To: Robert Law[rlaw@demaximis.com]
Cc: Olsen, Marian[Olsen.Marian@epa.gov]; Kristen Carpenter[kristencarpenter@me.com]
From: Vaughn, Stephanie
Sent: Fri 10/30/2015 2:26:13 PM
Subject: Draft BHHRA, response to CPG's RTC's, follow up....

Hi Rob,

As discussed, here is EPA's response to the CPG's 8/21/2015 and 9/1/2015 responses to Comment 42 on the draft BHHRA. For ease of reference, the rest of EPA's responses on the CPG's RTCs were forwarded to the CPG on 10/16/2015. Also included below is a follow-up response to Comment 154.

Comment 42

The CPG's response to Comment 42 is generally acceptable, with the following clarifications and modifications:

1. The CPG proposes adding language stating that "the findings of the CPG's CAS have not been confirmed by Region 2" to Section 2.3.1.1 and to some portions of the Uncertainty Section. Please also add, "and the survey was completed without EPA oversight or review. Further, the results represent current baseline fish and crab ingestion rates in the LPRSA, where a consumption advisory is currently in place."

As is stated in the Final Creel Angler Study Work Plan dated November 28, 2011, "The CAS is designed to collect data needed to assess potential current baseline fish and crab ingestion risks in the LPRSA, that is, the current baseline risks to anglers who fish and consume their catch despite the presence of consumption advisories." A footnote goes on to say, "The approach for evaluating the effect of the advisory on current fishing and consuming behavior is currently under revision, including peer consultation on the use of the behavioral simulation model and associated CAS data to address this DUO." The issue of suppression due to the presence of a consumption advisory was raised by the peer review panel in its report titled "Peer Review of the Lower Passaic River Study Area (LPRSA) Creel/Angler Survey Work Plan, Volume 1" dated November 28, 2011. EPA has not been provided with the results of the peer consultation process addressing suppression.

Given this, EPA stands by its original comment that references to the survey can be made anecdotally, not quantitatively. Further, all references to the CAS should clearly state that the data represents current conditions, in the presence of a consumption advisory.

2. Page 7-13 – please add the phrase "under current conditions" to the end of the first sentence in the paragraph before the table on this page. There is a fish consumption advisory on the LPRSA which likely decreases the rate of actual and reported ingestion that would be seen if no such advisory were in place.

3. Page 7-14 – please add the phrase "under current conditions" to the end of the last sentence of the section called "Crab Consumption Rate." See previous point.

Comment 154

As part of our response to the CPG's response to Comment 154, EPA provided suggested language to replace the language in Section 7.3.6.1 (see Attachment 2 to EPA's 10/16/2015 email). After our discussion on 10/22/2015 about EPA's responses, we suggest the following modification to the language we provided. Please replace the last paragraph of Attachment 2 (regarding arsenic) with the following sentence,"EPA is currently reviewing the toxicity of inorganic arsenic through the Integrated Risk Information System (IRIS) process. "

We are awaiting your suggested revised language in response to Comment 151, and will send it to HQs for review once received. I think this addresses all of the outstanding issues on the draft BHHRA, and look forward to receiving a revised draft by 12/18/2015. If I am missing something, or if you have any questions, please let me know.

Thanks,

Stephanie