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June 10, 1998

Mr. Richard L. Caspe
Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, N.Y. 10007-1866

RE: Hudson River PCBs Superfund Site — Peer Review

Dear Mr. Caspe:

I am writing to express my concerns regarding EPA's plans for the peer review process for the Hudson River PCBs Superfund Site.

The Agency should be commended for committing to make the peer review sessions open to the public and providing the public the opportunity to question peer reviewers during that time. In addition, EPA's panel should meet with and discuss the concerns of other parties in order to fully evaluate the issues.

According to EPA's Peer Review Handbook, the peer review process will begin with the formulation of a "clear and focused 'charge'" which, first, "presents specific questions and concerns that the peer review panel should address" and, second, "invites general comments on the entire work product" (Section 3.2, Page 43). The public should be allowed to assist the Peer Review Leader in developing this "charge" to ensure that the issues being addressed by the panel represent those of interest to EPA and the public.

As described at the April 27, 1998 meeting of EPA's Steering Committee, it appears that the peer review panel will be limited to reviewing EPA's Phase 2 Reports without the benefit of the public's comments on those reports. The benefits of providing the peer review panel with technical comments on EPA's Hudson River reports are clear. These critiques will assist the panel in making an informed judgment of the validity of EPA's analyses. In contrast, withholding GE's and others' comments will make the peer review panel's job more difficult. It will impede informed review and lead to a narrow, less

Mr. Richard Caspe, Page 2.

useful, evaluation. The limited peer review envisioned by EPA is simply inadequate to accomplish the goal of providing a thorough assessment of the science upon which EPA's reports are based.

This is particularly important when considering that the panel will have limited knowledge of the vast data concerning the site and the complex and unique characteristics of the Hudson River system. As you have noted, "few studies are as complicated and as involved as the Hudson River Reassessment." This complexity makes it difficult for one unfamiliar with the details of the Site to obtain a full understanding of the issues based on one report. Only by considering contrasting analyses and critiques of EPA's reports will a peer reviewer be able to make meaningful decisions on the adequacy, completeness and validity of EPA's science.

We do not understand why EPA would want to limit the peer review process in this way. The value of peer review diminishes rapidly if the reviewers do not have the full spectrum of analytical approaches and data before them. In reality, the question is not whether EPA's approach to the question at issue is fundamentally flawed, but whether proper account is being taken of the available approaches and data so that the best science is used.

Peer review that rests on a developed understanding of the data and considers the spectrum of analytical methods available to address the issue under review is supported by EPA's Handbook and by the position of the Regional Administrator. Section 3.5.2 of EPA's Science Policy Council Handbook on Peer Review (EPA 100-B-98-00, Jan. 1998) clearly states that a panel's review should include a "current copy of the work product to be peer reviewed with associated background material" (emphasis added). The guidance also states the "Peer Reviewers should be given what is needed to complete their task." These guidelines advise that enough material should be provided so that the reviewer can make an informed judgment about the document being reviewed. Nowhere does the guidance state that peer reviewers cannot be provided with public comments on the document or the issue being evaluated.

As Regional Administrator Jeanne Fox said in a recent press statement, the benefit of peer review is to ensure that EPA's decision is "based on the best possible science." Administrator Fox noted that it is EPA policy to "strive to ensure that the scientific and technical underpinnings of its decisions meet two important criteria: they should be based on the best current knowledge from science, engineering and other domains of technical expertise, and they should be judged credible by those who deal with the Agency," (Hudson

Mr. Richard Caspe, Page 3.

River Reassessment Schedule Released, March 9, 1998, page 2.) These broader purposes can be achieved only by providing reviewers with all the analyses, including those which may be contrary to EPA's.

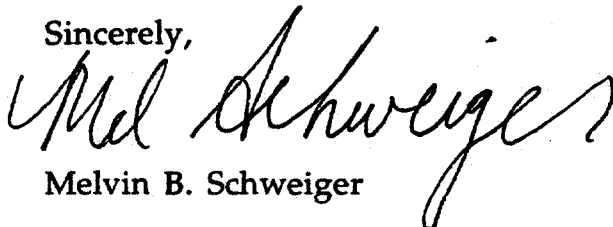
EPA's documents, and the public comments prepared in response, contain an enormous amount of data, research and information. Sufficient time is therefore required to complete an in-depth and detailed examination of these materials and to review the scientific calculations within the reports. Unfortunately, EPA has allotted only 60 hours of time, per panel member, to review this information, attend all peer review-related meetings and finalize findings and recommendations. This is woefully inadequate. We strongly recommend that the peer reviewers be given more time to complete their task.

Finally, we are concerned that EPA does not intend to subject its Feasibility Study to peer review. Mr. Douglas Tomchuk explained that EPA felt the Feasibility Study did not require peer review because it will not raise new issues not covered by the earlier peer review panels. We wholeheartedly disagree. The integration of the risk and modeling science with the technology issues in an emerging field (sediment remediation technologies) is ripe for peer review and presents some of the most complex technical challenges in the entire RI/FS process. This is the pivotal technical document and should be subjected to review by the best independent professionals in the field.

I urge you to reconsider the framework for the Hudson River peer review process and: 1) allow the panel to review comments and analyses provided by GE and others; 2) subject the Feasibility Study to the peer review process; and, 3) allocate more time for the peer review panel to review materials and issue findings.

I would be pleased to discuss these issues with you in greater detail. Please let me know of your decision, and please place a copy of this letter in the administrative record.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mel Schweiger". The signature is fluid and cursive, with the first name "Mel" and last name "Schweiger" clearly distinguishable.

Melvin B. Schweiger

Richard Caspe, Page 4.

cc: Bill McCabe, EPA
Douglas Tomchuk, EPA
Doug Fischer, EPA
John Cahill, DEC
Bruce Bentley, EPA Steering Committee member
Tom Borden, EPA Steering Committee member
Darryl Decker, EPA Steering Committee member
Katie DeGroot, EPA Steering Committee member
Carl Deppe, EPA Steering Committee member
Al DiBernardo, EPA Steering Committee member
Keith Griffin, EPA Steering Committee member
Phil Griffen, EPA Steering Committee member
Paul Lilac, EPA Steering Committee member
Bill Ports, EPA Steering Committee member
Merrilyn Pulver, EPA Steering Committee member
Ennio Ruggi, EPA Steering Committee member
John Santa Croce, EPA Steering Committee member
Judy Schmidt-Dean, EPA Steering Committee member
Marion Trieste, EPA Steering Committee member