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Portland, OR 97203

Chip Humphrey
Eric Blischke
US EPA
805 SW Broadway, Suite 500
Portland, OR 97205

February 10, 2010

Dear Mr. Humphrey and Mr Blischke;

The members of the Portland Harbor Community Advisory Group (PHCAG) have reviewed the Risk Assessment reports supplied by the Lower Willamette Group, as well as the initial response provided by you and a technical review (attached) provided by Environmental Stewardship Concepts serving as a technical advisor to the CAG and Willamette Riverkeeper. We appreciate your attention to the faults in the Risk Assessments and wish to emphasize a few points of concern to us.

To begin with, there are a number of areas throughout the assessments where uncertainties are identified, but the interpretation of uncertainties always sways toward lowering the risk estimate. The potential risk involved in these scenarios should be considered, rather than be dismissed. We agree with your statement that the reports underestimate risk, and are very concerned that this could affect the level of clean up required.

Second, as noted in your review as well, there are judgments made within the Assessment reports that should not have been made in these documents. The purpose of these documents is to assess the levels of risk posed by existing chemicals, but not to make decisions at this point to remove chemicals from consideration.

Third, at meetings of the CAG, members have raised concern about the combined or synergistic effects of multiple chemicals. The risk assessments make a further error (in some cases) of dividing exposure pathways and calculating risks posed through the various pathways, without considering the combined risk. The failure to combine risk pathways understates the risk posed by chemicals in the system.

Fourth, the Ecological Risk Assessment did not adequately examine effects on Peregrine Falcon. The issue had been raised at previous CAG meetings, and while we understand the difficulty in studying the effects on Peregrine Falcon, the species is a threatened or endangered species which is known to nest on bridges in the Portland Harbor study area. Therefore the Ecological Risk Assessment should use the “No Observed Adverse Effect Level” of risk with Peregrine Falcon.

The Risk Assessments are meant to be the document on which cleanup decisions and plans can be based. It is of grave concern to us that the draft Risk Assessment documents contain flaws which when combined result in a report which understates potential risks, and therefore reduces the level of cleanup required. It is of utmost importance that the Risk Assessment documents accurately reflect the risks posed by chemicals in the Harbor, so that decisions and plans regarding cleanup can truly be protective of both human and ecological health.

The EPA initial response includes a statement that corrections to the Risk Assessments are expected to be completed before April. Is this established as a legal deadline for the Lower Willamette Group to meet? What is the impact on the overall timeline if that deadline is not met?

As a final comment, the CAG wishes to re-emphasize that the cleanup of the entire harbor must include effective source control measures, and that cleanup should proceed in an orderly upriver to downriver fashion so that cleanup of one site does not re-contaminate another site.

Sincerely,

Jim Robison, Chair
Portland Harbor Community Advisory Group

Cc Robert Wyatt, LWG

Attachment: Environmental Stewardship Concepts comments on Risk Assessments report by LWG