R9 **Desk Statement – R.J. Lee Group Critique of the El Dorado Hills NOA Study**

On December 13, 2005 the U.S. Environmental Protection Agency (EPA) received a report (prepared by the R. J. Lee Group (RJLG) for the National Sand and Gravel Association and dated November 2005) which questions results of the agency's recent exposure assessment of naturally occurring asbestos (NOA) in El Dorado Hills, CA. Representatives of El Dorado County discussed the RJLG report with USEPA officials and elected officials in Washington, D.C. during the week of Dec. 12, 2005.

In response, the agency will conduct a thorough review of the RJLG report and also will be seeking some additional assistance from experts from the U.S. Geological Survey in Denver, Colorado. Experts from the USGS will be asked to provide a technical review of EPA's NOA assessment and to conduct some additional analyses to address issues raised in the RJLG report. USEPA welcomes thorough and unbiased reviews of our work and we look forward to a continuing dialogue on the results of our NOA exposure assessment in El Dorado Hills.

EPA's preliminary conclusions, after a brief review of the RJLG report, are that the report makes several sweeping and unsupported statements regarding the El Dorado Hills exposure assessment. Many of the central claims in the RJLG report are similar to previous assertions made by Dr. R.J. Lee, as an expert hired by WR Grace Co, the defendant in litigation surrounding asbestos contamination in Libby, Montana. With regard to the Libby Site, Lee argued in his expert report that EPA substantially overstated asbestos concentrations by including fibers that were not asbestiform or were cleavage fragments and non-toxic. Upon examination, EPA analytic experts found RJLG's testing methodology to be technically flawed because they failed to demonstrate any reliable criteria with which to distinguish asbestiform amphibole fibers and non-asbestiform fibers at the microscopic level. Nor did RJLG ever produce complete underlying data supporting his expert report and opinion during civil discovery. Given this recent history with the RJLG, the agency plans to ask for all the necessary supporting documentation in order to better understand and evaluate their claims.

All of the EPA work in El Dorado Hills is consistent with our standard operating and quality control procedures for asbestos work across the country. The EPA standard operating procedures for counting asbestos fibers clearly state that structures under the microscope that are within the designated size range and mineralogy categories should be counted as asbestos. EPA's analytical approaches being used in Libby and El Dorado are also consistent with EPA's integrated risk information system, and are supported by the Centers for Disease Control and Prevention, the Agency for Toxic Substances and Disease Registry and the National Institute for Occupational Safety and Health. Further, EPA's scientific and analytical approach to evaluating asbestos was upheld by the District Court in Missoula in 2003, and was recently reaffirmed in an opinion issued by the Ninth Circuit Court of Appeals on December 1, 2005.

Industry experts have long argued that "cleavage fragments" do not present the same health hazard as similarly shaped, mineralogically identical, asbestos fibers. However, federal health agencies, including the EPA, have held that the body of available health science counters this position when "cleavage fragments" are of similar dimensions to asbestos fibers. According to the Centers for Disease Control and Prevention, workers and the public must be protected from exposure to cleavage fragments with shapes that are similar, or indistinguishable from asbestos fibers using commonly employed analytical techniques. There is little or no medical evidence suggesting that "cleavage fragments" of similar dimensions to asbestos fibers do not pose a potentially serious health risk.