



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING

NEW YORK, NEW YORK 10278

AUG 23 1991

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

Dear Mr. Solomon:

This is in response to your letter of July 15, 1991 in which you raise concerns about EPA's decision to include a preliminary quantitative risk assessment in the Phase 1 Report of the Reassessment for the Hudson River PCBs site.

First, let me assure you that EPA's final decision will reflect the best interests of the river and the people who rely upon it for their livelihood and recreation. Let me also again strongly reassure you that EPA and particularly Region II has no preconceived notion of what that decision will be. I am determined, as you are, that it will be based on sound scientific and engineering principles and will be made after full consideration of all pertinent data and information. In addition, Region II has consulted with EPA Headquarters on technical issues that have been raised during Phase 1, and will continue to do so throughout the Reassessment.

With respect to your concern about the preliminary quantitative risk assessment, our decision to include it in the Phase 1 Report was based on several compelling reasons. First, and most important, before we make a final risk assessment, we want to get public comment on the risk assumptions we are using. The best way to do this, we believe, is to prepare this actual preliminary work product. Second, the preliminary risk assessment process will help to clearly identify the data gaps we must address during our Phase 2 study. Third, the preliminary assessment will help document whether, based on available data, there is sufficient indication of risk to public health and the environment to verify the need to continue the reassessment process. Finally, we want to make sure we give the public timely information regarding the risks posed by the PCBs in the Hudson.

The data on PCB concentrations in fish are now available for fourteen years, from 1975 through 1988 inclusive. That is more than sufficient to permit the performance of a scientifically valid quantitative human health risk assessment for that pathway. With this amount of data available, EPA can first evaluate the risk based upon the most recent available concentration data

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(1986 - 1988) and then secondly project out the trend in fish concentrations over a 30-year period. This will reasonably approximate the range of concentrations, and thus of health risks. Of course, the 1990 fish concentration data will be factored into the final Reassessment RI/FS as it becomes available, as will all other timely scientifically valid information that becomes available.

We acknowledge that the preliminary risk assessment assumes that people will have access to the fishery and eat the fish over a 30-year period. Consistent with the National Contingency Plan, a baseline risk assessment is an analysis of the potential adverse health effects (current or future) caused by hazardous substance releases from a site in the absence of any actions to control or mitigate these releases (i.e., under an assumption of no action). Therefore, a fishing ban would not be factored into the baseline risk assessment. Moreover, EPA has anecdotal evidence that people do actually continue to fish and consume their catch from the river despite the fishing ban.

You also note correctly in your letter that EPA's risk assessment process is under review. The Agency has established a Risk Assessment Council to review policy on risk assessment and risk management. Any changes that are made in our national policy or guidance as a result will of course be incorporated into our ongoing study. In the meantime, we must conduct this risk assessment, as well as those on other Superfund sites, in accordance with existing policy and guidance.

By the same token, the evaluation of new PCB toxicity information will be conducted on a national level by EPA Headquarters. To ensure this new information is valid, it must be subjected to rigorous scientific scrutiny, including a scientific peer review. Only by such a process can the Agency be sure the best scientific thought is being applied to the protection of human health and the environment. Again, any pertinent information that emerges from this process will be incorporated into our study; in the meantime, we are employing currently accepted criteria.

It is important to remember that the preliminary risk assessment will not be presented in isolation -- it is just one part of the Phase 1 Report. The report will contain several sections that will, among other things, discuss all we now know about physical characteristics of the river, its aquatic life and current data trends.

In closing, let me repeat that I share your desire for a river that is safe for fishing and swimming. I fully agree with you that any actions we take toward achieving that goal must reflect the best in scientific thinking and be based on full consideration of all available information and all feasible solutions. We welcome your interest and involvement in our Hudson River project. If you would like to discuss further this letter or any other aspect of the project, please let me know.

Sincerely,

Constantine Sidamon-Eristoff
Regional Administrator

cc: William K. Reilly, EPA Administrator
Thomas Jorling, Commissioner
New York State Department of Environmental Conservation