

Part 201 Criteria Stakeholder Advisory Group Meeting No. 3

Wednesday, April 30 | 9 AM–12:30 PM
Public Sector Consultants, Lake Superior Conference Room
230 N. Washington Square, Suite 300

AGENDA

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| I. Welcome, Introductions and Agenda Overview | Jack Bails, PSC |
| a. Recap Meeting No. 2 | |
| II. White Papers Discussion | Jack Bails, PSC |
| a. Chemical – Physical Parameters and Toxicity Data | |
| b. Generic Exposure Pathway Assumptions and Data | |
| III. Develop Guiding Principles | Jack Bails, PSC |
| IV. Status of Selection of Technical Advisory Group Members | Bob Wagner |
| V. Next Steps | Jack Bails, PSC |

Part 201 Criteria Stakeholder Advisory Group Meeting No. 3 – Summary

Wednesday, April 30 | 9:00 AM–12:30 PM
Public Sector Consultants, Lansing, Michigan

Criteria Stakeholder Advisory Group	Representing
Attendees	
Ravi K. Adibhatla, Consumers Energy	Energy
James Clift, Michigan Environmental Council	Environmental Group
Troy Cumings, Warner, Norcross & Judd LLP	Office of Regulatory Reform, Admin. Rules Committee
Karen Hathaway, Horizon Environmental	Environmental Consulting
Ian Ladomer, Marathon Petroleum Company	Petroleum
Matthew Naud, City of Ann Arbor	Local Government
Eric Pessell, Kent County Health Department	Public Health
Edward Peterson, General Motors	Automotive
Rob Rouse, Dow Chemical Company	Chemical
James Trosko, Michigan State University	Academia
Brad Venman, NTH Consultants, Ltd.	Environmental Consulting
Kristin Mariuzza, Lundin Eagle Mine	Resource Extraction
Corinne Miller, Mich. Department of Community Health	Public Health
Invited Observers	
Sarah Schillio, aide to Rep. Jeff Irwin	Michigan Legislature
Robert Lee, DTE Energy	Energy

MDEQ Staff
Anne Couture, Senior Policy Adviser
Sue Erickson, Asst. Division Chief, RRD
Paul Owens, District Supervisor
Jim Sygo, Deputy Director
Bob Wagner, Division Chief, RRD
Eric Wildfang, Toxicologist
Emily Freeman

PSC Staff
Jack Bails
Mark Coscarelli

AGENDA

I. Welcome and Overview

Bails opened the meeting at 9:12 AM and welcomed participants. Several housekeeping items were addressed and introductions followed. Bails indicated that a document summarizing meeting No. 2 had been circulated previously and asked if there were any questions or comments. He said that formal adoption of the meeting summary was not being sought and that the document is for information purposes. He also indicated that since the TAG member discussion was left unfinished from the previous meeting that the agenda was being modified to include it as the first item of discussion.

II. TAG Membership

One of the CSA members indicated that TAG No. 2 contained three names that were unfamiliar and suggested that members needed to have extensive experience in risk assessments but not toxicology per se. Another member indicated that the members in question did indeed possess the necessary expertise to participate in the TAG discussion. Another member asked if CSA members were allowed to participate in the TAG meetings. Bails indicated that CSA members could participate but the goal is to not have those members necessarily influence the TAG discussions because the TAG recommendations would be discussed by the CSA over the course of the process. Another member suggested that TAG No. 2 needed additional members given the nature of the discussion and recommended a name, bringing the total to seven members. Several academics were also mentioned as potential participants in the process and Bails indicated that some of these individuals might be utilized as resource experts on a specific topic rather than needing to attend every meeting. Bails indicated that any additional names for consideration should be submitted by Monday, May 5.

III. White Paper No. 1: Chemical – Physical Properties and Toxicity Data

CSA members generally agreed that additional discussion on the current process, including how the DEQ selects its data, should be included in the document. In addition, it was recommended that current issues and gaps in the current process should be highlighted. For example, how does the DEQ use the hierarchal process currently? How does the DEQ evaluate the quality of data? How is the hierarchy applied in practice? It was felt that a better description of the chemical – properties was needed. CSA members felt that having a complete understanding of the current deficiencies and limitations was important to the process. Another member indicated that the CSA needs to have an open and transparent discussion about where the process is at today in the context of the statute. Another member indicated that the current hierarchal process is extremely important and valuable when data is solid and plentiful, but that a hierarchy will not be appropriate for all 300+ chemicals. Another member indicated that DEQ's Air Toxics hierarchy is an excellent example but it is limited to toxicity data. Discussion also occurred related to whether criteria should be imbedded in the rules or the statute. It was also suggested that EPA's IRIS database currently covers approximately 200 of the 300+ chemicals in question and that DEQ should consider further examination of the primary literature. A recommendation was also made to reconcile Question Nos. 1 and 3—one suggests that a hierarchy currently exists and the other suggests that a hierarchy should be established. Another member recommended adding a question to consider whether other states have best practices and, if so, do criteria exist for deviating from a hierarchy. Another member indicated that a best practice in one state may not necessarily be considered a best practice for all. The CSA also discussed the lexicon behind generic clean up criteria versus generic screening. It was recommended that the white paper should include a better description of the difference between generic and site specific criteria. Bails indicated that any additional comments should be submitted by Monday, May 5.

IV. White Paper No. 2: Exposure Assumptions and Pathways

Bails provided a brief overview of the document. A CSA member asked why Question No. 2 related to receptors was so specific compared to the others. DEQ staff indicated that it was an unresolved issue and a direct result of the former stakeholder process. Another CSA member asked if a question could be inserted around the topic of where exposure takes place. It was suggested, however, that defining exposure is chemical dependent and a simple definition is not possible. Another member asked if “benchmarking” was possible to address the issue of compounding conservatism. A DEQ staff member indicated that Reasonable Maximum Exposure (RME) attempts to address the issue of compounding conservatism. It was recommended that a question be added for the TAG to consider if it is possible to benchmark/evaluate a final number as a result of a model analysis once that all factors are considered to ensure that compounding conservatism is not occurring. Another member indicated that the questions need to be focused on the statutory language (i.e., reasonable and based on sound science). Bails indicated

that a question would be developed and inserted to address the compounding conservatism issue. Another member wondered the basis for the current DEQ numbers. The paper has a table (Appendix C) but adding some additional narrative around it would be helpful. Discussion also occurred around whether or not assumptions could be developed that are specific to the State of Michigan. Discussion also occurred around whether or not the TAG was being asked to evaluate the algorithms. It was agreed that this was not a purpose of the TAG and that their work would be focused on an examination of how the data is selected and utilized. Bails requested that any additional comments be submitted by Wednesday, May 7.

V. Next Steps

Bails said the next meeting will be held on Wednesday, May 14, 9:00 AM at the offices of Public Sector Consultants in Lansing. The agenda will be devoted to discussion of guiding principles and revisions to the first two white papers.