
SEDIMENT MANAGEMENT WORK GROUP

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*Via FedEx
Via E-Mail*

June 8, 2010

The Honorable Lisa Jackson
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Re: Sediment Management Work Group Comments on Process Issues Related to U.S. EPA's Draft Reanalysis of Key Issues Related to Dioxin Toxicity and Responses to NAS Comments

Dear Administrator Jackson:

The Sediment Management Work Group (SMWG) is an ad hoc group of industry and government parties actively involved in the evaluation and management of contaminated sediments on a nationwide basis. The SMWG has long advocated a national policy addressing contaminated sediment issues that is founded on sound science and risk-based evaluation of contaminated sediment management options. One important component of a risk-based approach to managing contaminated sediments is evaluating potential human health risks associated with those sediments. The SMWG, therefore, is very interested in the United States Environmental Protection Agency's (U.S. EPA) efforts to complete the Dioxin Reassessment.

U.S. EPA's announced timeline for the public comment and peer review process for the draft "Reanalysis of Key Issues Related to Dioxin Toxicity and Responses to NAS Comments" (Draft Report) is inconsistent with both the revised IRIS process and U.S. EPA's commitments to public participation and high scientific quality for IRIS risk assessments. Moreover, the timeline for public comment is severely compressed given the highly technical nature and length (nearly 2,000 pages) of the Draft Report. The SMWG has serious concerns that the compressed timeline will undermine the Science Advisory Board's (SAB) ability to provide a thorough, rigorous peer review of the Draft Report.

An example of the inconsistency of the announced timeline with the revised IRIS process is that the 90-day public comment period and the SAB's peer review overlap to such an extent that the 90-day public comment period effectively is truncated to 34 calendar days before the SAB's June 24th public teleconference and 53 days before the SAB's July 13 – 15 meeting.

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These time frames are shorter than the minimum 60-day public comment period the revised IRIS process provides for before the SAB meeting is to occur. This schedule compression will preclude the public from adequately reviewing and commenting on the Draft Report, which was issued four years after the NAS released its report on U.S. EPA's draft Dioxin Reassessment, and five months after the December 31, 2009 deadline announced by U.S. EPA in May, 2009. The compressed schedule will make it difficult, if not impossible, for the members of the SAB panel to review the complete Draft Report before they begin their deliberations. The compressed schedule also will deprive the SAB panel of the benefit of the opportunity to review all of the public comments before deliberations begin. We have serious concerns whether the SAB panel will be in a position to meaningfully discuss the Draft Report for three days when the panel members likely will not have enough time to read the document before the July meeting. We also question whether public comments that are received five or six weeks after the panel has begun deliberations will have the same impact as comments received and reviewed before deliberations begin.

The SMWG appreciates the U.S. EPA's stated commitment to scientific integrity, which includes using the best available science, transparency and meaningful public input. Given the nature of the SMWG's concerns with the process for reviewing and commenting on the Draft Report, the SMWG respectfully requests that U.S. EPA revise its process in three ways:

1. **Extend the Public Comment Period to 120 Days:** U.S. EPA should extend the public comment period to 120 days, which is consistent with the revised IRIS process. The revised IRIS process provides for extensions of the public comment period in cases involving complex scientific issues, large scientific literature bases, or are high profile. All of these factors in favor of extending the public comment period are present in this case.
2. **Provide a Public Listening Session:** Consistent with the IRIS process and U.S. EPA's announcement that the IRIS process applies to the Draft Report, U.S. EPA should provide a public listening session and announce it in the Federal Register at least 30 days prior to the public listening session. This session should be held 90 days after the start of the public comment period.
3. **Reschedule the Science Advisory Board's Meetings on the Draft Report:** Consistent with the IRIS process and to allow time for adequate consideration of public comments, the SAB peer review, including meetings and teleconferences, should follow the public comment period. Specifically, U.S. EPA should transmit public comments to SAB at least 60 days before the SAB meetings and teleconferences.

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Thank you for your consideration of these comments. If you wish to discuss this matter, please contact me.

Sincerely,

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Steven C. Nadeau
Coordinating Director

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MEMBERS**

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