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JUN 10 1999

Certified Mail

Return Receipt Requested

Stephen D. Ramsey
Vice President - Corporate Environmental Programs
General Electric Company
3135 Easton Turnpike
Fairfield, CT 06431

Re: Hudson River PCBs Superfund Site

Dear Mr. Ramsey:

This is in response to your May 10, 1999 correspondence to Regional Administrator Jeanne Fox, which was sent to the U.S. Environmental Protection Agency ("EPA") with a copy of General Electric Company's ("GE's") recently completed modeling report for the Upper Hudson River. This letter also responds to your May 28, 1999 correspondence to Regional Administrator Fox, in which you raise several issues concerning the peer review of EPA's science for the Hudson River PCBs site.

Your May 10 letter summarizes several of the GE modeling report's conclusions regarding PCB concentrations in Upper Hudson River fish, including GE's conclusion that "[a]verage PCB levels in fish from Schuylerville to Troy will reach the FDA safety threshold of 2 ppm by 2000 through natural processes...". As EPA indicated to GE and other members of the public at the May 18, 1999 Joint Liaison Group meeting in Albany, New York, the Agency has not yet had an opportunity to review GE's model, and we therefore are not yet prepared to respond in substance to GE's modeling report. EPA will address GE's modeling report as part of GE's comments on EPA's recently released Baseline Modeling Report (BMR) for the site, and will respond to GE's comments, including its model, as appropriate, in the Responsiveness Summary for the BMR.

It is important to note that EPA has not yet determined an acceptable PCB level in fish for the site, and that the Agency does not necessarily believe that the 2 ppm FDA level is protective of human health and the environment at the site. EPA will decide on an acceptable PCB level in fish in Phase 3 of the Reassessment (the Feasibility Study), after completion of the Baseline Human Health and Ecological Risk Assessments.

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In your May 10 and May 28 letters, you request that the BMR peer review include a side-by-side comparison of EPA's and GE's models. As we have indicated to GE on numerous occasions, including most recently at the May 18 Joint Liaison Group meeting, the peer review for the BMR will not include a side-by-side comparison of EPA's and GE's models. Consistent with EPA's Science Policy Council Peer Review Handbook (EPA 100-B-98-001, Jan. 1998), the purpose of the peer review is to have independent experts review EPA's Reassessment science to ensure that science underlying the Agency's ultimate decision is technically adequate, competently performed, properly documented, and satisfies established quality requirements. The peer review is not a forum in which reviewers are asked to judge between two different models for the site. Nevertheless, the peer review panel for the BMR will be provided with a copy of EPA's Responsiveness Summary for that report, which will include a copy of GE's modeling report and EPA's response to that report.

With regard to your request that the same experts empaneled for the peer review of EPA's Modeling Approach (which included the peer review of EPA's Preliminary Model Calibration Report) also conduct the peer review of EPA's BMR, please note that EPA's contractor for the peer review, Eastern Research Group, Inc., and not EPA, is responsible for selecting the reviewers for each of the peer review panels, including the expert panel for the BMR peer review. EPA does not recommend experts for inclusion on the peer review panels.

Your May 10 letter also suggests that the upcoming peer review be "open to all interested parties and significant opportunity for interaction with the peer review panel must be provided..." EPA fully agrees that the peer review meetings should be open to the public and, contrary to what is implied in your May 28 letter, EPA will not hold "closed meetings" with the peer review panels for any of the upcoming peer reviews. As with the prior two peer reviews for this site, the public will be invited to attend the peer review meetings for the BMR, Baseline Human Health Risk Assessment and Baseline Ecological Risk Assessment. The public also will be invited to address the peer review panels for the upcoming peer reviews, just as the public was given the opportunity to address the expert panels for EPA's Modeling Approach and Data Evaluation and Interpretation Report/Low Resolution Sediment Coring Report (DEIR/LRC) peer reviews.

Finally, we disagree strongly with the statement in your May 10 letter that the process used for the peer review of EPA's DEIR/LRC was "inadequate and unfair." Your letter does not explicitly state the basis for your belief, and we therefore cannot respond directly to the reasons behind this statement. The DEIR/LRC peer review was conducted by independent experts and in accordance with EPA's Peer Review Handbook. The peer review was open to the public, and members of the public, including GE, were permitted to address the peer review panel on the first and third days of the peer review. Moreover, the Responsiveness Summary provided to the panel experts included copies of all written public comments received on the reports, including GE's comments. We therefore find it difficult to understand how the DEIR/LRC peer review could be characterized as "inadequate and unfair."

Please call me at (212) 637-4390 if you wish to discuss any of the issues addressed in this letter.

Sincerely yours,

A handwritten signature in dark ink, consisting of a stylized 'R' followed by a long horizontal line.

Richard L. Caspe, Director
Emergency and Remedial Response Division