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cc: Callahan/Actin

New York Farm Bureau • Route 9W, P.O. Box 992 • Glenmont, New York 12077-0992 • (518) 436-8495 Fax: (518) 436-5471

June 3, 1992

Mr. Constantine Sidamon-Eristoff, Region II Administrator
U.S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Dear Mr. Eristoff:

New York Farm Bureau is a non-profit agricultural membership organization, with a statewide membership of approximately 23,000 Farm Bureau families. Farm Bureau has been involved in opposing the proposal to dredge PCB's from the Hudson River for more than a decade. Farm Bureau's recent involvement has included monitoring EPA's reassessment process since its inception in 1990, as well as direct participation in the "Citizen Interaction Program" (CIP) which EPA has utilized since that time in regard to the Hudson River PCB dredging proposal. This letter is to express Farm Bureau's serious concern over certain actions EPA has taken in recent months in relation to its reassessment of the Hudson River PCB dredging alternative.

First, it is our understanding that EPA has refused to allow two individuals from Washington County, Darryl Decker and Keith Griffin, to continue to represent Washington County on the Governmental Liaison Group, despite a resolution passed by the Washington Board of Supervisors on April 16, 1992 declaring the County's clear desire to continue being represented by these two individuals. Please explain the reasoning behind EPA's position on this issue, including both the justification and the authority under which this position is taken.

Second, EPA replaced Dr. Daniel Abramowicz as Chairman of the Scientific and Technical Committee (STC). Dr. Abramowicz was an EPA-invited and EPA-approved member of this committee when it was originally formed. As such, he was clearly eligible to serve as the Chairman of the committee, a position to which he was duly elected by the other members of the committee. His election as Chairman of the committee was apparently in keeping with the EPA's CIP at that time, since this was permitted. EPA unilaterally removed Mr. Abramowicz as Chairman of the committee on March 27, 1992, explaining that his Chairmanship of the committee had become "a source of contention". The agency then unilaterally selected Dr. William Nicholson as the new Chairman of the committee.



EPA's actions in relation to the Chairmanship of the Scientific and Technical Committee raise several very serious questions which reflect upon the entire Hudson River PCB reassessment process. These questions include:

1). What is the process, and what are "the rules", in regard to the reassessment process and the "Citizen Interaction Program"? If the EPA had an established procedure which it was properly following, which included the establishment of citizen committees and the election of committee Chairmen by the members of each committee, then under what basis or authority did EPA unilaterally decide to remove a properly-elected Chairman, and replace that person with an individual hand-picked by EPA, with no input nor knowledge by the committee members?

2). Is EPA acting objectively in its reassessment and review of the PCB situation in the Hudson, or is it trying to control the review process to assure a conclusion which meets its own predetermined outcome? Certainly EPA's action to control the Chairmanship of the STC raises suspicion in this regard. Concern over EPA controlling or manipulating the direction and outcome of the process is also supported by the fact that EPA's reassessment project manager had previously cancelled four meetings of the STC which had been called by then-Chairman Abramowicz. It would appear that EPA may have already been controlling the direction and agenda of the STC, even before its action to replace the committee-elected Chairman. The question of EPA trying to control the process and its outcome is also raised in relation to EPA's refusal to permit Washington County to be represented on the Governmental Liaison Group by its chosen representatives, who happened to be strong opponents of the dredging alternative.

3). Is EPA performing an objective and unbiased agency review, or is it susceptible to ex parte pressure and undue influence by environmental groups and representatives of DEC, both of whom are formal participants in the reassessment process, and both of whom have a strong prejudice and motivation to advance the dredging alternative? When the Agricultural Liaison Group had earlier written a letter to EPA, it had been scolded and warned for not copying that correspondence to the other parties involved in process. In contrast, environmental groups and a Deputy Commissioner of DEC engaged in a coordinated lobbying campaign to pressure EPA into replacing Chairman Abramowicz. A coalition of environmental groups, organized or led by two parties who are heavily involved in the reassessment process, wrote an extremely biased and self-serving letter to EPA, including potentially slanderous references to another party to the reassessment process, lobbying EPA to remove Chairman Abramowicz. DEC also wrote to EPA over the same issue. Neither of these letters were copied to the other parties involved in the process, nor did EPA inform the other parties of these communications. It is hard to imagine any more

inappropriate behavior than for either of these two parties, who are both so categorically prejudiced in favor of the dredging alternative, to be corresponding with the reviewing agency in this ex parte manner. It is also hard to imagine how EPA could not only allow this type of communication, but also fail to inform the other parties once it did occur, and also to proceed and act in the exact manner requested by these two parties, regardless of their obvious biases, and without any involvement or input from the other involved parties. Based upon the reasoning of the environmental groups, the DEC, and now the EPA in regard to Mr. Abramowicz's involvement in the process, neither representatives of environmental groups, nor any representatives of the State of New York, should be allowed to take part in the process, since both the environmental groups and the DEC/Project Sponsor Group have exhibited such an obvious predetermined position in favor of the dredging alternative.

Based upon all of the above, certain inferences or assumptions could reasonably be drawn, such as:

- EPA either has no established procedure for carrying out the reassessment and citizen involvement processes, or has an established procedure but is willing to vary that procedure to suit its own goals or purposes.
- EPA has a predetermined position in regard to the dredging alternative and it is willing to control certain aspects of the process to assure a certain outcome.
- EPA is open to ex parte pressures and influences outside of the established communication pattern, and does indeed react to those lobbying influences.
- EPA may be willing to reach a final decision on the reassessment of its earlier "no action" determination in regard to Hudson River PCBs, based upon outside influences and factors other than scientific factors.

Farm Bureau sincerely hopes that all of the above questions and concerns can be adequately explained or addressed by EPA's response to this letter. If this is not done, it is very likely that EPA's entire "citizen interaction program" and input process will be perceived as nothing more than "window-dressing", and EPA's final determination will not be viewed as credible and will not meet with acceptance by the public.

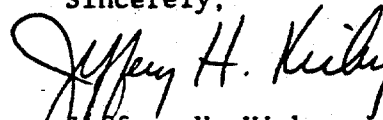
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This letter has been copied to those listed below. As the specific rules regarding dissemination of correspondence to other parties is one of the issues in question, I request further that this letter be copied by EPA and disseminated to all those deemed to be proper recipients. Farm Bureau respectfully requests that EPA respond to our concerns prior to any further meetings of the various liaison groups. Thank you in advance for your attention to this matter.

Sincerely,


Jeffery H. Kirby,
General Counsel

cc: Larry Riley, President, Washington County Farm Bureau
Tom Borden, Vice President, Washington County Farm Bureau
Roger Moseley, President, Rensselaer County Farm Bureau
Sheila Powers, President, Albany County Farm Bureau
Kevin Grupe, President, Saratoga County Farm Bureau
Adrian Ooms, President, Columbia County Farm Bureau
Paul Wais, President, Greene County Farm Bureau
Russell Kowal, President, Orange County Farm Bureau
Tom Schimpf, Jr., President, Rockland County Farm Bureau
Norman Greig, President, Dutchess County Farm Bureau
Charles Wille, President, New York Farm Bureau
William Moore, Director, New York Farm Bureau
Ronald Phillips, Director, New York Farm Bureau
Marilyn Leary, Field Advisor, New York Farm Bureau
Bambi Baehrel, Field Advisor, New York Farm Bureau