

US EPA ARCHIVE DOCUMENT

December 30, 1999

BY FAX AND E-MAIL TO DEBORAH DALTON

Kathleen Bailey
Office of Reinvention Programs
U.S. Environmental Protection Agency
401 M Street, SW -- W1037B
Washington, DC 20460

Dear Ms. Bailey:

I am writing to recommend certain improvements in EPA's public participation policies. Public comments on this matter were requested in the *Federal Register* notice of November 30, 1999 (64 Fed.Reg. 66906 *et seq.*).

The comments I wish to make concern principally public participation in the preparation of risk assessments (including risk characterizations) that will be used, or are likely to be used, as the basis for agency, or state or local, decisionmaking on regulatory measures, or have the potential to impact public perceptions, activities and choices, including product deselection.

1. **Public comments on SAB charges:** At present, the agency does not make available or solicit public comment on the "charge" (that is, the specific questions) it submits to its Science Advisory Board for the Board to address during SAB review of a draft risk assessment. The drafting of the charge is an important matter, because the SAB often views the charge as delimiting the scope of its review. A draft charge to the SAB on a significant draft risk assessment should be made available to the public (including outreach to the portions of the scientific community likely to be

interested) and comments invited. The SAB review of the next draft of the dioxin risk assessment, targeted for sometime this year, would provide an excellent opportunity for implementation of this policy.

2. **Public comments on significant draft risk characterizations and the agency's risk characterization policy:** For particularly significant risk assessments (e.g., radon, chloroform, diesel fumes, dioxin), the agency should arrange for stakeholder review focused on the risk characterizations portion of the draft risk assessment as a distinct item. This is because the agency and its SAB have recognized that the risk characterization should address the specific concerns of stakeholders and risk managers (including managers in state and local government), and this cannot be done adequately without their input. In connection with this, we note that the agency's current risk characterization policy was never disseminated in draft for public comment. This oversight should be corrected by inviting public comment on that policy.
3. **Public input for significant draft risk assessments:** All such risk assessments should be made available to the public for comment when in draft form, and prior to SAB review. The draft should be posted on the Internet, and its availability, and the invitation for comment, should be advertised in the publications or journals of organizations likely to be interested stakeholders, including scientific publications commonly read by those scientists who would likely wish to contribute. The agency has often commendably followed such a policy -- for example, in the case of the dioxin risk assessment -- and the policy deserves to be formalized.

I would appreciate acknowledgment that these comments have been received, since the address to which comments should be sent was not given in the *Federal Register* notice, and I look forward to notification of the next steps in this policy review process. If you have a server list for this matter, I would like to be added.

Sincerely,

Jim J. Tozzi
Director
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