

July 15, 1998

DocID 80243

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Dear Ann:

Below please find the comments I have prepared for submission into the record of July 15th's Hudson River Oversight Committee meeting. I appreciate your willingness to read these comments on my behalf at Wednesday's meeting:

To the members of EPA's HROC Committee:

As many of you know, the summer is the most active in a farmer's year — so busy that a two-hour trip on non-farm business is nearly impossible to fit in. As such, I was unable to make the trip to Kingston for tonight's meeting. I urge EPA, in the future, to hold meetings at a time and place accessible to all those willing to attend.

According to Ann Rychlenski, tonight's agenda will include a discussion of EPA's peer review panel. I'd like to reiterate and elaborate my thoughts regarding this process.

As I understand, EPA is not allowing the peer review panel to review scientific documents prepared by individuals or groups other than EPA. I cannot understand this decision.

EPA's peer review guidelines do not restrict review of independently-prepared comments, data and research. In fact, the guidelines support it. According to EPA's Science Policy Council Handbook on Peer Review, and I quote: "The principle underlying the Peer Review Policy is that all major scientific and technical work products used in decision making will be peer reviewed. When in doubt about whether to peer review a work product or not, always decide to make it a candidate for peer review."

The peer review panel has been selected because of their scientific qualifications and their lack of knowledge about Hudson River PCBs. As a result, the reviewers will have no way of knowing when to question EPA's theories, hypotheses or data.

Exposure to outside comments should not sway the panel's support of EPA's conclusions, if such support is justified. However, comments from outside sources will provide panel members with the full range of opinion; site-specific characteristics and historical data that will assist them in their review.

For example, in the Data Evaluation and Interpretation Report released last year, EPA failed to distinguish between PCBs buried in sediment and PCBs in the surface layers. Such a distinction may seem trivial to a peer review panel unfamiliar with the fate and transport of Hudson River PCBs. In reality, the question is critical to determining which PCBs get into fish and other wildlife, an issue which directly impacts EPA's choice of a remedial alternative for the river.

I urge EPA to reconsider its decision not to allow the Hudson River peer review panel to review documents prepared by DEC, GE, the Scientific and Technical Committee and

others who have been working with EPA for many years to resolve this issue. Only then will we be certain that EPA's reports and conclusions are based on sound science.

On the submission of questions for review by the peer review panel, I wholeheartedly support EPA's decision to allow the public to submit questions to the peer review panel. However, members of the joint liaison groups were given only one week to prepare these questions. Many of us who participate in EPA's public participation program do so on a voluntary, part-time basis. We have chosen to take critical time out of our daily lives to ensure EPA's Reassessment is on track. One week is certainly not long enough for me to prepare educated, thoughtful questions for the peer review panel's consideration. To ensure the peer review panel answers the full range of public questions, I recommend that EPA extend the period for public submission of questions.

In addition, I trust that EPA's request for early submission of peer reviewer questions will not impede the public's opportunity to directly question peer review panelists during their two- or three-day review meeting. After all, when the public becomes privy to the comments and conclusions made by the panel, additional issues and areas of concern are certain to arise, necessitating an additional public question-and-answer period.

Regarding Administrator Browner's recent visit to Albany to testify at the politically-staged public hearing on the Hudson River put together by Assemblyman Brodsky: Administrator Browner's politically-charged attacks on GE and her complete omission of the Agency's secret landfill siting study were startling and discouraging. Yet Admin. Browner did make one very critical point: that nothing is to be gained by not working together during this Reassessment process.

Members of the joint liaison committee agree. That's why we held a joint liaison committee hearing last year to review the conclusions EPA made in its DEIR report. EPA, the state Department of Environmental Conservation, General Electric Co., Scenic Hudson, Sloop Clearwater and other interested parties were asked to participate. The joint liaison meeting was held, with excellent attendance by citizens. Unfortunately, EPA did not send a single representative.

Now, another technical disagreement has arisen, that which involves the importance of the Thompson Island Pool sediments. GE has advanced the theory that a sampling station, used both by GE and EPA, at the Thompson Island Pool is biased, leading to the inaccurate assumption that buried sediments from the area are making their way into the water column and getting into the fish. EPA, on the other hand, continues to maintain that these sediments are the primary cause of contamination to fish and other wildlife downstream. This is a critical issue that must be resolved prior to any Hudson River remedial decision. And yet, EPA has continued to put off a public review of its theory versus GE's. Enough is enough. Let's get the science on the table and figure out which view is scientifically sound. Too much is at stake to proceed without it.

I also reiterate my request, initially made at the HROC meeting in January, for EPA to come to the Town of Fort Edward to explain the Agency's secret landfill siting study. As a town councilwoman, I am constantly asked questions regarding this report. My constituents want to know how this report will be used in the future, what data was used to determine that Site 10 was the most suitable site for a PCB dump, why EPA failed to consider the site's agricultural character in its evaluation and why, if, as Administrator Browner recently testified, PCBs are "a serious health threat," why EPA is leaning toward digging up these toxic chemicals for storage in a landfill in our community.

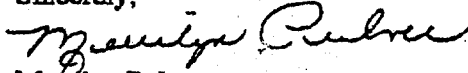
My constituents are not able to attend meetings in Latham, Albany or further south. Yet these are the people who would be most directly affected by the Agency's decision to site a landfill in Fort Edward. The questions of the people of Washington County deserve to be answered. A meeting in Fort Edward should be EPA's top priority.

Finally, regarding EPA's upcoming joint liaison meeting on July 23: Last year, EPA badly mishandled release of its Data Evaluation and Interpretation Report. Joint liaison members received the report only one day before the only public meeting on the document — one day to review 142 pages of text, a 100-page data quality appendix and a two-inch thick compendium of figures and tables. The people who sit on these committees are not, for the most part, scientists and cannot adequately review this breadth of material in less than a day. Therefore, we cannot come to a meeting less than 24 hours later prepared to ask informed questions.

Now, EPA is planning to release its low-resolution coring report and the scope of work for the human health risk assessment, two critical documents in the Reassessment. Again, I have not yet received these reports, even though the scheduled meeting is little more than a week away. I believe this is a deliberate attempt by the Agency to preclude meaningful questions and debate of its reports — a move that jeopardizes EPA's entire public participation process. I strongly urge EPA to release these documents to the joint liaison group members at least one week prior to a discussion on the reports' contents. If the meeting on the 23rd needs to be postponed for such a purpose, so be it.

Thank you for the opportunity to submit these comments.

Sincerely,

  
Marilyn Pulver