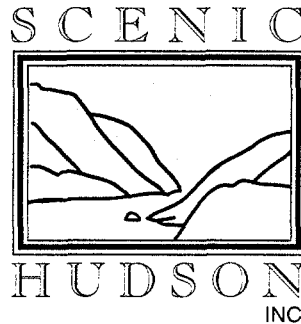


For Rec'd 2/20/98



Doug T
For
Muszynski
cc: [unclear]
Bellow

February 20, 1998

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Mr. William J. Muszinski
Deputy Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York NY 10007

Dear Mr. Muszinski:

Thanks to you and your staff for meeting with us to discuss the Hudson River Reassessment schedule. We appreciated the time spent, but left very troubled by the Agency's resolve to proceed with additional peer review and the preparation of responsiveness summaries at the cost of years of delay. We sense that the Reassessment is at great risk of unravelling uncontrollably.

We generally support the concepts of peer review and full public participation. In this instance however, we have reason to believe that the proposed additional steps can and will be subverted to create unwarranted and unwanted delay. We are not convinced that these additional steps will improve or strengthen the Agency's ability to make or defend a decision about the Hudson River PCB problem.

Your defense of additional peer review rests on consistency with a new agency-wide policy to apply peer review to scientific analysis at EPA. Unfortunately, in this instance, the Agency appears to have played into General Electric's strategy by committing to conduct peer review on this project prior to the rules of EPA peer review being sufficiently well-delineated. We were shocked by the lack of detail you were able to provide on how peer review will be structured to achieve a fair and well-disciplined outcome without substantial delay. If, as was suggested, data and interpretation are continually added to the reassessment and everything is peer-reviewed, there will literally be no end in sight for this project. Given that this project has been underway for nine years and already has several mechanisms for scientific and technical review, we do not see the advantage of shifting to an additional but weakly-defined peer review process. To the contrary, this open-ended commitment to peer review only makes the process more vulnerable to manipulation and delay. Perfection of scientific inquiry is not EPA's mission, and can easily become the enemy of sound environmental decision-making.

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Regarding public participation, the Agency has made a new commitment to preparing "midterm" responsiveness summaries. We left the meeting unclear about the Agency's intentions on this. There does not seem to be any distinctions being made about what type of public comment will be addressed or any definition about the nature of the response. Specifically, if the volumes of comment generated by General Electric are all to be subjected to detailed review and comment, clearly a huge new task has been created for the Agency that will further stall decision-making. Again, we were dumbfounded by the Agency's willingness to commit to this potentially enormous task without having analyzed its impact on the process and without defining how the task will be organized, managed and bounded. There are a variety of meaningful ways the Agency could be more responsive to the public besides this unwieldy and potentially unmanageable option.

Unfortunately, it appears that Agency decisions to alter the Reassessment process have been made under pressure, with little thought or planning for the impacts they would have on the time line, and ultimately on the ability to take actions to restore the Hudson River. We urge that you reconsider these approaches in an effort to keep the Reassessment on schedule.

Sincerely,

Cara Lee
Environmental Director
Scenic Hudson

Andy Mele
Environmental Director
Hudson River Sloop Clearwater

John Cronin
Riverkeeper

Nancy Marks
Senior Attorney
Natural Resources Defense Council

/rp

cc: Carol Browner
Jeanne Fox
Rich Caspe
Anne Ryschlenski