UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable James M. Inhofe
United States Senate
Washington, DC 20510

Dear Senator Inhofe:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

Data quantity and quality issues. You expressed concerns about the quantity and quality of data, and suggested that additional data should be collected and reviewed before any final reviews or actions are taken. The EPA stands behind the quality and reliability of our data. Extensive data have been collected and analyzed since the investigation began in 2009. Much of this information was shared with the State of Wyoming, the Tribes, Encana, and other interested parties before the draft report was released, and all of the laboratory and field data are publicly available on the EPA website.[1]

The Agency agrees that it would be beneficial to conduct additional sampling of the wells along with other studies to fill data gaps. On March 8, 2012, Wyoming Governor Mead, the Northern Arapaho and Eastern Shoshone Tribes, and EPA Administrator Jackson issued a joint statement indicating that the Agency will partner with the State and the U.S. Geological Survey (USGS), in collaboration with the Tribes, to conduct another round of sampling of the EPA's deep monitoring wells in the Pavillion area. The EPA also plans to resample the domestic wells in closest proximity to the monitoring wells. To ensure that the results of the additional testing are available for the peer review process, the EPA is delaying the meeting of the peer review panel until the new data from USGS and the EPA are publicly available. In addition, the EPA is extending the public comment period on the draft report through October 2012.

Peer review and classification of the draft report. Regarding the peer review and the classification of this investigation, the EPA has been clear from the outset that the peer review of the draft report will be conducted in a scientifically rigorous manner by an independent group of experts. The EPA has classified the draft report as "Influential Scientific Information" (ISI). According to the Office of Management and Budget (OMB), ISI is defined as "scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private

[1] http://www.epa.gov/region8/superfund/wy/pavillion/

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sector decisions." The EPA Peer Review Handbook describes ISI as having characteristics such as establishing a significant precedent, addressing a significant controversial issue, focusing on significant emerging issues, or having significant interagency implications. The draft EPA report clearly meets these and other ISI criteria. The EPA has determined that because the Pavillion investigation is a single study with the characteristics of ISI, rather than a broader assessment that involves an evaluation of a body of scientific or technical knowledge (as defined by OMB), it is best characterized as ISI.

However, in recognition of the high profile of this investigation, the Agency is treating the draft report as if it is a HISA for the purpose of peer review. The Agency will convene a balanced and independent panel of reviewers with the appropriate disciplinary expertise. Candidate reviewers will be carefully screened to avoid the selection of individuals with a real or perceived conflict of interest. In the spirit of transparency, the public has been invited to nominate reviewers and submit written comments on the draft report. The public will also be able to attend a public meeting where oral presentations on scientific issues can be made to the peer reviewers. By providing an opportunity for the public to offer comments on the draft charge to the reviewers, the EPA has gone one step beyond the HISA requirement of simply making the final peer review charge publicly available.

In closing, I would like to emphasize that the EPA has used a scientifically sound investigative approach in responding to the concerns expressed by homeowners in the Pavillion area about possible contamination of their wells. We have taken great care in analyzing the data and reaching the conclusions presented in the draft report. Transparency has been a hallmark of our efforts since the earliest stages of the investigation, and we will continue to operate in a transparent manner through the peer review and in any additional work that may be undertaken in Pavillion. Finally, we fully recognize the value of a rigorous and independent peer review, and we are implementing such a process. The EPA is committed to upholding the public trust by ensuring that the final report meets the expected standards of the scientific and technical community.

Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-6969.

Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Lisa Murkowski
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Mike Johanns
United States Senate
Washington, DC 20510

Dear Senator Johanns:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-6969.

Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Michael Crapo
United States Senate
Washington, DC 20510

Dear Senator Crapo:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-6969.

Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Tom Cole
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cole:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-6969.

Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Roger Wicker
United States Senate
Washington, DC 20510

Dear Senator Wicker:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable John Cornyn
United States Senate
Washington, DC 20510

Dear Senator Cornyn:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable John Boozman
United States Senate
Washington, DC 20510

Dear Senator Boozman:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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The Agency agrees that it would be beneficial to conduct additional sampling of the wells along with other studies to fill data gaps. On March 8, 2012, Wyoming Governor Mead, the Northern Arapaho and Eastern Shoshone Tribes, and EPA Administrator Jackson issued a joint statement indicating that the Agency will partner with the State and the U.S. Geological Survey (USGS), in collaboration with the Tribes, to conduct another round of sampling of the EPA's deep monitoring wells in the Pavillion area. The EPA also plans to resample the domestic wells in closest proximity to the monitoring wells. To ensure that the results of the additional testing are available for the peer review process, the EPA is delaying the meeting of the peer review panel until the new data from USGS and the EPA are publicly available. In addition, the EPA is extending the public comment period on the draft report through October 2012.

Peer review and classification of the draft report. Regarding the peer review and the classification of this investigation, the EPA has been clear from the outset that the peer review of the draft report will be conducted in a scientifically rigorous manner by an independent group of experts. The EPA has classified the draft report as "Influential Scientific Information" (ISI). According to the Office of Management and Budget (OMB), ISI is defined as "scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private

[1] http://www.epa.gov/region8/superfund/wy/pavillion/

EPAPAV0072848

sector decisions." The EPA Peer Review Handbook describes ISI as having characteristics such as establishing a significant precedent, addressing a significant controversial issue, focusing on significant emerging issues, or having significant interagency implications. The draft EPA report clearly meets these and other ISI criteria. The EPA has determined that because the Pavillion investigation is a single study with the characteristics of ISI, rather than a broader assessment that involves an evaluation of a body of scientific or technical knowledge (as defined by OMB), it is best characterized as ISI.

However, in recognition of the high profile of this investigation, the Agency is treating the draft report as if it is a HISA for the purpose of peer review. The Agency will convene a balanced and independent panel of reviewers with the appropriate disciplinary expertise. Candidate reviewers will be carefully screened to avoid the selection of individuals with a real or perceived conflict of interest. In the spirit of transparency, the public has been invited to nominate reviewers and submit written comments on the draft report. The public will also be able to attend a public meeting where oral presentations on scientific issues can be made to the peer reviewers. By providing an opportunity for the public to offer comments on the draft charge to the reviewers, the EPA has gone one step beyond the HISA requirement of simply making the final peer review charge publicly available.

In closing, I would like to emphasize that the EPA has used a scientifically sound investigative approach in responding to the concerns expressed by homeowners in the Pavillion area about possible contamination of their wells. We have taken great care in analyzing the data and reaching the conclusions presented in the draft report. Transparency has been a hallmark of our efforts since the earliest stages of the investigation, and we will continue to operate in a transparent manner through the peer review and in any additional work that may be undertaken in Pavillion. Finally, we fully recognize the value of a rigorous and independent peer review, and we are implementing such a process. The EPA is committed to upholding the public trust by ensuring that the final report meets the expected standards of the scientific and technical community.

Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-6969.

Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Jeff Sessions
United States Senate
Washington, DC 20510

Dear Senator Sessions:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Pat Roberts
United States Senate
Washington, DC 20510

Dear Senator Roberts:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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EPAPAV0072852

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Sincerely,

Lek Kadeli
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2012

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Marco Rubio
United States Senate
Washington, DC 20510

Dear Senator Rubio:

Thank you for your letter of January 20, 2012, to Lisa P. Jackson, Administrator of the U.S. Environmental Protection Agency, concerning the Agency's investigation of ground water contamination in Pavillion, Wyoming. Specifically, you raised concerns about the data used as a basis for the conclusions in the draft report, and asked that the investigation be considered a Highly Influential Scientific Assessment (HISA). Your letter was referred to me because of the Office of Research and Development's role in conducting the investigation with EPA Region 8 and in arranging the peer review.

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EPAPAV0072854

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