



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Admin.

National Ocean Service
Office of Response and Restoration
c/o EPA Office of Site Remediation and Restoration (HIO)
1 Congress Street
Boston, MA 02114
24 October 2005

Ms. Susan Svirsky
U.S. EPA Office of Site Remediation and Restoration
1 Congress Street
Boston, MA 02114

Dear Susan:

I received a copy of the GE-authored Interim Media Protection Goals Proposal for the Housatonic River, Rest of River study, dated September 6, 2005. The Introduction provides the expected information and outlines the rest of the document nicely. But Section 1.6 provides an unwelcome surprise; here, GE selects to reanalyze the Ecological Risk Assessment and subsequently provide different (i.e., their own) interpretations to the data. Hence, the IMPGs do not necessarily follow the ERA conclusions. This independent decision by GE is surprising given that the negotiations several years ago that ultimately created an outside peer-review panel for the risk assessments was meant to avoid an opportunity of one party to make such unilateral judgments

Much like our review of the Ecological Risk Assessment, NOAA's specific interest are in the Risk Based Media Concentrations (RMCs) and IMPGs for the benthic invertebrates and fish tissue (risks to fish). Hence, I briefly looked over those sections of the GE report.

Benthic Invertebrates. EPA selected RMCs based on a conservative analysis of the toxicity test and benthic community results. GE proposes a range of sediment RMCs (from 2 to 100 mg/kg) that does nothing more than attempt to show the uncertainty in the data set. Such differences in toxicity based on the species and endpoints are not unexpected. And differences in the benthic community are common. But if the data is examined following the EPA ERA guidance along with even the slightest acknowledgement of the precautionary principle, one must select the EPA methodology. GE's argument to raise the RMC (and subsequently the IMPGs) for sediments based on risks to benthic invertebrates (Section 3.4.1) essentially is based on two issues: the non-use of a geometric mean in calculating the RMC for the toxicity test results, and an apparently different statistical analysis of the fine and coarse grained sediments when examining the benthic community. To be perfectly honest, both methodologies appear to make sense. But if the peer-review team did not find fault in EPA's methods, then we should make use of them.

Fish. GE spends a few pages in Section 2 describing the need for a range of fish tissue PCB concentrations rather than the single RMC/MATC recommended by EPA. The

results are a GE range that includes the EPA RMC for all species in the PSA. GE similarly produces a RMC range for the downstream cold and warmwater fisheries and, again, these ranges include the EPA values. These GE RMC ranges appear more an effort to show uncertainty than to actually prove the EPA RMCs are too low, given the general conservative nature of selecting risk-based concentrations. In Chapter 3 (Section 3.4.4) GE moves away from EPA's results into a completely independent analysis of the data. GE spends considerable time discussing the flaws in EPA's data, something that, as far as NOAA is aware, was not previously discussed. The resulting RMCs are at least twice that found by EPA. It is NOAA's belief that such serious differences must have been addressed by the peer-review team.

Lastly, it would have been helpful for GE to provide a table with both the EPA and GE calculated RMCs side by side.

Please let me know if you have any questions.

Sincerely,

Kenneth Finkelstein, Ph.D.

CC: Ken Munney (USF&WS)