of whether this is responsible public policy, because it was promised at public meetings.

As I have stated many times before, there is simply not enough current data to publish a legitimate risk assessment for the river. No data has been reported for three years on the condition of the fish, and this gap alone leaves considerable margin for error.

I'm even more concerned that by publishing this assessment you will obscure the significantly improving conditions in the river. For example, the remnant deposits project, which was completed recently, promises to improve the river considerably, regardless of your statement that the project was carried out for other reasons. In fact, New York State's own hearing examiner pointed out that the remnant deposits represent 37 percent of the PCBs in the upper river.

Connie, my overriding concern in the reassessment process, which I know you share, is that a responsible final answer be developed and presented to the public based on good science and actual conditions. The EPA itself is questioning the current risk assessment process, a fact which points out my concern, and the concern of others, that applying this technique to the Hudson River at this time will misrepresent the situation. I am concerned that, presented in isolation from the many other pieces of information describing the improvements in the river, a risk assessment will give new impetus for a solution that is misguided and in the worst interests of environmental protection.

It is important to keep in mind the following facts which were outlined by the EPA contractors at the preview of the Phase One Report:

7/15/91

HRP 001 0423

DISTRICT OFFICES

568 COLUMBIA TURNPIKE
EAST GREENBUSH, NY 12061
518-477-2703

P.O. Box 71
RHINEBECK, NY 12572
518-876-2200

478 WARREN STREET
HUDSON, NY 12534
518-528-0181

21 BAY STREET
GLENS FALLS, NY 12001
518-792-3031

1. Concentrations of PCBs at Troy have diminished tenfold, from 1978 to 1988, and are diminishing by fifty percent every 36 months.
2. High water conditions have a significantly diminished effect on PCB concentrations in water.
3. The ecology of the Hudson is thriving with a diverse population of fish. The PCB levels in the fish are diminishing.

The risk assessment will not reflect any of these improvements. Instead, it will focus on the theoretical possibility that some person would take the time to catch and eat enough meals of fish over a 30-year period, from the upper river where fishing is prohibited, to cause a serious health problem.

This departure from reality is compounded when we consider that the fish caught and eaten over the lifetime of this hypothetical fisherman could actually meet FDA standards. Moreover, new reviews of the science which was used to develop these standards may result in the realization that the standards are, in fact, overly stringent.

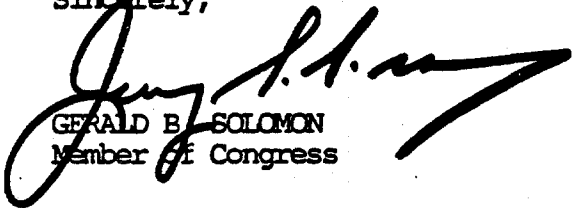
My position is in the best interests of my constituents, good science -- good public policy, and I urge you to adopt it:

- The risk assessment for the Hudson River should be published only after new data are gathered which fully reflect current conditions in the river and the fish.
- The Phase One Report for the reassessment should highlight the current data which has been gathered by EPA, concerning the improving nature of the PCB situation and the River. It should also contain plans to further document these improvements.
- The Phase One Report should contain commitments by EPA to fully evaluate the new scientific and health information on PCBs. Commitments should also be made to consider these evaluations in the decision.

I particularly want the benefits of natural biodegradation to be considered, and I am pleased that your letter says that EPA will do so. But I am also concerned that in your letter you state that new information on PCBs and human health can only be considered in your decision after a long and arduous peer review process. To operate on the assumption that EPA is bound by regulations which do not reflect best scientific thought is not in the best interests of human health or our environment.

Connie, we all want a river where we can fish and a river that is safe for our children to swim in. Yet the people I represent also deserve to know how the various alternatives for cleaning up the river will affect their health and economic welfare. From every perspective, destroying, not dredging, the PCBs is the best solution. Let's not choose a cure thats worse than the problem.

Sincerely,


GERALD B. SOLOMON
Member of Congress

cc: John H Sununu, White House Chief of Staff
Andrew H Card Jr, White House Deputy Chief of Staff
William K Reilly, EPA Administrator

GBS:tm

HRP 001 0425 L