

From: Jonathan D Miller  
Sent: Monday, October 25, 2004 1:09 PM  
To: Art Williams; Jonathan Trout  
Subject: Written Follow-up to Informal Comments on Wednesday, Oct. 20

Please see my comments in the attached Word document, and Clarence Dykstra's comments in the attached E-mail message.

From: Clarence A Dykstra/DDE/DuPont  
To: Jonathan D Miller/DDE/DuPont@DuPont  
Sent: 10/25/2004 09:08 AM  
Subject: Comments for Art

District Regulation 5.20

The area of risk assessment is a very complex issue; EPA has been working for approximately 5 years to revise its Guidelines for Cancer Risk Assessment, as yet unissued. It is unrealistic to expect that a small agency such as APCD can produce a product that achieves a reasonable balance by attempting to blend several approaches into one in a very short regulatory development period without stakeholder input.

We believe that extensive review and dialog by a knowledgeable stakeholder group and revision of the proposed benchmark determination methodologies is required before formal proposal of the regulation. The current proposal has no explanation of the rationale for the approach taken by APCD, and the derivation and use of the prescribed factors is both not obvious and differs from EPA methodologies. As such, it is not understandable by the regulated community.

We are concerned that the proposed methodology compounds worst case upon worst case upon worst case (or conservatism upon conservatism upon conservatism) to the point that the proposed regulations will set hard standards that are unachievable for much of industry. If applied to non-covered area, mobile, and off-road sources, we believe these proposed regulations would prohibit many normal activities.

We have concerns with the methodology proposed for determining benchmark values. We believe that arbitrarily inserting the California list and the Michigan screening list high in the hierarchy is inappropriate. In addition, the proposed use of the Michigan screening list is particularly inappropriate for determining 70 year risk levels. We believe that the hierarchy should reflect the EPA methodology as described in the Air Toxics Risk Assessment Reference Library and the latest draft (2003) of the Guidelines for Cancer Risk Assessment, as well as being aligned with proposed EPA methodologies and protocols proposed for Residual Risk regulations. Included in this approach is a range of acceptable risk vs. a bright-line standard and use of census tract centroids as receptors.