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November 9, 1999

Honorable Jeanne M. Fox
Administrator
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866

Re: Hudson River PCBs Superfund Site

Dear Administrator Fox:

We are profoundly disappointed by your decision to reject simultaneous, side-by-side peer review of EPA's and GE's computerized models of the Upper Hudson River. Nevertheless, we believe EPA still has an opportunity to permit independent peer reviewers to consider and analyze both models, and we are writing to propose an approach, which should satisfy your concerns.

As I understand it, the Agency has rejected GE's request because it believes that simultaneous, side-by-side peer review of both models by EPA's panel of independent experts is "beyond the scope and purpose of the peer review."

Agency Policy and National Contingency Plan neither require nor prohibit side-by-side peer review. The matter is left to the discretion of Agency decision makers. But the direct guidance on the question, drawn from the Agency's Science Policy Council Peer Review Handbook, repeatedly encourages an approach to peer review that is broad, open and in-depth enough to examine "assumptions, calculations, extrapolations, *alternate interpretations* ..." (Handbook at 1.2.3, our emphasis) and that covers a full range of scientific and technical documents that are important, precedential or relevant to controversial decisions.

The Handbook encourages peer review of “all major scientific technical work products used in decision making,” and says “to maintain flexibility, the decision-maker(s) for peer review should consider *the full field of possible work products* that could benefit from peer review and *the full spectrum of peer review mechanisms for each product*.” (Handbook at 2.2.2, our emphasis).

The Handbook identifies as candidates for peer review those scientific and technical work products that establish "significant precedent, model, or methodology,"

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"(address) significant controversial issues" and "(consider) an innovative approach for a previously defined problem/process/methodology." (Handbook at 2.2.3)

External peer review is prescribed as the recommended approach for "those work products that are intended to support the most important decisions or *that have special importance in their own right*." (Administrator's Peer Review Policy Statement, June 7, 1994, our emphasis).

The GE and EPA models meet all of these criteria. Inclusion of the GE model in the Agency's peer review process, even if both models are not simultaneously peer reviewed, is entirely consistent with the spirit of the Agency's policy.

To this end, we respectfully propose that the GE consultants who developed our Upper Hudson River model be given the opportunity to make a two-hour presentation, followed by a question and answer period, to the peer reviewers of the Baseline Modeling Report. This is not a substitute for a side-by-side examination, but it will contribute to the robustness of the peer review of EPA's model for reviewers to see and evaluate alternate interpretations of important data from a relevant work product that is precedential, innovative and important in its own right.

There is a strong public interest in a full, open examination of the similarities and differences in the two models. The Agency has been urged by many members of the public, including citizens who serve on EPA's citizen liaison committee; Congressman John Sweeney; State Senate Majority Leader Joseph Bruno; State Assembly Minority Leader John Faso, and other state legislators, the Boards of Supervisors of Washington and Saratoga counties, the Washington County Farm Bureau, the Saratoga County Environmental Management Council, and others, to support this proposition.

As you may know, EPA has agreed to a full and open peer review process for key scientific issues related to the Housatonic River in Massachusetts. There, EPA and GE will select a neutral party to choose peer review members. Both EPA and GE will be able to nominate potential panelists. And, during the peer review, GE will be able to submit written comments to the members and make an oral presentation to peer review members, with an opportunity for the panelists to questions GE's representatives.

We continue to believe that the decisions EPA is about to make regarding the Hudson River are equally important and indeed so consequential for the communities along the Hudson that EPA is duty bound to engage in a meaningful dialogue with the peer reviewers, GE and other responsible parties about key technical issues and differences in our respective modeling approaches.

Honorable Jeanne M. Fox

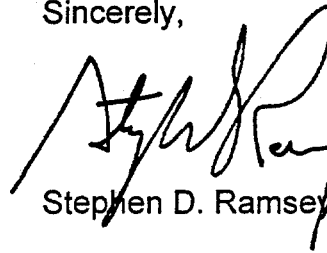
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Page 3

I look forward to hearing from you with regard to our proposal. I also continue my offer to make our modeling experts available to you and or your staff for a thorough review of the GE model at any time it is convenient.

Please make this a part of the administrative record.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Ramsey". The signature is stylized with a large, sweeping initial "S" and a long, horizontal stroke extending to the right.

Stephen D. Ramsey

cc: Honorable John Cahill, NYDEC

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