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BEFORE THE AIR RESOURCES BOARD
SCIENTIFIC REVIEW PANEL

06 IN THE MATTER OF:)
06)
07 RE: MEETING BEFORE THE)
07 SCIENTIFIC REVIEW PANEL)
08 ON TOXIC AIR CONTAMINANTS)
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TRANSCRIPT OF PROCEEDINGS

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IRVINE, CALIFORNIA
TUESDAY, MAY 20, 1997

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22 REPORTED BY:
22
23 MICHELLE HANNAH,
23 CSR NO. 9985

24
24 JOB NO.:
25 ARB2800
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BEFORE THE AIR RESOURCES BOARD
SCIENTIFIC REVIEW PANEL

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IN THE MATTER OF:)
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RE: MEETING BEFORE THE)
SCIENTIFIC REVIEW PANEL)
ON TOXIC AIR CONTAMINANTS)
_____)

TRANSCRIPT OF PROCEEDINGS, TAKEN AT
ARNOLD AND MABEL BECKMAN CENTER OF THE
NATIONAL ACADEMIES OF SCIENCES & ENGINEERING,
100 ACADEMY DRIVE, IRVINE, CALIFORNIA,
COMMENCING AT 10:00 A.M. ON TUESDAY, MAY 20,
1997, BEFORE THE SCIENTIFIC REVIEW PANEL,
REPORTED BY MICHELLE HANNAH, CSR NO. 9985, A
CERTIFIED SHORTHAND REPORTER IN AND FOR THE
STATE OF CALIFORNIA.

MEMBERS PRESENT

BOARD MEMBERS: JAMES PITTS, CHAIRMAN
JOHN FROINES
JAMES N. SEIBER
CRAIG BYUS
HANSPETER WITSCHI

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0005

IRVINE, CALIFORNIA, TUESDAY, MAY 20, 1997
10:00 A.M.

CHAIRMAN PITTS: GOOD MORNING, AND WELCOME TO THE MEETING OF THE SCIENTIFIC REVIEW PANEL.

WE HAVE AN INTERESTING AGENDA TODAY. AND AS PANEL MEMBERS, WE ARE ALL LOOKING FORWARD VERY MUCH TO THE REPORTS AND DISCUSSIONS OF REPORTS AND STATUS SUMMARIES FROM THE S.R.B. STAFF, A.R.B. AND THE D.P.R.

WE ARE DELIGHTED TO HAVE THE PEOPLE, THE STAFF, THE ADMINISTRATORS FROM ALL THREE ORGANIZATIONS HERE TODAY, AND WE LOOK FORWARD TO INTERACTING WITH THEM.

THE FIRST ITEM ON THE AGENDA IS ENTITLED "PRESENTATION ON NATIONAL RESEARCH COUNCIL COMMITTEE REPORT ON THE SCIENTIFIC REVIEW PROCESS FOR RISK CHARACTERIZATION."

AND AS JUST A LITTLE BIT OF BACKGROUND, BOTH PROFESSOR FROINES AT ONE TIME NOT TOO LONG AGO -- IN MARCH I BELIEVE IT WAS -- AND I MET WITH CHAIRMAN DUNLAP AND OTHERS AND DISCUSSED VARIOUS ASPECTS OF THE S.R.B. PROCESS AND OTHER ASPECTS OF THIS WHOLE OPERATION. THEN JIM SEIBER AND I MET BACK WHEN, DECEMBER 20TH -- JIM,

24 WASN'T THAT RIGHT -- WITH MR. TUNAL (PHONETIC) AND
25 MR. DUNLAP AND DISCUSSED A VARIETY OF TOPICS.

0006

01 AND ONE OF THE ITEMS OF INTEREST TO US, OF
02 COURSE, WAS WHAT REALLY CONSTITUTES THE PROCESS FOR
03 DEVELOPING SCIENTIFIC RISK ASSESSMENTS AS VIEWED BY
04 VARIOUS ORGANIZATIONS. THERE'S INTERNATIONAL AGENCY FOR
05 RESEARCH ON CANCER. THERE'S THE CENTER FOR DISEASE
06 CONTROL. WE HAVE RISK ASSESSMENT DOCUMENTS FROM THOSE.
07 AND SO IN THAT CONTEXT, WE ACTUALLY PROVIDED SOME
08 INFORMATION ON THAT.

09 SO INTO THE PROCESS, I'M THINKING ABOUT THIS
10 AND WE HAVE TALKED ABOUT IT, AND WE INTEND TO PURSUE IT.
11 WE PROVIDED DOCUMENTS AND DOCUMENTATION, INCLUDING THE
12 FORMS THAT SOME OF US HAD ACTUALLY FILLED OUT AS MEMBERS
13 OF -- I THINK I COULD SAFELY SAY ALL OF US, THE PANEL,
14 HAVE BEEN MEMBERS OF PERHAPS MORE THAN ONE PANEL FOR THE
15 NATIONAL RESEARCH COUNCIL, FOR THE NATIONAL ACADEMY OF
16 SCIENCES. WE HAVE ALL BEEN INVOLVED WITH THESE VARIOUS
17 PANELS, AND WE HAVE ACTUALLY SENT IN SO-CALLED CONFLICT OF
18 INTEREST FORMS, THINGS YOU HAVE TO FILL OUT WHEN YOU
19 BECOME A PANEL MEMBER, AND THEY CAN BECOME FAIRLY
20 INVOLVED.

21 I SHOULD ADD THAT IN THIS REVIEW, I SHOULD
22 ADD THAT THE FORMS THAT THE MEMBERS OF THE PANEL HAD TO
23 FILL OUT WERE EXACTLY THE SAME AS THE STATE EMPLOYEES,
24 WHICH TURNED OUT TO BE CONSIDERABLY MORE DEMANDING IN WHAT
25 THEY NEEDED TO KNOW, WHICH WAS FINE. AND I THINK I

0007

01 MENTIONED THIS AT THE LAST MEETING. I READ THE
02 QUALIFICATIONS, WHAT YOU HAVE TO DISCLOSE. SO IT'S NO
03 PROBLEM. ONE DOES THAT.

04 OKAY. WELL, THEN IT OCCURRED TO US THAT WE
05 HAD A VALUED MEMBER OF O.E.H.H.A. SCIENTISTS THAT HAS
06 WORKED WITH THE A.R.B., WITH THE O.E.H.H.A., WITH THE
07 PANEL FOR MANY YEARS WHO, AS A MATTER OF FACT, WAS A
08 MEMBER OF A NATIONAL RESEARCH COUNCIL PANEL "UNDERSTANDING
09 RISK IN FORMING DECISIONS IN A DEMOCRATIC SOCIETY," AND
10 DR. ZEISE WAS ON THAT PANEL.

11 SO WE ALL THOUGHT, WELL, LET'S GET SOMEBODY
12 THAT HAS ONE OF THE MOST RECENT APPROACHES TO THIS, AND
13 THESE QUESTIONS WERE DISCUSSED THAT WILL BE RELEVANT. SO
14 SHE HAS GRACIOUSLY CONSIDERED TO COME TODAY AND TO GIVE US
15 A BRIEF OVERVIEW OF WHAT THIS REPORT CONTAINS AND THEN
16 OPEN IT UP FOR QUESTIONS.

17 DR. ZEISE, WELCOME.

18 DR. ZEISE: THANK YOU.

19 CHAIRMAN PITTS: WOULD YOU LIKE YOUR BOOK BACK?

20 DR. ZEISE: SURE.

21 CHAIRMAN PITTS: IT WAS NOT EVEN AUTOGRAPHED TO
22 ME. PASS IT AROUND. PASS IT AROUND THE AUDIENCE, TOO,
23 WHILE YOU ARE AT IT. ALL RIGHT?

24 DR. ZEISE: THANK YOU. IT'S A PLEASURE TO BE
25 HERE.

0008

01 GOOD MORNING TO EVERYONE.

02 THERE HAVE BEEN A VARIETY OF ACTIVITIES

03 LOOKING AT THE ISSUE OF RISK CHARACTERIZATION, AND THE
04 U.S. E.P.A. HAS COME OUT WITH A RISK CHARACTERIZATION
05 POLICY. RISK CHARACTERIZATION HAS BEEN AT THE CENTER OF
06 THE RISK ANALYSIS DECISION MAKING PROCESS FOR SOME TIME,
07 AND QUESTIONS REGARDING HOW IT CAN BE IMPROVED HAVE BEEN
08 ADDRESSED FOR SOME TIME.

09 SO IN FEW YEARS BACK, THE U.S. E.P.A.,
10 DEPARTMENT OF ENERGY AND A VARIETY OF OTHER FEDERAL
11 AGENCIES, AS WELL AS SOME INDUSTRY GROUPS SUCH AS THE
12 AMERICAN INDUSTRIAL HEALTH COUNCIL, REQUESTED THAT THE
13 N.R.C. DEVELOP A STUDY ON RISK CHARACTERIZATION.

14 THE COMMITTEE WAS MADE UP OF INDIVIDUALS WITH
15 A BROAD RANGE OF PERSPECTIVES. HARVEY FINEBURG, WHO'S
16 DEAN OF THE HARVARD SCHOOL OF PUBLIC HEALTH CHAIRED THE
17 COMMITTEE. VARIOUS PEOPLE HAD EXPERIENCE AT THE STATE
18 LEVEL ON THIS COMMITTEE. FOR EXAMPLE, TOM BURKE, WHO WAS
19 FORMERLY THE DEPUTY DIRECTOR FOR PUBLIC HEALTH AT
20 NEW JERSEY WAS ON THE COMMITTEE. HE ALSO WAS ON OUR RISK
21 ASSESSMENT ADVISORY ASSESSMENT, LOOKING AT CAL E.P.A. RISK
22 ASSESSMENT POLICIES. KAREN CHESS ALSO HAS BACKGROUND AT
23 THE STATE LEVEL. SHE'S NOW AT RUTGERS AND LOOKS AT RISK
24 COMMUNICATION ISSUES.

25 BRENDA DAVIS IN NEW JERSEY -- A GOOD STRONG
0009 REPRESENTATION FROM NEW JERSEY ON THIS COMMITTEE -- WAS ON
01 THE KING CABINET IN THE STATE OF NEW JERSEY. JIM WILSON
02 WAS ON THE STATE OF CALIFORNIA'S RISK ASSESSMENT ADVISORY
03 COMMITTEE FOR MANY YEARS WORKED AT MONSATO AND IS NOW AT
04 THE RESOURCES FOR THE FUTURE. EBON WAS ON THE CALIFORNIA
05 COMPARATIVE RISKS PROJECTS COMMITTEE LOOKING AT
06 ENVIRONMENTAL JUSTICE ISSUES.

07 AND SO IN TERMS OF STATE BACKGROUND, THERE'S
08 QUITE A DEEP REPRESENTATION. AND THEN THERE ARE VARIOUS
09 INDIVIDUALS WITH FEDERAL LEVEL EXPERIENCE LOOKING AT SOME
10 OF THE LARGER PROBLEMS, WIDE RANGING PROBLEMS LIKE
11 JOHN A. HERN WHO HEADED UP THE NUCLEAR REGULATORY
12 COMMISSION AND HAD VARIOUS SENIOR LEVEL POSITIONS IN
13 FEDERAL GOVERNMENT. PHYSICIANS WERE ON THE COMMITTEE AS
14 WELL. SO IT'S A VERY BROAD COMMITTEE.

15 NOW, THE STARTING POINT FOR THE DISCUSSION
16 WAS THE NATIONAL ACADEMY OF SCIENCES RED BOOK WHERE RISK
17 CHARACTERIZATION WAS REALLY SEEN MAINLY AS AN ISSUE OF
18 SUMMARIZATION AND TRANSLATION OF INFORMATION TO THE PUBLIC
19 FOR USE. AND THIS SUMMARIZATION AND TRANSLATION OF RISK
20 IS ONE OF THE WAYS IN WHICH WE FREQUENTLY LOOK AT A RISK
21 CHARACTERIZATION ACTIVITY.

22 THIS PROBABLY CAME OUT OF THE EARLY WAYS IN
23 WHICH WE BEGAN RISK ASSESSMENT IN THE 1970'S. THERE WAS
24 CONSIDERABLE LEGISLATION AT THE CONGRESSIONAL AS WELL AS
0010 THE STATE LEVEL WHICH WOULD FRAME THE QUESTIONS IN FRONT
01 OF THE AGENCIES, FRAME QUESTIONS ON RISK ASSESSMENT, AND
02 THE PROBLEMS WERE FAIRLY CONSTRAINED.

03 AND, IN FACT, IF YOU LOOK AT THE A.R.B.
04 PROCESS, IT REALLY FITS INTO THIS PARADIGM WHERE YOU HAVE
05 DIFFERENT SPECIFIC QUESTIONS BEING ASKED BY THE AGENTS OF
06 THE AGENCIES, LIKE IS AN AGENT A CARCINOGEN, IS AN AGENT A

08 TOXIC AIR CONTAINMENT.

09 BUT FROM THAT TIME FORWARD, THERE'S BEEN A
10 CONSIDERABLE BROADENING OF THE QUESTIONS THAT AGENCIES ARE
11 ASKED TO ADDRESS, LIKE SHOULD THERE BE A FACILITY SITE AT
12 YUCA MOUNTAIN FOR STORING HIGHLY RADIOACTIVE HAZARDOUS
13 WASTE, QUESTIONS ABOUT TYPES OF FUEL TO BE USED IN
14 AUTOMOBILES, AND SO FORTH. SO THE QUESTIONS HAVE GOTTEN
15 CONSIDERABLY BROADER.

16 AND IF WE LOOK AT SOME OF THE FAILURES, THE
17 COMMITTEE LOOKED AT SOME OF THE FAILURES IN RISK ANALYSIS,
18 FOUND THAT MANY TIMES THEY STEM FROM PERHAPS THE WRONG
19 QUESTIONS BEING ASKED IN A RISK CHARACTERIZATION. FOR
20 EXAMPLE, WITH YUCA MOUNTAIN, THE WHOLE QUESTION OF WHETHER
21 OR NOT A PERMANENT WASTE REPOSITORY NEEDED, THAT'S A
22 QUESTION.

23 AND THE OPPONENTS TO THE SITING OF THE
24 FACILITY FOUND IN THE RISK CHARACTERIZATION THAT THERE WAS
25 A FOCUS ON TECHNICAL ISSUES WHERE THEY HAD SOME BROADER

0011

01 CONCERNS THAT WEREN'T ADDRESSED AT ALL. SO FOR THESE
02 LARGER TYPES OF DECISIONS, A NEW WAY OF THINKING ABOUT HOW
03 WE GET TO A POINT OF UNDERSTANDING RISK WAS THE FOCUS OF
04 THE COMMITTEE. SO A NEW DEFINITION OF RISK
05 CHARACTERIZATION WAS CREATED.

06 RISK CHARACTERIZATION IS A SYNTHESIS AND
07 SUMMARY OF INFORMATION ABOUT A POTENTIALLY HAZARDOUS
08 SITUATION THAT ADDRESSES THE NEEDS AND INTERESTS OF THE
09 DECISION MAKERS AND OF INTERESTED AND AFFECTED PARTIES.
10 RISK CHARACTERIZATION IS A PRELUDE TO DECISION MAKING AND
11 DEPENDS ON AN INTERACTIVE, ANALYTIC, DELIBERATIVE
12 PROCESS.

13 SO THIS RATHER COMPLICATED DIAGRAM THAT IS TO
14 MATCH THAT DEFINITION INDICATES THE KIND OF INTERACTION
15 THAT THE COMMITTEE HAD ENVISIONED AS PROCESSES WHICH WOULD
16 LEAD TO AN UNDERSTANDING OF THE RISK SITUATION THAT WOULD
17 ENABLE BETTER DECISION MAKING FOR SOME OF THESE VERY WIDE
18 PROBLEMS.

19 ALSO, IN ADDITION TO LOOKING AT WIDE
20 PROBLEMS, MANY THOUGHT IN SETTING UP A PROCESS IN LOOKING
21 AT REPETITIVE DECISION MAKING, YOU PROBABLY NEED A PROCESS
22 MORE LIKE THIS WITH INTERACTION WITH THE PUBLIC AND
23 INTERESTED PARTIES VERY EARLY AT THE PROBLEM FORMULATION
24 STAGE, AN UNDERSTANDING OF THOSE INDIVIDUALS THAT ARE
25 AFFECTED BY THE DECISION AND DEVELOPING WAYS OF ENABLING

0012

01 PARTICIPATION ACROSS A BROAD SPECTRUM OF INDIVIDUALS'
02 INTERACTION AND IN DESIGNING THE PROCESS TO ANSWER THE
03 QUESTIONS, SORTING OUT WHAT QUESTIONS NEED TO BE ANSWERED
04 BY THE RISK CHARACTERIZATION OR BY THE PROCESS AND SO
05 FORTH.

06 SO THIS VERY INTERACTIVE PROCESS OF ANALYSIS
07 AND DELIBERATIONS, IN MANY WAYS, THE PART OF THE PROCESS
08 THAT, FOR EXAMPLE, THE A.R.B. HAS DEVELOPED AROUND COMING
09 UP WITH THESE AB1807 DOCUMENTS IS EXTREMELY INTERACTIVE
10 WITH WORKSHOPS. THERE'S A GOOD DEAL OF ANALYSIS FOLLOWED
11 BY DISCUSSION WITH NOW WORKSHOPS VERY EARLY ON IN MANY OF
12 THE ANALYSES.

13 WE LOOK AT THE E.T.S. DOCUMENT. FOR EXAMPLE,
14 AT THE VERY BEGINNING OF THE PROCESS, A WORKSHOP WAS HELD
15 TO ASK THE QUESTION, OF THE POINTS AND CONCERNS THAT THIS
16 REPORT HAS ADDRESSED, DO WE HAVE A GOOD UNDERSTANDING IN
17 TURNING TO THE PUBLIC TO ASK FOR THEIR ADVICE ON WHAT
18 THINGS TO ADDRESS IN THAT CHARACTERIZATION.
19 DR. FROINES: COULD YOU PUT THAT BACK?
20 I DON'T UNDERSTAND IT, FIRST.
21 DR. ZEISE: OKAY.
22 DR. FROINES: BUT SECOND, WHAT HAPPENS -- I DON'T
23 UNDERSTAND WHAT HAPPENS AFTER DECISION. WHAT'S THAT
24 SUPPOSED TO MEAN? BECAUSE IT LOOKS LIKE AFTER DECISION,
25 YOU THEN HAVE INTERESTED AND AFFECTED PARTIES AND NATURAL
0013
01 AND SOCIAL SCIENCE ACTIVITIES INTERACTING ON
02 IMPLEMENTATION.
03 IS THAT A BOX FOR RISK MANAGEMENT?
04 DR. ZEISE: YES.
05 DR. FROINES: WHAT IS THAT?
06 DR. ZEISE: THAT WOULD BE A RISK MANAGEMENT PART OF
07 THE PROCESS.
08 DR. FROINES: OKAY.
09 DR. SEIBER: SO JUST TO CLARIFY, DECISION IN THIS
10 CONTEXT -- I KNOW THIS IS A GENERIC SLIDE.
11 DR. ZEISE: RIGHT.
12 DR. SEIBER: IS IT A REGULATORY DECISION OR A
13 SCIENTIFIC DECISION OR EITHER OF THE ABOVE?
14 DR. ZEISE: WELL, THIS IS REALLY AIMED AT
15 ADDRESSING THE OVERALL UNDERSTANDING OF THE RISK
16 SITUATION. SO AS PART OF THAT, THERE WOULD BE AN ANALYSIS
17 OF SPECIFIC SCIENTIFIC ASPECTS, WHICH WOULD OCCUR ALONG
18 THE WAY HERE. SO THE DECISION BOTH HAS COMPONENTS OF
19 LOOKING AT THINGS LIKE THE COSTS AND THE VARIOUS
20 ALTERNATIVES AS WELL AS THE HEALTH SCIENCE, SO ALL OF
21 THOSE FORCES WOULD COME TO BEAR.
22 AND THIS MIGHT BE SOME SCIENTIFIC ANALYSIS OF
23 THINGS LIKE WHAT THE OPTIONS ARE AND SO FORTH THAT WOULD
24 ALSO TAKE PLACE EARLY ON IN THE PROCESS.
25 DR. SEIBER: I AGREE WITH YOU. THE DIAGRAM IS TOO
0014
01 COMPLICATED.
02 DR. FROINES: DOES THAT MEAN THAT ALL THE WAY
03 THROUGH, THAT THE THREE GROUPINGS INTERACT ALL THE WAY
04 THROUGH SYNTHESIS?
05 DR. ZEISE: WELL, FOR THESE LARGE-SCALE PROBLEMS,
06 YOU WOULD EXPECT THAT THE ANALYSIS AND THE ULTIMATE RISK
07 DESCRIPTION WOULD BE MUCH BETTER IF YOU HAD INTERACTION
08 ALL THE WAY THROUGH SO THAT AS DIFFERENT ISSUES CAME UP IN
09 THE PROCESS DESIGN, FOR EXAMPLE, YOU WOULD BE ABLE TO MAKE
10 SURE THAT PEOPLE FELT THAT THE PROCESS WAS DESIGNED TO
11 TAKE INTO ACCOUNT THEIR CONCERNS.
12 IF YOU LOOK AT SOME -- AND THE REASON WHY IS
13 IF YOU LOOK AT SOME OF THE FAILURES, IT'S BECAUSE, YOU
14 KNOW, OF THE RISK CHARACTERIZATION. LIKE YUCA MOUNTAIN,
15 THERE'S A LOT OF DISCUSSION ABOUT HOW THE RIGHT QUESTIONS
16 WEREN'T BEING ASKED, HOW PEOPLE WHO WERE AFFECTED BY THE
17 DECISION WEREN'T INCLUDED IN THE PROCESS AT ALL.

18 DR. FROINES: BUT THEN HOW DOES ONE SEPARATE
19 OBJECTIVE FROM SUBJECTIVE ISSUES?

20 DR. ZEISE: RIGHT. SO THAT THERE WOULD BE FOR
21 OBJECTIVE ISSUES, SCIENTIFIC ISSUES, ONE WOULD NEED TO
22 UNDERSTAND WHAT KINDS OF SCIENTIFIC QUESTIONS MADE SENSE
23 TO ANSWER. AND WHILE SOME INDIVIDUALS WOULDN'T BE
24 INVOLVED IN HELPING TO ANSWER THOSE QUESTIONS, THEY WOULD,
25 IN FACT, BE INVOLVED IN RAISING THEM.

0015

01 DOES THAT MAKE SENSE?

02 DR. FROINES: UH-HUH.

03 DR. ZEISE: NO?

04 DR. FROINES: IT ANSWERS THE QUESTION.

05 DR. ZEISE: OKAY. I THINK THAT THIS MIGHT HELP
06 SOMEWHAT. THERE ARE FIVE CRITERIA THAT THE REPORT
07 DISCUSSES IN TERMS OF A SUCCESSFUL RISK CHARACTERIZATION.
08 THE FIRST ONE IS JUST GETTING THE SCIENCE RIGHT, MAKING
09 SURE YOU HAVE A CLEAR OBJECTIVE EVALUATION OF THE
10 SCIENTIFIC INFORMATION AND RISKS.

11 BUT THE SECOND POINT IS GETTING AT THIS ISSUE
12 OF ARE THE RIGHT QUESTIONS BEING ASKED. THE THIRD IS
13 GETTING THE RIGHT PARTICIPATION.

14 AND I CAN GIVE YOU AN EXAMPLE OF ANOTHER,
15 ANOTHER EXAMPLE THAT MIGHT BE MORE RELEVANT IN TERMS OF
16 GETTING THE RIGHT SCIENCE. WITH THE ALAR DECISION,
17 THERE'S A CONSIDERABLE AMOUNT OF CONTROVERSY. BUT ONE OF
18 THE CONCERNS THAT CAME OUT THAT WAS MISSED IN THE ANALYSIS
19 WAS THE EXPOSURE OF INFANTS AND YOUNG, AND THAT ISSUE WAS
20 NOT ADDRESSED UNTIL WAY AFTER THE FACT.

21 AND PERHAPS IF THERE HAD BEEN MORE
22 INVOLVEMENT AND UNDERSTANDING OF HOW THE EXPOSURES WERE
23 OCCURRING AND THERE WAS BROADER REPRESENTATION BY
24 INTERESTED PARTIES, SOME OF THESE QUESTIONS WOULD HAVE
25 COME OUT EARLY SO THE ANALYSIS COULD HAVE ADDRESSED THAT.

0016

01 AND UP FRONT THERE COULD HAVE BEEN A DISCUSSION FURTHER ON
02 THAT THOSE RISKS COULD BE CHARACTERIZED, AND THEN IN THE
03 DECISION MAKING PROCESS, THEY WOULD BE EXPLICITLY
04 ADDRESSED.

05 SO THE OTHER IS THE RIGHT PARTICIPATION. IF
06 INDIVIDUALS ARE LEFT OUT OF THE PROCESS, THEN LATER ON,
07 THE PROCESS CAN AGAIN LEAD TO INCORRECT DECISION MAKING OR
08 A DECISION THAT'S HIGHLY CONTROVERSIAL. AND THEN AS PART
09 OF GETTING THE RIGHT PARTICIPATION, GETTING THE
10 PARTICIPATION ITSELF RIGHT AND HAVING A PROCESS THAT IS
11 FAIR AND THAT EVERYONE TRUSTS.

12 AND THEN FINALLY IN TERMS OF A SYNTHESIS,
13 DEVELOPING A BALANCE AND INFORMATIVE SYNTHESIS OF THE
14 INFORMATION: NOW, THERE ARE A VARIETY OF RISK DECISIONS,
15 AND SOME OF THEM REQUIRE A VERY LENGTHY PROCESS, AND
16 OTHERS DON'T, AS LONG AS THE PROCESS IS SEEN AS FAIR AND
17 CONSISTENT AND SO FORTH. SO THE DOCUMENT DISCUSSES WAYS
18 IN WHICH YOU COULD DIVIDE UP THE TYPES OF RISK DECISIONS
19 THAT ARE BEING MADE.

20 AND FOR NARROW ROUTINE, NARROW IMPACT
21 DECISIONS, LIKE WRITING PERMITS FOR AFFLUENT DISCHARGES,
22 THE SAME KINDS OF THOUGHT IN ANSWERING THESE WIDE UNIQUE

23 PROBLEMS WOULD BE INVOLVED IN SETTING UP THE PROCESS FOR
24 ADDRESSING ROUTINE NARROW DECISIONS SO THAT ONE OF THE
25 ISSUES IS THE TYPE OF DECISION PROCESS THAT'S SET UP TO

0017

01 ANSWER THE QUESTIONS, DOES IT MATCH THE KINDS OF DECISIONS
02 THAT ARE BEING MADE.

03 AND UP FRONT, THERE'S A DISCUSSION OF EARLY
04 ON TRYING TO DIAGNOSE THE KIND OF PROBLEM THAT IS BEING
05 ADDRESSED, AN UNDERSTANDING OF THE CONSTRAINTS OF THE
06 PROBLEMS, THE LEGAL MANDATE DESCRIBING THE PURPOSE OF THE
07 RISK DECISION, SORTING OUT WHO THE INTERESTED AND AFFECTED
08 PARTIES ARE LIKELY TO BE, ESTIMATING THE RESOURCE NEEDS
09 AND THE TIME TABLES, A VARIETY OF THINGS THAT WOULD GO
10 INTO A MORE DETAILED DIAGNOSIS OF THE KIND OF PROBLEM THAT
11 YOU HAVE IN FRONT SO THAT YOU CAN CATCH EARLY ON WHERE
12 SOME OF THE PROBLEMS MIGHT COME UP IN TRYING TO WORK
13 THROUGH A DECISION PROCESS.

14 SO OVERALL, THERE WERE SEVEN PRINCIPLES OF
15 RISK CHARACTERIZATION DEVELOPED: ONE, THAT THE PROCESS OF
16 UNDERSTANDING RISK IN FORMING DECISIONS NEEDED TO BE
17 DRIVEN BY THE DECISION; TWO, THAT THERE WAS BROAD
18 UNDERSTANDING OF THE DIFFERENT LOSSES, HARM AND
19 CONSEQUENCES IN A RISK SITUATION; THREE, THAT THERE WAS
20 BOTH THIS DELIBERATIONS AND ENABLING INTERACTION WITH THE
21 PUBLIC IN MAKING SURE THAT THE PUBLIC INVOLVEMENT WAS
22 BROAD ENOUGH TO CONSIDER ALL PARTIES THAT WERE
23 SIGNIFICANTLY IMPACTED TO HELP DRIVE THE KIND OF ANALYSIS
24 THAT IS PERFORMED SO THAT THE RISK DECISIONS ARE
25 APPROPRIATELY -- RISK QUESTIONS ARE APPROPRIATELY ASKED,

0018

01 AND SO FORTH.

02 DR. FROINES: LAUREN, BROAD UNDERSTANDING OF THE
03 CONSEQUENCES SOUNDS TO ME LIKE WHAT WE TRADITIONALLY CALL
04 RISK MANAGEMENT CONSIDERATIONS AS OPPOSED TO A SCIENTIFIC
05 PROCESS THAT LOOKS AT ESSENTIALLY NARROWER TECHNICAL
06 QUESTIONS OR SCIENTIFIC QUESTIONS.

07 THE REASON I'M ASKING IS, WHAT CONCERNS ME
08 ABOUT EVERYTHING THAT'S BEEN SAID SO FAR IS IT LOOKS LIKE
09 RISK ASSESSMENT OR RISK CHARACTERIZATION IS BECOMING A
10 CONSENSUS PROCESS RATHER THAN A SCIENTIFIC PROCESS. AND
11 THAT CONCERNS ME AS A PHILOSOPHY.

12 DR. ZEISE: YEAH. WELL, I THINK LOOKING AT THE
13 SCIENTIFIC ANALYSIS OF HEALTH IMPACT IS SEEN AS ONE
14 COMPONENT AND THE OVERALL DESCRIPTION OF THE RISK. AND
15 THAT WHEN IT COMES TO MAKING LARGE DECISIONS, THAT THERE
16 ARE THESE OTHER TYPES OF ANALYSIS THAT COULD BE A BENEFIT
17 IN REACHING A DECISION THAT MIGHT, IN FACT, RELY ON EVEN
18 OTHER SCIENCES, LIKE THE SOCIAL SCIENCES OR ECONOMICS AND
19 SO FORTH, AND THAT THESE KINDS OF ANALYSIS ALSO SHOULD BE
20 PERFORMED IN A SCIENTIFIC OBJECTIVE FASHION TO PROVIDE
21 ADDITIONAL DESCRIPTION OF THE RISK SITUATION.

22 DOES THAT HELP AT ALL?

23 DR. SEIBER: WELL, LAUREN, YOU MENTIONED A COUPLE
24 OF TIMES LARGE DECISIONS. YUCA MOUNTAIN IS KIND OF A
25 SPECIAL CASE. YOU NEED A LOT OF PEOPLE, A LOT OF INPUT

0019

01 BEFORE SOCIETY IS GOING TO MAKE A DECISION ONE WAY OR THE

02 OTHER.

03 BUT DID YOUR COMMITTEE CONSIDER MORE SMALLER,
04 MORE FOCUSED, THE TYPES OF DECISIONS, LET'S SAY, AN
05 INDUSTRY THAT EMITS A PARTICULAR PARATHIOETHYLENE OR
06 SOMETHING?

07 DR. ZEISE: YES.

08 DR. SEIBER: DID YOU DIFFERENTIATE BETWEEN THE
09 LARGE SCALE AND THE MORE FOCUSED DAY-TO-DAY DECISIONS?

10 DR. ZEISE: YES. IN FACT, THAT'S WHY THERE --
11 THERE'S A GOOD DEAL OF DISCUSSION ABOUT MAKING SURE THAT
12 THE DECISION WARRANTS THIS KIND OF ANALYSIS.

13 AND LET ME JUST PUT THIS BACK UP.
14 SO THERE ARE DIFFERENT KINDS OF RISK
15 DECISIONS THAT WERE DISCUSSED WITH AN UNDERSTANDING THAT
16 REPEATED DECISIONS LIKE SITING OF FACILITIES OR SOME OF
17 THE EVEN NARROWER ONES LIKE WRITING THE THOUSANDS OF AIR
18 AND WATER PERMITS THAT OCCUR IN THE CITY OF LOS ANGELES
19 THAT NEEDED A DIFFERENT APPROACH. YOU COULDN'T POSSIBLY
20 OPEN UP PUBLIC PARTICIPATION TO THAT EXTENT ON EVERY
21 SINGLE WRITING OF A PERMIT.

22 BUT IF THE OVERALL PROCESS WAS DESIGNED IN
23 SUCH A WAY TO BE FAIR AND TO MAKE SURE THAT ISSUES THAT
24 COME UP IN THE WRITING OF THESE PERMITS ARE SUFFICIENTLY
25 ADDRESSED, THEN, IN FACT, THAT'S APPROPRIATE. AND SOME OF
0020

01 THE THINGS DISCUSSED AROUND SETTING UP THE OVERALL PUBLIC
02 PROCESS FOR REACHING THESE FREQUENT DECISIONS, THE PUBLIC
03 WOULD BE INVOLVED IN COMMENTING AS, FOR EXAMPLE, OCCURS
04 WITH THE A.R.B. WHEN THEY ESTABLISH PROCESSES. THERE
05 WOULD BE EXTENSIVE INVOLVEMENT IN LOOKING AT AND
06 DISCUSSING THE PUBLIC PROCESS.

07 I DON'T KNOW IF ANYONE FROM THE STATE CAN
08 HELP ON THAT.

09 CAN YOU THINK OF AN EXAMPLE? I'M NOT AS
10 FAMILIAR, GEORGE, AS YOU ARE WITH THE A.R.B.'S PROCESS.

11 MR. ALEXEEFF: GEORGE ALEXEEFF WITH O.E.H.H.A.
12 I HAVEN'T READ THE BOOK, SO I DON'T KNOW IF
13 WHAT I AM GOING TO SAY IS WHAT YOU ARE PROPOSING, BUT IT
14 WOULD SEEM TO ME THAT THE WHOLE, LET'S SAY, 1807 PROCESS,
15 WHICH BASICALLY SPELLS OUT ALL KINDS OF THINGS LIKE PUBLIC
16 PARTICIPATION WHEN RISK MANAGEMENT IS OCCURRING, WHEN
17 ECONOMICS COME INTO PLAY, TO ME IT SORT OF TAKES INTO
18 ACCOUNT A LOT OF THESE ISSUES.

19 DR. ZEISE: RIGHT.

20 MR. ALEXEEFF: BUT IT HAS A SPECIFIC FORMAT THAT'S
21 BEEN WORKED OUT.

22 DR. ZEISE: RIGHT.

23 MR. ALEXEEFF: IN CONTRAST TO SOME DECISION MAKING
24 PROCESSES WHERE, YOU KNOW, IT DOESN'T HAVE THE ACCESS OR
25 THE REVIEW.

0021

01 I MEAN, WE KNOW THAT THE 1807 PROCESS IS ONE
02 OF THE BETTER PROCESSES THAT EXISTS IN THE COUNTRY IN
03 TERMS OF ESTABLISHING HEALTH STANDARDS OR REVIEWING HEALTH
04 RISK ASSESSMENTS, SO THERE'S OTHER PROCESSES OUT THERE
05 THAT DON'T HAVE ANY TYPE OF PUBLIC INPUT OR SCIENTIFIC
06 PEER REVIEW.

07 THIS IS TRYING TO LOOK AT LOTS OF DIFFERENT
08 PROCESSES, INCLUDING LIKE 1807, AND SAY, WHAT ARE THE KEY
09 ELEMENTS IN SETTING UP THE WHOLE NEW PROCESS.

10 DR. ZEISE: IT SEEMS LIKE EVERY TIME THAT THERE IS
11 SOME KIND OF A PROCESS CHANGE, TOO, THERE'S EXTENSIVE
12 DISCUSSION WITH THE PUBLIC.

13 DOES THAT HELP?

14 DR. SEIBER: THIS IS ALL HELPFUL, YES.

15 DR. ZEISE: OKAY. I GUESS ONE OF THE THINGS THAT
16 IS DIFFICULT TO GRAPPLE WITH IS HOW DO YOU GET -- AND IT
17 WAS DISCUSSED A LOT IN THIS PROCESS -- IS HOW DO YOU GET
18 ADEQUATE PARTICIPATION FOR SOME OF THESE GENERIC HAZARD
19 IDENTIFICATIONS AND DOSE RESPONSE BY THOSE THAT ARE
20 AFFECTED BY THE DECISION, BUT THEY DON'T HAVE EITHER THE
21 RESOURCES OR THE SCIENTIFIC BACKGROUND TO MAKE SURE THAT
22 THE RIGHT QUESTIONS COME UP FOR THEM. AND, YOU KNOW, HOW
23 DO WE GET AT THAT?

24 AND THERE'S BEEN -- D.O.E. HAS GRAPPLED WITH
25 THIS PROBLEM. THEY ACTUALLY FUND CITIZENS GROUPS OR THEY

0022

01 FUND EXPERTS TO REPRESENT INDIVIDUAL CITIZENS. SO THE
02 QUESTION COMES UP AT THE STATE LEVEL. WE THINK ABOUT, YOU
03 KNOW, HOW CAN WE BROADEN THE PARTICIPATION.

04 DR. SEIBER: WELL, YOU KNOW, IT'S ALL BEEN SAID
05 THAT THE RED BOOK SET UP KIND OF A DISTINCTION BETWEEN
06 RISK ASSESSMENT AND RISK MANAGEMENT, ALMOST CREATED A
07 BARRIER, A WALL BETWEEN THE TWO PROCESSES.

08 AND IF ANYTHING, A LOT OF THE DISCUSSION ON
09 THE ACADEMY PANELS, YOURS AND OTHERS, HAVE COME BACK TO
10 TRY TO REBUILD SOME BRIDGES, NOT TO THE POINT WHERE
11 SCIENTIFIC RISK ASSESSMENT IS UNDER THE THUMB OR, YOU
12 KNOW, PERTURBED BY THE PRESENCE OF THIS INTERACTION, BUT
13 SO THAT IT CAN BE HELPFUL SO THAT THE AFFECTED PARTIES,
14 THE RISK MANAGERS UNDERSTAND WHAT THEY NEED TO DO AFTER
15 THE RISK ASSESSMENT IS DONE AND UNDERSTAND BY BEING
16 BROUGHT INTO THE PROCESS.

17 DID YOUR COMMITTEE GRAPPLE WITH THAT SORT
18 OF -- IS THAT WHAT YOU ARE REFERRING TO?

19 DR. ZEISE: YES, VERY MUCH SO.

20 DR. SEIBER: AND I DON'T THINK ANY OF US KNOW HOW
21 TO DO THAT YET, BUT I THINK THIS IS THE VOGUE THAT I PICK
22 UP FROM ACADEMY PANELS.

23 DR. ZEISE: RIGHT.

24 CHAIRMAN PITTS: ARE THERE OTHER QUESTIONS?

25 DR. SEIBER: SOMETIMES THE BEST WAY TO ASK A

0023

01 QUESTION IS, WHAT'S THE MOST ASTOUNDING OR INTERESTING OR
02 PERHAPS DECISIONS OR CONCLUSIONS THAT MIGHT HAVE IMPACT
03 THAT YOUR PANEL CAME UP WITH, IN YOUR OPINION?

04 DR. ZEISE: WELL, I THINK FOR THE ROUTINE
05 PROCESSES, I THINK --

06 YOU MEAN IN TERMS OF THE STATE, OR JUST IN
07 GENERAL?

08 DR. SEIBER: WHAT STANDS OUT IN THAT REPORT THAT WE
09 REALLY NEED TO TAKE HOME?

10 DR. ZEISE: WELL, IT'S NOT CLEAR THE EXTENT TO
11 WHICH IT APPLIES FOR THIS PROCESS IN TERMS OF CHANGE. I

12 DON'T THINK THAT THERE IS MUCH IN IT FOR THE A.R.B.
13 PROCESS, BUT, AGAIN, THIS IS MY OWN OPINION. I HAVEN'T
14 DISCUSSED IT INTERNALLY WITH OTHER STATE STAFF. I THINK
15 IN TERMS OF VERY LARGE PROBLEMS, THAT THAT'S WHERE THE
16 GREATEST IMPACT OF THIS LIES.

17 DR. FROINES: I JUST WANT TO SAY ONE THING. AND
18 THAT IS THAT THERE WAS THIS COMMITTEE. AT THE LAST
19 MEETING GEORGE TALKED ABOUT STOCHASTIC MODELING. THERE
20 WAS A LEGISLATION IN CONGRESS TO REQUIRE MORE RISK
21 ASSESSMENT.

22 AND THIS IS NOT TO IN ANY WAY IMPACT YOUR
23 PANEL'S WORK, BECAUSE I THINK IT'S VERY INTERESTING. BUT
24 IF YOU HAVE FIVE ISSUES AND YOU HAVE THIS MUCH UNCERTAINTY
25 IN ONE OF THEM AND YOU HAVE FOUR WITH THIS MUCH

0024

01 UNCERTAINTY, WE ALL KNOW WHICH IS GOING TO DRIVE THE
02 SYSTEM. IT'S THE ONE WITH THE LARGEST UNCERTAINTY WHEN WE
03 DO MONTE CARLO.

04 AND I THINK THE DANGER IS THAT WE ARE
05 SPENDING ALL THIS TIME NOW TALKING ABOUT HOW DO WE IMPROVE
06 PUBLIC PARTICIPATION IN RISK ASSESSMENT AND HOW TO DO RISK
07 CHARACTERIZATION BETTER, AND THE NATIONAL TOXICOLOGY
08 PROGRAM IS NOW DOWN TO TESTING ABOUT FIVE CHEMICALS A
09 YEAR. SO THE DATABASE WE HAVE TO OPERATE FROM, WHICH IS
10 WHAT WE REALLY DEPEND ON, IS SHRINKING.

11 AND OUR WAYS OF GOING ABOUT LOOKING AT RISK
12 ASSESSMENT ARE GETTING MORE AND MORE COMPLEX, AND WE HAVE
13 MULTIPLE DIFFERENT APPROACHES TO IT. AND I THINK WE HAVE
14 A SERIOUS DANGER IN FRONT OF US THAT TEN YEARS FROM NOW OR
15 20 YEARS FROM NOW WE ARE NOT GOING TO HAVE THE INFORMATION
16 WE NEED TO MAKE ANY DECISIONS, NO MATTER WHO'S
17 PARTICIPATING, AND THAT YOU CAN HAVE EVERYBODY AND THEIR
18 BROTHER PARTICIPATE, OR SISTER, AND IF WE DON'T HAVE
19 PROPER SCIENCE, WE ARE NOT GOING TO BE ABLE TO DO
20 ANYTHING. I DON'T CARE HOW MANY COMMITTEES LOOK AT HOW
21 YOU DO RISK ASSESSMENT.

22 AND THE DANGER WITH ALL THESE COMMITTEES IS
23 THEY AT SOME LEVEL REINFORCE A POLARIZATION OF THE
24 PROCESS, WHICH CONCERNS ME A LOT, BECAUSE I THINK THE ONLY
25 THING THAT WE HAVE WITH SCIENCE, SCIENCE DOES APPROACH

0025

01 THINGS DIFFERENTLY THAN ADVOCATES DO, TO OUR CREDIT, AND
02 WHEN THAT PROCESS IS DEFEATED, IT SEEMS TO ME THAT WE HAVE
03 SERIOUS PROBLEMS.

04 BUT THAT ASIDE, I THINK THAT THIS ISSUE OF
05 HOW WE CAN EXPAND OUR DATABASE AND HOW CALIFORNIA CAN
06 BRING MORE PRESSURE AT THE FEDERAL LEVEL TO DO MORE TO
07 EXPAND OUR DATABASE IS REALLY IMPORTANT. OTHERWISE, WE
08 CAN DO A MUCH BETTER JOB, BUT WE WON'T BE ABLE TO DO IT
09 VERY EFFECTIVELY IF WE DON'T HAVE THE RIGHT SCIENCE.

10 DR. BYUS: I'D LIKE TO JUST COMMENT. I AGREE
11 100 PERCENT WITH WHAT YOU JUST SAID. I THINK THERE'S A
12 LOT OF UNCERTAINTY IN A LOT OF RISK ASSESSMENT. THE ONLY
13 WAY TO LIMIT THE UNCERTAINTY IS TO GET BETTER DATA AND
14 MORE DATA.

15 I MEAN, DISCUSSION HELPS WITH EVALUATING THE
16 LEVEL OF UNCERTAINTY AND WHERE IT LIES, BUT IT DOESN'T

17 HELP YOU REALLY RESOLVE IT ANY BETTER. IT JUST GETS MORE
18 PEOPLE INVOLVED IN THAT PROCESS. REALLY RESOLVING THE
19 UNCERTAINTY IS WHERE WE WANT TO SPEND OUR EFFORT. AND THE
20 ONLY WAY THAT'S GOING TO COME IS THROUGH MORE SCIENCE AND
21 MORE DATA.

22 DR. ZEISE: WELL, I THINK ONE OF THE CONCERNS WAS
23 FOR SOME OF THESE VERY LARGE PROBLEMS, THAT MORE DATA
24 GATHERING, MORE ANALYSIS WAS NOT GOING TO RESOLVE THE
25 UNCERTAINTY, AND SO YOU HAVE TO, YOU KNOW, INSTEAD OF

0026

01 PARALYZING ANY DECISION MAKING, YOU HAVE TO FIND A WAY OF
02 GOING ON AND BRINGING IN OTHER PARTIES TO HELP WITH THAT.

03 DR. FROINES: THOSE MAY NOT HAVE BEEN RISK
04 CHARACTERIZATION ISSUES AT THAT POINT, THEN. THEY MAY
05 HAVE BEEN BASICALLY SOCIAL DECISION MAKING.

06 DR. ZEISE: RIGHT. BUT UNDER THE BROAD DEFINITION
07 OF SCIENCE IN THE REPORT, THEY WERE STILL SOMETHING THAT
08 WAS AMENABLE TO SCIENTIFIC EVALUATION.

09 CHAIRMAN PITTS: I WOULD JUST COMMENT THAT I
10 COMPLETELY AGREE WITH WHAT I'VE HEARD FROM DR. FROINES AND
11 BYUS. AND IT SEEMED TO ME INTERESTING THAT IN DOING SO,
12 WE SHOULD GO BACK IN PERSPECTIVE. AGAIN, MAYBE THIS IS IN
13 PERSPECTIVE TO THE 1807 BILL WHICH CLEARLY SPECIFIES
14 SEPARATION AS A WORD OF CHURCH AND STATE, IN A SENSE,
15 CLEARLY SPECIFIED IT BY LEGISLATIVE STATUTORY ACTION, I
16 GUESS, AND SIGNED BY THE GOVERNOR AT THAT TIME, UNDER
17 WHICH MANDATE WE HAVE BEEN OPERATING ON AS A SCIENTIFIC
18 REVIEW PANEL FOR SOMETHING LIKE NOW, '84 TO '97, 12, 13
19 YEARS. AND IT'S BEEN EFFECTIVE OVER THAT PERIOD OF TIME.

20 AND I SUSPECT, CERTAINLY I THINK, AND I WAS
21 PLEASED TO SEE THAT IN THE REPORT THAT WAS CHAIRED BY
22 PROFESSOR SEIBER, THE R.A.C. REPORT, RISK ASSESSMENT
23 CHARACTERIZATION, THAT IN THAT REPORT -- AND I THINK WE
24 ALL WERE -- THAT THE 1807 PROCESS -- IN FACT, JIM, YOU
25 POINTED OUT THAT THIS IS ONE OF THE MODEL OPERATION

0027

01 APPROACHES TO THIS AND WAS A PROCESS THAT WAS A MODEL, A
02 PROCESS. SO WE WERE PLEASED TO SEE THAT.

03 OF COURSE, JUST AGAIN AS A LITTLE BACKGROUND
04 TO ONE OF THE COMING SPEAKERS, AGAIN WE HAVE IN THE BILL,
05 IN THE 2732 BILL WHICH WAS THE IDENTIFICATION OF H.A.P.S.
06 1807, HAZARDOUS AIR POLLUTANTS, AND IN THAT BILL WHICH I
07 HAVE HERE SOMEWHERE -- THAT'S RIGHT. ASSEMBLY BILL 2728.
08 STRIKE THE OTHER ONE.

09 OKAY. AND IT CLEARLY DEFINED AND CLEARLY
10 SPECIFIES IN THIS THE FORMATION OF A SCIENTIFIC REVIEW
11 PANEL. IT'S IN THIS ONE. THIS IS A 1993 BILL, 1992, '93
12 BILL, FOLLOW UP ON THE 1807. SO IT CLEARLY SPECIFIES THE
13 BILL.

14 AND ACTUALLY, IT'S INTERESTING, IT HAS SUCH
15 HEADINGS AS COORDINATION WITH THE FEDERAL ACT,
16 COORDINATING WITH THE 1989. WE WILL BE DISCUSSING THIS
17 SUBSEQUENTLY IN THE PROGRAM. HOW DO WE COORDINATE IN '93,
18 THE STATE WITH THE ACTS, AND IT REDEFINES THE PROCESS. I
19 WOULD JUST COMMENT ON THAT HERE.

20 DR. SEIBER: JIM, ARE YOU FINISHED?

21 CHAIRMAN PITTS: YES. GO RIGHT AHEAD.

22 DR. SEIBER: WE HAVE GOT A FEW MINUTES TO BE
23 PHILOSOPHICAL HERE. LET ME POINT OUT SOMETHING THAT'S
24 PROBABLY OBVIOUS TO EVERYONE, BUT 1807 WAS PASSED IN 1984,
25 AND THE RED BOOK CAME OUT IN 1983. THIS IS A YOUNG

0028

01 EVOLVING SCIENCE.

02 BUT KEEP THAT IN MIND, THAT OUR PANEL WAS SET
03 UP RIGHT AFTER THE RED BOOK WAS PASSED WITH A CERTAIN
04 MINDSET THAT EXISTED IN THOSE DAYS. AND AS GOOD AS OUR
05 PROCESS IS, PERHAPS, WE SHOULD LOOK AT IT, REVISIT IT FROM
06 TIME TO TIME AND SEE IF IT IS IN KEEPING WITH MODERN
07 THOUGHT.

08 CHAIRMAN PITTS: DO YOU HAVE A COMMENT, JOHN?

09 DR. FROINES: THUMBS UP.

10 CHAIRMAN PITTS: EXACTLY.

11 AND I SUSPECT THAT THE LEGISLATURE WILL
12 PERHAPS LOOK AT THE PROCESS AND LOOK BACK. IT WILL LOOK
13 AT THIS, AND CERTAINLY I KNOW THE PANEL MEMBERS ARE
14 RECEPTIVE TO INTERACTING WITH THE APPROPRIATE INDIVIDUALS
15 IN THE STATE, EITHER ADMINISTRATIVE OR AT THE LEGISLATIVE
16 LEVEL, AND DISCUSSING HOW WE HAVE GONE ABOUT THINGS
17 THROUGH THESE TWO BILLS, 2728, 1807, AND WHAT ARE THE
18 STRENGTHS AND POSSIBLE CONCERNS OR WHAT SHOULD BE MADE
19 STRONGER.

20 THAT'S FINE.

21 DR. SEIBER: MAKE A GOOD PROCESS EVEN BETTER,
22 SOMETHING LIKE THAT.

23 CHAIRMAN PITTS: THAT'S CERTAINLY THE CORRECT
24 PHILOSOPHY IN SO MANY THINGS THAT WE ARE INVOLVED WITH
25 TODAY. RIGHT.

0029

01 OKAY. IF I CAN NOW FIND THE AGENDA
02 UNDERNEATH ALL OF THIS, THE NEXT ITEM BASICALLY INVOLVES
03 THE E.T.S. REPORT. AND I JUST HAVE A COUPLE OF COMMENTS
04 ABOUT THAT.

05 DR. FROINES: NOW ALL PHILOSOPHY HAS TO STOP.
06 PETER JUST WALKED IN, SO WE GO BACK TO TECHNICAL ISSUES.

07 CHAIRMAN PITTS: YES. ON THE SECOND ITEM -- NOW,
08 THE SECOND ITEM ON THE AGENDA IS GOING TO BE VERY BRIEF.
09 ACTUALLY, WE MOVED IT UP SPECIFICALLY BECAUSE WE KNEW -- A
10 COUPLE REASONS, BUT ONE OF THEM WAS PROFESSOR WITSCHI, AS
11 A MATTER OF FACT, MIGHT BE JUST A LITTLE LATE, BUT HE WAS
12 RIGHT ON HIS SCHEDULE.

13 AND WE WILL GO JUST FOR A MOMENT TO THE FIFTH
14 ITEM ON THE AGENDA, "UPDATE ON E.T.S. REPORT AND
15 O.E.H.H.A.'S ASSOCIATED APRIL 17, 1997 PUBLIC FORUM."

16 AS ORIGINALLY, I WANTED A GRAPH FORMAT FOR THE
17 AGENDA. WE HAVE SEVERAL SPEAKERS LISTED POSSIBLY
18 COMMENTING ON THIS. DR. FRIEDMAN AND PROFESSOR GLANTZ AND
19 MYSELF WERE ON THIS AS SPEAKING.

20 ACTUALLY, I SHOULD NOTE THAT
21 PROFESSOR GLANTZ -- DR. GLANTZ IS UNABLE TO ATTEND
22 BECAUSE HE HAD A SPECIFIC LECTURE THAT HE WAS GIVING
23 TODAY THAT HE HAD BEEN COMMITTED TO AND DR. FRIEDMAN IS
24 IN, I THINK, RUSSIA RIGHT ABOUT NOW INVOLVING WITH OTHER
25 MATTERS OVER THERE, SOME OF THEM FAMILY MATTERS AND OTHERS

0030

01 PROFESSIONAL.

02 AND I WOULD JUST MAKE A COMMENT, THEN, SIMPLY
03 FOR THE THREE OF US THAT WE ACTUALLY, THE THREE OF US,
04 ATTENDED THE WORKSHOP ON ENVIRONMENTAL TOBACCO SMOKE AT
05 BERKELEY, AND THERE WAS AN INTRODUCTION BY O.E.H.H.A.
06 PERSONNEL AND THEN A BRIEF ONE, AND THEN WE LISTENED TO
07 PRESENTATIONS BY VARIOUS REPRESENTATIVES OR INDIVIDUALS
08 WHO WERE INVITED BY THE TOBACCO INDUSTRY TO PRESENT
09 INFORMATION, COMMENT ON THE DOCUMENT, ON THE E.T.S.
10 DOCUMENT, WHICH PART OF IT IS HERE.

11 AND HERE IT IS, FEBRUARY 1997 FINAL DRAFT.
12 AND WE CERTAINLY APPLAUD THE MOST DILIGENT EFFORTS OF THE
13 STAFF.

14 AND THERE'S ANOTHER DOCUMENT THAT SITS BY THE
15 WAY THAT HAS THE PARTY EXPOSURE, WHICH IS ALSO
16 SUBSTANTIAL. AND WE CERTAINLY APPRECIATE THE EFFORTS OF
17 THE STAFFS TO PRODUCE THESE. THEY ARE MONUMENTAL.

18 I UNDERSTAND THERE'S A MONUMENTAL LIST OF
19 PUBLIC COMMENTS THAT CAME IN AS A RESULT OF THIS 60-DAY
20 PERIOD THAT'S ALSO SOMETHING LIKE THIS (INDICATING) OF
21 COMMENTS, AND WE WANT TO INDICATE OUR APPRECIATION OF ALL
22 INVOLVED, THE ADMINISTRATION AND THE ADMINISTRATORS, THE
23 SCIENTIFIC STAFF OF BOTH O.E.H.H.A. AND OF THE A.R.B. FOR
24 REALLY PRODUCING IN A REALLY TOUGH TIME SCALE AND
25 PRODUCING A VERY COMPLEX CONTROVERSIAL ISSUE.

0031

01 WE APPRECIATE THIS. WE LISTENED TO THIS, AND
02 WE ARE CLEAR THAT THE MEMBERS OF THE STAFF -- OF
03 O.E.H.H.A. STAFF WILL CERTAINLY CONSIDER THESE COMMENTS IN
04 DETAIL, AND WE WILL BE RESPONDING TO THEM.

05 AND, OF COURSE, WHEN THE FINAL DRAFT OF
06 THE -- IN OTHER WORDS, FINAL PROPOSED DRAFT FOR THIS
07 E.T.S. COMES TO US ON JUNE 19TH, THAT IS THE DATE,
08 ACTUALLY, THAT WE ARE GOING TO BE REVIEWING THIS FINAL
09 PROPOSED DRAFT. WE LOOK FORWARD THEN.

10 ACCOMPANYING THAT DRAFT, OF COURSE, WILL BE
11 THESE PUBLIC COMMENTS, INCLUDING WHAT I WANT TO POINT OUT
12 IS THE COMMENTS AT THAT WORKSHOP. SO WE WILL HAVE HAD AN
13 OPPORTUNITY TO HAVE GONE OVER THAT ON TWO OCCASIONS AT THE
14 FORUM.

15 AND I DON'T KNOW IF THE O.E.H.H.A. STAFF HAD
16 ANY COMMENTS THEY WANT TO MAKE. THEY ARE WELCOME TO MAKE
17 THEM AT THIS TIME, OR THE A.R.B., WOULD YOU HAVE ANY
18 COMMENTS ON THIS? I'D WELCOME THEM.

19 IF NOT, THEN I THINK WE WILL COME BACK THEN
20 TO THE "PRESENTATION ON PROPOSED METHODOLOGIES AND SOURCES
21 OF INFORMATION FOR USES IN RISK ASSESSMENTS FOR THE HOT
22 SPOTS PROGRAM."

23 AND GEORGE -- DR. ALEXEEFF, WILL MAKE THAT
24 PRESENTATION.

25
0032

01 DR. RUPALI DAS OF MY STAFF, AND SHE WILL ACTUALLY MAKE THE
02 PRESENTATION.

03 BUT I THOUGHT I'D GIVE A COUPLE OF OPENING
04 REMARKS. I THINK IT WAS A COUPLE OF MEETINGS AGO,
05 DR. PITTS, YOU RAISED KIND OF THE QUESTION ABOUT HOW ARE

06 WE GOING TO DEAL WITH THESE DOCUMENTS UNDER THE HOT SPOTS
07 PROGRAM, BECAUSE I HAD INDICATED THAT SOME OF THE
08 DOCUMENTS HAD MANY CHEMICALS IN THEM, 50, 60 KINDS OF
09 CHEMICALS SUMMARIZED.

10 SO WHAT WE THOUGHT WE NEEDED TO DO WAS TO
11 PROVIDE A LITTLE MORE INFORMATION ON THE HOT SPOTS
12 PROGRAM. AND I WAS THINKING OF LAUREN'S PRESENTATION.
13 BASICALLY THE PROBLEM THAT THE HOT SPOTS PROGRAM IS TRYING
14 TO ADDRESS IS DIFFERENT FROM THE PROBLEM THAT THE 1807
15 PROGRAM IS TRYING TO ADDRESS. AND THAT'S ONE OF THE
16 THINGS WE ARE GOING TO DISCUSS ABOUT, IS HOW THE 1807 IS
17 REALLY GETTING ALL THE INFORMATION ON A SINGLE CHEMICAL TO
18 IDENTIFY IT TO DECIDE IF ACTION NEEDS TO BE TAKEN.

19 THE HOT SPOTS PROGRAM ALREADY DEALS WITH A
20 LARGE LIST OF CHEMICALS THAT ARE ALREADY SOMEHOW LISTED AS
21 OF CONCERN AND TRYING TO PUT THAT ALL TOGETHER ON
22 EVALUATING EMISSIONS FROM THOUSANDS OF FACILITIES ACROSS
23 THE STATE. SO IN THE HOT SPOTS PROGRAM, WE ARE TRYING TO
24 DEAL WITH THOUSANDS OF PIECES OF A PUZZLE AND PUT IT
25 TOGETHER AS OPPOSED TO REALLY MAKE SURE WE ARE LOOKING AT

0033

01 ONE PIECE VERY CAREFULLY.

02 SO THE APPROACH WE TOOK IS DIFFERENT, AND
03 THAT'S WHAT WE WANT TO RUN THROUGH QUICKLY, CONTRAST THE
04 TWO APPROACHES AND ALSO SORT OF PRESENT IN THE END KIND OF
05 WHAT WE CAME UP WITH WITH DR. GLANTZ AND DR. SEIBER ON HOW
06 WE ARE GOING TO PRESENT THE ACUTE DOCUMENT, WHICH HAS
07 50 CHEMICALS TO USE, HOW WE ARE GOING TO BREAK THAT DOWN
08 TO MAKE SURE THERE'S FULL SCIENTIFIC EVALUATION OF ALL THE
09 INFORMATION.

10 SO WITH THAT -- ONE OTHER THING I WANTED TO
11 MENTION IS THAT THE WHOLE PROCESS BUILT ON WHAT'S CALLED
12 THE C.A.P.C.O.A. DOCUMENT. THAT'S THE CALIFORNIA AIR
13 POLLUTION CONTROL OFFICERS ASSOCIATION. WE HAD SOME
14 DISCUSSION OF THAT IN A S.R.P. MEETING FIVE YEARS AGO,
15 FOUR YEARS AGO, SOMETHING LIKE THAT. BUT WE KIND OF ARE
16 BUILDING ON THAT. AND A LOT OF ASPECTS OF WHAT WE ARE
17 DOING IS BUILDING ON WHAT'S THERE.

18 IF YOU HAVE TO DEAL WITH THOUSANDS OF PIECES,
19 YOU DON'T WANT TO HAVE TO RECREATE EVER, SO YOU WANT TO
20 SEE WHAT'S USEFUL AND ALREADY THERE.

21 WITH THAT, I'LL TURN IT OVER.

22 DR. FROINES: CAN I ASK A QUESTION?

23 DR. ALEXEEFF: YES.

24 DR. FROINES: HOW DO YOU DETERMINE -- MAYBE TWO OR
25 THREE QUESTIONS. HOW DO YOU DETERMINE WHAT INDUSTRIES ARE

0034

01 USING WHICH CHEMICALS TO LEARN WHETHER OR NOT YOU NEED TO
02 DO SOMETHING TO BEGIN WITH?

03 DR. ALEXEEFF: THROUGH THE HOT SPOTS PROGRAM, YOU
04 WILL SEE IN DR. DAS'S PRESENTATION THAT WE COMBINE AS MANY
05 AVAILABLE LISTS AS POSSIBLE OF CHEMICALS WITH SOME SORT OF
06 A HEALTH EFFECT. AND I THINK IT WAS OVER 700 CHEMICALS.

07 DR. FROINES: I'M NOT ASKING THAT QUESTION.

08 DR. ALEXEEFF: WELL, YOU ASKED HOW DO WE DETERMINE
09 WHICH INDUSTRIES TO GO AND GET THE INFORMATION FROM OR --
10 WE STARTED WITH SORT OF A UNIVERSE, AND THEN WE LOOKED AT

11 THE MATERIALS USED BY SPECIFIC CATEGORIES OF INDUSTRIES
12 AND LOOKED AT THE AVAILABLE INFORMATION ON SOURCE TESTING
13 FROM THOSE. AND THEN CAME UP WITH A LIST OF THE 400 AND
14 SOMETHING TO BE QUANTIFIED, PLUS ALSO SURVEYED SEVERAL
15 HUNDRED MORE THAT COMPANIES HAD TO EITHER ESTIMATE
16 EMISSIONS FOR SOME 400-SOME OR BE SURVEYED FOR SEVERAL
17 HUNDRED ADDITIONAL AS FAR AS WHETHER OR NOT THEY WERE
18 USING THOSE MATERIALS OR ADMITTING THOSE MATERIALS. AND
19 OUT OF THAT COMPILED THE INVENTORY.

20 WAS THAT YOUR QUESTION?

21 DR. FROINES: THAT'S MY FIRST QUESTION.

22 SO THERE MUST BE THOUSANDS OF INDUSTRIES THAT
23 YOU DEVELOP DATA FOR?

24 DR. ALEXEEFF: YEAH. THERE'S 30,000 SOURCES IN
25 CALIFORNIA.

0035

01 DR. FROINES: 30,000 SOURCES. HOW MANY RISK
02 ASSESSMENTS HAVE BEEN DONE SINCE 2588 WAS PASSED?

03 DR. ALEXEEFF: ABOUT 780.

04 DR. DAS: 780 SPECIFIC RISK ASSESSMENTS, AND THEN
05 THERE ARE SEVERAL INDUSTRYWIDE RISK ASSESSMENTS BEING DONE
06 FOR 4,000 GAS STATIONS. GEORGE, SOMETHING LIKE THAT?

07 DR. ALEXEEFF: YEAH. THE WAY THE PROGRAM IS BROKEN
08 DOWN, ALTHOUGH IT'S 30,000, THERE'S ABOUT 20,000 THAT FALL
09 INTO WHAT'S CALLED INDUSTRYWIDE. SO THOSE ARE SORT OF
10 LIKE GAS STATIONS. IT'S KIND OF A REPEAT OF WHAT THE
11 ISSUE IS OR DRY CLEANERS OR PRINTSHOPS WHERE THE SETUP IS
12 BASICALLY THE SAME.

13 AND FOR THOSE FACILITIES, ALTHOUGH SOME RISK
14 ASSESSMENTS HAVE BEEN DONE ON SOME OF THOSE FACILITIES, WE
15 HAVE ONLY -- WELL, THE A.R.B. HAS JUST DEVELOPED
16 GUIDELINES FOR THE DISTRICTS ON HOW TO ASSESS THE RISKS
17 WHEN YOU HAVE LOTS OF FACILITIES OF SIMILAR TYPE.

18 SO FOR THE BULK OF THEM, THE RISK ASSESSMENT
19 PROCESS IS JUST OCCURRING NOW AND IS GOING TO BE DONE BY
20 THE DISTRICTS. SO FOR THE OTHER SORT OF 5- TO 10,000,
21 THEY WERE PRIORITIZED BASED UPON EMISSIONS, HOW MUCH IS
22 EMITTED, PLUS A FORMULA USED ON HOW CLOSE IS THE NEAREST
23 RECEPTOR AND ALSO HOW TOXIC IS THE CHEMICAL EMITTED.

24 AND THEN THEY GAVE A PRIORITIZATION SCORE.
25 AND THE DEFENDANTS HAD BEEN WORKING DOWN THAT

0036

01 PRIORITIZATION SCORE ASKING THOSE FACILITIES TO DO RISK
02 ASSESSMENTS, SO THAT'S KIND OF HOW THEY HAVE BEEN WORKING
03 DOWN.

04 AND THEY HAVE GOTTEN DOWN TO THE POINT WHERE
05 ALTHOUGH THERE MIGHT BE ANOTHER 250, WE ARE ESTIMATING,
06 RISK ASSESSMENTS DONE UNDER THIS FIRST PHASE OF THE
07 PROGRAM, OR UNDER THIS PHASE OF THE PROGRAM, IT PROBABLY
08 WON'T GO MUCH MORE THAN THAT, BECAUSE THE RISKS THAT ARE
09 COMING OUT ARE, YOU KNOW, KIND OF GOING DOWN, DOWN, DOWN
10 BELOW A SIGNIFICANT RISK LEVEL.

11 SO THAT'S KIND OF HOW. SO IT'S GOING TO BE
12 MANAGED BOTH BY THIS PRIORITIZATION SCORE, AND THEN THEY
13 HAVE THE RISK ASSESSMENTS DONE BY THE HIGHEST
14 PRIORITIZATION SCORE.

15 AND THAT WHOLE PROCESS IS ACTUALLY SPELLED

16 OUT IN THE LAW, SO IT WASN'T SOMETHING THAT A.R.B.
17 ACTUALLY DEVELOPED. IT'S THE WAY THE LAW IS DESCRIBED.

18 DR. FROINES: BUT I THOUGHT THE NUMBER OF
19 INDUSTRIES HAD SHRUNK AS A RESULT OF THEIR POLICY OR
20 LEGISLATION.

21 DR. ALEXEEFF: OKAY. IN THE MOST RECENT
22 LEGISLATIVE SESSION, THERE WAS A BILL AB564 WHICH WAS
23 PASSED AND APPROVED. AND WHAT THAT BILL DID WAS BASED
24 UPON PRIORITIZATION SCORES -- AND IT PICKED A CUTOFF --
25 FACILITIES COULD BE REMOVED FROM THE PROGRAM.

0037

01 SO ON THAT BASIS, A NUMBER OF FACILITIES WITH
02 LOW PRIORITIZATION SCORES ARE GETTING OUT OF THE PROGRAM.
03 AND THERE'S A PROCESS THAT A.R.B. IS GOING THROUGH TO
04 EXEMPT THEM FROM THE PROGRAM.

05 SO, YEAH, THAT IS THE CASE. SO IT IS GOING
06 TO BE GOING DOWN FROM THE 30,000 TO SOME NUMBER. RIGHT
07 NOW IT'S ESTIMATED AT AROUND 25,000, BUT IT MAY GO FURTHER
08 AS MORE ANALYSIS IS DONE.

09 CHAIRMAN PITTS: ANY OTHER QUESTIONS?

10 DR. DAS: GOOD MORNING.

11 WHAT I AM GOING TO TALK TO YOU ABOUT TODAY IS
12 THE UPDATE. I'M GOING TO GIVE YOU AN UPDATE AND OVERVIEW
13 ON THE GUIDELINES WE PREPARED UNDER THE AIR TOXICS HOT
14 SPOTS PROGRAM.

15 AND AS GEORGE EXPLAINED, I'M GOING TO BE
16 CONTRASTING THIS WITH THE TOXIC AIR CONTAMINANT PROGRAM.

17 THE AIR TOXICS HOT SPOTS INFORMATION AND
18 ASSESSMENT ACT IS DESCRIBED HERE. THE PURPOSE OF THIS ACT
19 IS TO ASCERTAIN AND MEASURE THE AMOUNTS OF LISTED
20 SUBSTANCES EMITTED FROM POINT SOURCES AND ASSESS THE
21 SHORT- AND LONG-TERM HEALTH RISKS TO THOSE WHO ARE
22 EXPOSED.

23 O.E.H.H.A.'S ROLE IN THIS ACT IS TO DEVELOP
24 GUIDELINES FOR FACILITIES TO CONDUCT HEALTH RISK
25 ASSESSMENT. AND THIS IS THE PART OF THE ACT THAT I AM

0038

01 GOING TO BE SPENDING A LITTLE BIT MORE TIME ON TODAY, AND
02 ALSO TO REVIEW RISK ASSESSMENTS. AND I AM NOT GOING TO BE
03 TALKING ABOUT THAT PART.

04 THE PROCESS FOR THE PREPARATION OF THESE
05 DOCUMENTS INCLUDES PUBLIC WORKSHOPS, REVIEW AND COMMENT
06 AND REVIEW BY THE SCIENTIFIC REVIEW PANEL, AND IN
07 ADDITION, TO MAKE THIS PROCESS MORE CONSISTENT WITH THE
08 T.A.C. PROGRAM, THERE MAY BE AN ADDITIONAL 45-DAY PUBLIC
09 COMMENT PERIOD AFTER THE S.R.P. HAS HAD TIME TO REVIEW THE
10 DOCUMENTS. AND FINALLY, THE GUIDELINES ARE ADOPTED BY
11 O.E.H.H.A.

12 IN CONTRAST, THE TOXIC AIR CONTAINMENT
13 MANDATE PURPOSE IS TO DETERMINE IF A SUBSTANCE SHOULD BE
14 IDENTIFIED AND REGULATED AS A TOXIC AIR CONTAMINANT IN THE
15 STATE OF CALIFORNIA.

16 O.E.H.H.A.'S ROLE HERE IS TO EVALUATE THE
17 HEALTH EFFECTS OF A POTENTIAL TOXIC AIR CONTAMINANT. AND
18 IN ORDER TO DO THIS, WE HAVE CONSIDERED ALL THE AVAILABLE
19 SCIENTIFIC DATA, AND IF A THRESHOLD IS FOUND FOR ADVERSE
20 HEALTH EFFECTS, O.E.H.H.A. ESTIMATES THE LEVEL OF EXPOSURE

21 BELOW WHICH ADVERSE HEALTH EFFECTS ARE NOT ANTICIPATED AND
22 INCLUDES A MARGIN OF SAFETY FOR THE PROTECTION OF
23 SENSITIVE INDIVIDUALS.

24 THE PROCESS THAT T.A.C. GOES THROUGH IS
25 SIMILAR TO THAT FOR THE HOT SPOTS DOCUMENTS. THERE ARE
0039

01 PUBLIC WORKSHOPS, REVIEW AND COMMENT PERIODS, AND THE
02 S.R.P. ALSO REVIEWS THE DOCUMENTS. THERE'S AN ADDITIONAL
03 45-DAY PUBLIC COMMENT PERIOD AFTER S.R.P. REVIEW, AND
04 FINALLY, THE A.R.B. FORMALLY IDENTIFIES THE COMPOUND AS A
05 TOXIC AIR CONTAMINANT.

06 BOTH THE TOXIC AIR CONTAMINANT PROGRAM AND
07 THE HOT SPOTS PROGRAM REQUIRE PUBLIC WORKSHOPS, PUBLIC AND
08 SCIENTIFIC REVIEW AND COMMENT AND REVIEW BY THE S.R.P.

09 THE DIFFERENCES ARE SHOWN HERE. WHILE THE
10 T.A.C. PROGRAM IDENTIFIES INDIVIDUAL CHEMICAL HAZARDS, THE
11 HOT SPOTS PROGRAM PROVIDES TOOLS FOR COMPREHENSIVE, SITE
12 SPECIFIC RISK ASSESSMENT FOR MULTIPLE CHEMICALS. AND
13 WHILE T.A.C. PROGRAMS PROVIDE A LARGE AMOUNT OF DATA TO
14 IDENTIFY AN INDIVIDUAL CHEMICAL AS A TOXIC AIR
15 CONTAMINANT, THE HOT SPOTS PROGRAM DEVELOPS APPROPRIATE
16 REFERENCE EXPOSURE LEVELS, CANCER POTENCY FACTORS AND
17 EXPOSURE PARAMETERS FOR HUNDREDS OF LISTED CHEMICALS. SO
18 THESE ARE THE BASIC DIFFERENCES.

19 THE HOT SPOTS DOCUMENTS REALLY FILL A VOID IN
20 THE RISK ASSESSMENT ARENA, BECAUSE THERE IS A LACK OF
21 STANDARDIZED APPROACHES TO RISK ASSESSMENT. FOR EXAMPLE,
22 THERE ARE NO GUIDELINES PUBLISHED THAT DESCRIBE
23 STANDARDIZED APPROACHES TO ASSESSING ACUTE RISKS.

24 THE U.S. E.P.A. IS DEVELOPING SOME GUIDELINES
25 FOR THE ASSESSMENT OF ACUTE EXPOSURES, BUT THESE HAVEN'T
0040

01 UNDERGONE PUBLIC OR SCIENTIFIC REVIEW, AND ADDITIONALLY,
02 VERY FEW COMPOUNDS HAVE BEEN ADDRESSED.

03 DR. WITSCHI: I'M PETE WITSCHI. I DON'T THINK YOUR
04 FIRST BULLET IT TRUE. THERE'S SOMETHING CALLED T.L.V.
05 VALUES, AND THEY VERY MUCH GIVE US ACUTE RISKS AND ACUTE
06 EXPOSURE LEVELS.

07 DR. DAS: THE T.L.V. VALUES ARE DEVELOPED FOR
08 WORKERS. THERE ARE NO GUIDELINES FOR ASSESSING ACUTE
09 RISKS IN THE GENERAL PUBLIC. AND THE METHODOLOGY USED IN
10 DEVELOPING THE T.L.V.'S ARE --

11 DR. WITSCHI: YES, THERE ARE. THERE ARE A COUPLE
12 OF REPORTS IN ACUTE SITUATIONS OF EXPOSURE OF THE WHOLE
13 POPULATION. I FORGET THE --

14 DR. DAS: THE SPEGALS (PHONETIC), YEAH.

15 DR. WITSCHI: YES.

16 DR. DAS: WE ARE FAMILIAR WITH THAT, DOCTOR.

17 WHAT WE ARE REFERRING TO HERE IS ACTUALLY
18 U.S. E.P.A. HASN'T DEVELOPED GUIDELINES. THERE ARE THE
19 NATIONAL ACADEMY OF SCIENCES GUIDELINES.

20 DR. WITSCHI: I JUST REMEMBER HAVING READ THE
21 SPEGAL DOCUMENT THAT THERE ARE SOME PLACES IN THE E.P.A.
22 DOCUMENT WHICH LISTS THE SAME PROBLEM.

23 DR. DAS: THE ISSUE IS DIFFERENT. THE SPEGAL
24 DOCUMENT AND MAYBE THE E.P.A. DOCUMENT YOU ARE REFERRING
25 TO IS DEALING WITH ACCIDENTAL CHEMICAL RELEASES, SORT OF

0041

01 ONCE-IN-A-LIFETIME EXPOSURES.

02 AND THE ACUTE EXPOSURES WE ARE DEALING WITH
03 IN THE HOT SPOTS PROGRAM ARE REPEATED ACUTE EXPOSURES. SO
04 IT'S A SLIGHTLY DIFFERENT FOCUS.

05 DR. WITSCHI: OKAY.

06 DR. DAS: FOR ASSESSING CHRONIC RISKS, THERE ARE
07 SOME U.S. E.P.A. GUIDELINES. THE REFERENCE ARE R.F.C'S
08 --

09 CHAIRMAN PITTS: EXCUSE ME. COULD I JUST ASK A
10 QUESTION -- IT WILL BE COMING UP AGAIN -- JUST SINCE WE
11 ARE IN THE GENERAL DISCUSSION. THERE'S A SIMPLISTIC
12 ASPHERIC.

13 I THINK I KNOW HOW TO DEFINE AN ACUTE EPISODE
14 FROM A CHRONIC EPISODE. AN ACUTE EPISODE OF SMOG OR OZONE
15 WOULD BE WHEN YOU EXCEED MAYBE 2,200 P.P.B., WE'D CALL
16 ACUTE. CHRONIC WOULD BE THE USUAL 90 TO 100 P.P.B. OF
17 OZONE, YOU KNOW, SO MANY DAYS A YEAR.

18 HOW DO YOU DEFINE -- WHEN YOU TALK ABOUT
19 ACUTE AND WHEN YOU TALK ABOUT CHRONIC, HOW DOES ONE DEFINE
20 AN ACUTE EXPOSURE AND A CHRONIC EXPOSURE IN TERMS OF, FOR
21 EXAMPLE, SOMETHING LIKE A PESTICIDE? WHAT WOULD AN ACUTE
22 EXPOSURE BE, OR CHRONIC?

23 IF ONE'S EXPOSED FOR 24 HOURS AND ONE
24 MEASURES FOR 24 HOURS AND GETS A 24-HOUR AVERAGE, IS THAT
25 ACUTE, OR IS THAT CHRONIC? IF THEY DO IT FOR A WEEK, IS

0042

01 THAT STILL CONSIDERED ACUTE, AND YOU USE A 24-HOUR AVERAGE
02 AS ACUTE? OR WOULD WE BE TALKING ABOUT -- OBVIOUSLY I
03 WOULD TEND TO THINK THAT PERHAPS -- WELL, I'D LIKE TO HEAR
04 WHAT PEOPLE WOULD SAY. SO I HOPE WE CAN KEEP THAT IN MIND
05 IN THE DISCUSSION.

06 AS I READ SOME OF THE REPORTS AND
07 DISCUSSIONS, THE TERM CHRONIC IS USED. WELL, WE HAVE AN
08 AVERAGE OVER A WEEK OR AN AVERAGE OVER THIS, AND I DON'T
09 REALLY SEE WHAT CONSTITUTES ACUTE IN THAT SENSE. MAYBE
10 THAT'S WHAT YOU ARE GETTING AT.

11 DR. DAS: WELL, OUR ACUTE VALUES, THE REFERENCE
12 EXPOSURE LEVEL, WHICH I AM GOING TO DEFINE A LITTLE BIT
13 LATER, ARE FOR ONE-HOUR EXPOSURES.

14 CHAIRMAN PITTS: OKAY.

15 DR. DAS: AND THE CHRONIC ARE FOR 24-HOUR
16 EXPOSURES.

17 DR. ALEXEEFF: WELL, YES, THE CHRONIC IS 24-HOUR
18 ANNUAL AVERAGE.

19 CHAIRMAN PITTS: ANNUAL AVERAGE.

20 DR. ALEXEEFF: THE CHRONIC IS AN ANNUAL AVERAGE,
21 BUT THERE'S A 24-HOUR IN THE MODELING. YOU KNOW, THEY
22 BASE IT ON A 24-HOUR EMISSION RATE.

23 MAYBE A.R.B. CAN EXPLAIN THAT A LITTLE MORE,
24 BECAUSE THAT'S REALLY MORE OF AN A.R.B. EMISSION QUESTION.

25 CHAIRMAN PITTS: I'D LIKE TO PURSUE THIS A LITTLE

0043

01 FURTHER, IF I MAY. AND I HOPE YOU WILL BRING THIS UP IN
02 THE DISCUSSION WITH THE D.P.R. TODAY, BECAUSE IT SEEMS TO
03 ME THAT IF YOU USE ONE HOUR, I WOULD ACCEPT THAT AS ACUTE,
04 BUT TO SAY CHRONIC WAS 24 HOURS ON AN ANNUAL AVERAGE, THAT

05 BOTHERS ME. AN ANNUAL AVERAGE CAN BE TRANSLATED INTO
06 CHRONIC. IT IMPLIES THAT A 24-HOUR MEASUREMENT, THAT IS
07 YOU SAMPLE FOR 24 HOURS AND GET THE VALUE OVER A 24-HOUR
08 AVERAGE, THAT THAT, IN FACT, IS CHRONIC. AND THERE WOULD
09 BE MAYBE SOME SEMANTIC PROBLEMS HERE.

10 I THINK IF SOMEBODY BREATHS, SAY, A SPECIFIC
11 TOXIC COMPOUND FOR 24 HOURS, THAT THAT -- AND ONE
12 PARTICULAR EXPOSURE AND THEN NOTHING HAPPENED FOR A MONTH
13 OR TWO MONTHS OR THREE MONTHS, THAT THAT MIGHT WELL BE
14 VIEWED AS AN ACUTE EXPOSURE.

15 DR. ALEXEEFF: AND I THINK WHEN THE ACUTE DOCUMENT
16 ACTUALLY COMES BEFORE THE COMMITTEE, THAT IS ONE OF THE
17 ISSUES THAT WE HAVE BEEN GRAPPLING WITH, EXACTLY THAT.
18 WHEN IS AN ACUTE EXPOSURE NO LONGER AN ACUTE EXPOSURE, BUT
19 EITHER A REPEATED OR SUBCHRONIC OR CHRONIC EXPOSURE? AND
20 THAT'S ACTUALLY SORT OF -- YOU KNOW, IT'S A DIFFICULT
21 ISSUE TO DEFINE THAT AND TO DO IT SORT OF SYSTEMATICALLY.

22 AND THE OTHER ISSUE THAT GOES THE OTHER WAY,
23 THE DATABASE WE ARE DEALING WITH, SINCE WE DON'T ACTUALLY
24 TEST CHEMICALS INFORMATION THAT'S IN THE LITERATURE, SO WE
25 ARE TRYING TO USE STUDIES THAT ARE IN THE LITERATURE TO

0044

01 DEVELOP ACUTE EXPOSURES. AND IF THE ONLY STUDY IS ONE
02 WHERE THEY DOSE THEM FOUR DAYS IN A ROW FOR ONE HOUR, THEN
03 WE BASE THEM ON THAT OR NOT HAVE A LEVEL. SO THERE'S SOME
04 ISSUES LIKE THAT THAT WE HAVE BEEN STRUGGLING WITH.

05 THERE'S A LOT OF DATA GAPS THAT WE WILL SEE
06 IN THIS WHOLE PROCESS WHERE WE ARE TRYING TO DEAL WITH
07 HUNDREDS OF CHEMICALS AND WE ARE TRYING TO FIGURE OUT HOW
08 CAN WE PROVIDE SOME HELPFUL INFORMATION TO THE RISK
09 MANAGERS WHEN THE INFORMATION IS SO LIMITED. SO WE ARE
10 TRYING TO BUILD A WHOLE NET HERE.

11 SO THOSE ARE ISSUES THAT WILL COME UP, I
12 THINK, ON INDIVIDUAL DOCUMENTS. WE CAN DISCUSS THEM
13 HERE.

14 BUT ANYWAY, THAT IS ONE THAT WE GRAPPLED
15 WITH.

16 CHAIRMAN PITTS: GOOD. AND I WANT TO SAY, PERHAPS
17 YOU'D ALSO WANT TO INTERACT WITH D.P.R., BECAUSE THEY FACE
18 THOSE ISSUES. ONE FUMIGATES, SAY, YOUR HOME, AND HOW DO
19 YOU DEFINE THEN WHAT'S ACUTE AND WHAT'S A CHRONIC EXPOSURE
20 POST FUMIGATION EXPOSURE? AND THEN AGAIN, TOO, WHAT
21 SAFETY STANDARDS ARE SET WHEN THEY DEFINE THIS AS BEING
22 CHRONIC LEVELS, WHAT ARE MEANT BY CHRONIC LEVELS IN TERMS
23 OF THOSE TIME PERIODS, WHETHER IT'S A PESTICIDE OR REGULAR
24 T.A.C.

25
0045

01 WANT TO BE THINKING ABOUT THIS, TOO, THAT IS, IT IS AN
02 IMPORTANT ISSUE, AND I WOULD HOPE THAT WE SEE COORDINATION
03 AMONG THE VARIOUS GROUPS, YOU KNOW, GETTING TOGETHER AND
04 ACTUALLY WORKING OUT.

05 I UNDERSTAND IT'S DIFFICULT, AND I UNDERSTAND
06 THERE ARE LIMITED DATABASES, AND I UNDERSTAND SOME OF THE
07 DATABASES ARE ENTIRELY GENERATED BY LAW FOR PESTICIDES BY
08 THE PESTICIDE MANUFACTURERS, AND WE ALL UNDERSTAND THAT.

09 BUT WE'D LIKE TO SEE WHAT THE GROUND RULES

10 ARE, SO WE ASSURE THAT ACROSS THE SPECTRUM OF ACTIVITIES,
11 WE HAVE SOME CONSISTENT AS MUCH AS POSSIBLE DEFINITIONS,
12 AND WHEN THEY ARE NOT CONSISTENT, CLEARLY SPELLED OUT AND
13 WHY THEY DIFFER.

14 DR. ALEXEEFF: RIGHT. AND THAT'S ACTUALLY WHAT
15 RUPALI IS REFERRING TO IN THIS FIRST BULLET, WAS THAT
16 THERE WERE NO EXISTING GUIDELINES EXACTLY SPELLING OUT
17 EXACTLY WHAT YOU ARE SAYING THAT WE COULD JUST ADOPT. WE
18 HAVE TO TRY TO CREATE THEM.

19 THERE WERE THE GUIDELINES THAT DR. WITSCHI IS
20 REFERRING TO, BUT THOSE ARE MORE CHEMICAL ACCIDENTS, NOT
21 SORT OF THESE ONGOING LITTLE PUFF HERE, PUFF THERE, YOU
22 KNOW.

23 CHAIRMAN PITTS: THANK YOU.

24 DR. DAS: AS I'LL SHOW YOU, WE DID TRY TO LOOK FOR
25 EXISTING GUIDELINES, AND WE FOUND THAT NONE WERE SUITABLE
0046 FOR THIS PURPOSE.

01 AND FINALLY, THERE'S A LACK OF STANDARDIZED
02 GUIDANCE FOR SITE SPECIFIC EXPOSURE ASSESSMENT OF AIRBORNE
03 EMISSIONS.

04 THIS ADDRESSES ONE OF DR. FROINES' QUESTIONS
05 EARLIER. THERE ARE 725 CHEMICALS LISTED BY THE HOT SPOTS
06 PROGRAM. OF THESE, 425 ARE REQUIRED TO BE QUANTIFIED BY
07 THE A.R.B., AND OF THESE, 325 EMISSIONS HAVE BEEN REPORTED
08 TO THE A.R.B.

09 AND THE LOWER PART OF THE SLIDE SHOWS YOU THE
10 EXISTING PUBLIC HEALTH LEVELS THAT HAVE BEEN DEVELOPED
11 EITHER BY U.S. E.P.A. OR CAL E.P.A. AND ON YOUR RIGHT
12 SIDE, YOU SEE THE PROPOSED O.E.H.H.A. VALUES WHICH WILL BE
13 PRESENTED IN THE HOT SPOTS DOCUMENTS.

14 SO FOR ACUTE, THERE ARE NO EXISTING PUBLIC
15 HEALTH LEVELS THAT ARE USEFUL FOR THE HOT SPOTS PROGRAM.
16 AND WE ARE GOING TO BE PROPOSING 53. FOR THE CHRONIC,
17 THERE ARE 55 IN EXISTENCE. WE WILL BE PROPOSING 120. FOR
18 CANCER, THERE ARE 119 IN EXISTENCE, AND WE WILL USING
19 THOSE SAME 119 VALUES.

20 DR. WITSCHI: I HAD ONE QUESTION. IN ONE OF YOUR
21 PREVIOUS SLIDES, YOU SAID YOU'RE ONLY GOING TO
22 PROPOSE.

23 DR. DAS: THAT WAS FOR THE TOXIC AIR CONTAMINANT
24 PROGRAM. THAT IS DEFINED IN THE MANDATE.
0047

01 IF THE COMPOUND IS FOUND TO HAVE A THRESHOLD
02 FOR EFFECTS, THEN O.E.H.H.A. HAS TO IDENTIFY THE
03 THRESHOLD.

04 BUT WHAT I AM TALKING ABOUT HERE IS THE HOT
05 SPOTS PROGRAM AND, OF COURSE, THE HOT SPOTS DOESN'T APPLY
06 TO CANCER.

07 DR. WITSCHI: HOW ARE WE GOING TO DEAL WITH NO
08 THRESHOLD?

09 DR. DAS: THERE'S A WHOLE DIFFERENT METHODOLOGY FOR
10 THE CANCER CHEMICALS.

11 DR. ALEXEEFF: IT'S THE SAME METHODOLOGY THAT WE
12 USE IN THE 1807 PROGRAM FOR CANCER RISK ASSESSMENT.

13 AND, IN FACT, OF THOSE 119, 22 ARE THE
14 T.A.C.'S FOR 1807. SO WE ARE EXACTLY FOLLOWING THAT.

15 DR. FROINES: A QUESTION, GEORGE: YOU HAVE 119
16 O.E.H.H.A. VALUES AND 230 CARCINOGENS SO THAT YOU ARE
17 ABOUT HALF OF THE TOTAL. DOES THAT MEAN THAT FOR THE
18 OTHER 111 THAT YOU DON'T HAVE VALUES FOR, THAT THOSE
19 AREN'T CONSIDERED AS A DETERMINING ISSUE IN DETERMINING
20 WHETHER A COMPANY MAY HAVE TO DO A RISK ASSESSMENT OR
21 WHETHER OR NOT THEY WILL HAVE TO REPORT ON THE OTHER 111?
22 DO YOU SEE WHAT I AM SAYING? AND IF WE ARE MISSING 111,
23 THEN I THINK THAT'S A PROBLEM.

24 DR. ALEXEEFF: WHAT THIS SLIDE REALLY SHOWS IS THE
25 LARGE DATA GAP IN DEVELOPING -- YOU KNOW, IN DEVELOPING
0048

01 HEALTH INFORMATION. AND THE 325 ARE THE NUMBER OF
02 CHEMICALS THAT HAVE REPORTED TO THE A.R.B., BUT TO THE
03 DISTRICTS THAT HAVE BEEN EMITTED, 230 ARE CARCINOGENS.

04 DR. FROINES: REPORTED TO THEM.

05 DR. ALEXEEFF: IN THE REPORTING, THERE'S TWO STEPS
06 IN THE HOT SPOTS PROGRAM, ONE IS REPORTING EMISSIONS, AND
07 THEN THEY DO THE PRIORITIZATION. AND THEN IF THE DISTRICT
08 REQUIRES THEM TO, THEY DO A HEALTH RISK ASSESSMENT.

09 NOW, IF THERE IS NO HEALTH LEVEL --

10 DR. FROINES: REPORTED TO THE A.R.B. BY INDUSTRY?

11 DR. ALEXEEFF: YES. IT FLOWS THROUGH THE
12 DISTRICTS. THEY REPORT TO THE DISTRICTS; THE DISTRICT
13 REPORTS IT TO A.R.B.

14 THE DIFFICULTY THAT HAPPENS HERE, FOR THOSE
15 111 CARCINOGENS FOR WHICH THERE ARE NO CANCER POTENCIES,
16 THOSE CHEMICALS CAN'T BE USED IN THE PRIORITIZATION
17 PROCESS, AND A RISK ASSESSMENT CAN'T BE DONE WITH THOSE
18 CHEMICALS, BECAUSE THERE'S NO HEALTH VALUE TO COMPLETE THE
19 ANALYSIS. SO THAT'S A MAJOR GAP IN THE PROCESS.

20 SO YOU ARE EXACTLY RIGHT. YOU ARE SAYING
21 IT'S A PROBLEM. YES, WE AGREE IT'S A PROBLEM. AND THAT'S
22 WHY ONE OF THE ASPECTS OF THE PROGRAM THAT WE HAVE BEEN
23 WORKING ON, IS TO TRY TO INCREASE THE NUMBER OF HEALTH
24 LEVELS THAT ARE AVAILABLE.

25 DR. WITSCHI: I LOST SOMETHING, GEORGE. YOU HAVE
0049

01 HOW MANY CARCINOGENS?

02 DR. ALEXEEFF: WELL, IT'S 230 THAT HAVE BEEN
03 REPORTED. 230 MINUS 119. THE CARCINOGENS ARE, QUOTE,
04 THOSE THAT HAVE BEEN LISTED BY EITHER I.A. OR U.S. E.P.A.

05 DR. WITSCHI: BUT SOME POTENCY ONE WAY OR ANOTHER
06 WOULD BE AVAILABLE. HAVE YOU LOOKED AT GOLD'S POTENCY
07 BASE?

08 DR. ALEXEEFF: YEAH.

09 DR. WITSCHI: I MEAN, YOU WOULDN'T KNOW SOMETHING
10 IS A CARCINOGEN UNLESS YOU HAD SOME IDEA WHAT IT DOES.

11 DR. FROINES: WELL, THAT'S A VERY GOOD POINT.

12 DR. ALEXEEFF: YES.

13 DR. FROINES: CAN I JUST ADD ONTO WHAT PETER SAID,
14 BECAUSE HOW MANY CARCINOGENS ARE LISTED IN PROP 65? IT'S
15 ABOUT 500; ISN'T IT? SO WHY AREN'T WE DEALING WITH 500?

16 ADMITTEDLY, A LOT OF THEM ARE THERAPEUTIC
17 AGENTS, SO THEY DON'T COUNT.

18 DR. ALEXEEFF: THE REASON WHY THE NUMBER GOES DOWN
19 IS BECAUSE THERE WAS A VERY LENGTHY PROCESS BETWEEN US,

20 THE DISTRICT AND A.R.B. IN TRYING TO FIGURE OUT WHICH ONES
21 ARE REALLY EMITTED AND NOT REQUIRING REPORTING ON
22 PHARMACEUTICALS AND MICROTOXINS AND THINGS LIKE THAT.
23 DR. FROINES: I DIDN'T MEAN TO INTERRUPT HIS
24 QUESTION.
25 DR. ALEXEEFF: THAT'S WHERE THAT COMES FROM. SO
0050
01 YOUR QUESTION WAS, WHY DON'T WE HAVE POTENCIES?
02 WELL, IT'S POSSIBLE THAT SOMEONE COULD
03 DEVELOP A POTENCY FOR IT, BUT SOMEONE HAS TO ACTUALLY, YOU
04 KNOW, GO THROUGH THE PROCESS, LOOK AT THE LITERATURE,
05 CONDUCT THE ANALYSIS. SO ALL I'M SAYING IS THAT --
06 DR. WITSCHI: I THINK MUCH OF THIS HAS BEEN DONE BY
07 THE GROUP IN BERKELEY, AT LEAST BY THE ANIMAL DATA. AND
08 BY THE ANIMAL DATA, THAT GIVES YOU AN IDEA OF WHETHER OR
09 NOT SOMETHING IS A POTENT OR NOT-SO-POTENT CARCINOGEN.
10 DR. ALEXEEFF: CORRECT. AND UNDER PROPOSITION 65,
11 THEY WENT THROUGH THE GOLD DATABASE AND DID EXACTLY WHAT
12 YOU ARE SUGGESTING AND CAME UP WITH WHAT WAS CALLED AN
13 EXPEDITED POTENCY NUMBER, AND THOSE ARE INCORPORATED IN
14 THE PROPOSITION 65 PROGRAM.
15 WE TOOK THOSE NUMBERS THAT ARE ALSO AIR
16 EMISSIONS, AND THEY ARE IN THIS LIST.
17 SO I KNOW YOU THINK THERE WOULD BE MORE,
18 BUT --
19 DR. FROINES: WHAT HAPPENS IS, SINCE THE PASSAGE OF
20 2588, THERE HAVE BEEN, AS YOU SAY, 700 RISK ASSESSMENTS,
21 WHICH IS ABOUT TWO PERCENT OF THE 30,000 INDUSTRIES, WHICH
22 IS A RELATIVELY SMALL NUMBER.
23 AND IF WE ARE MISSING -- IF INDUSTRIES ARE
24 NOT BEING REQUIRED TO DO RISK ASSESSMENTS BECAUSE WE DON'T
25 HAVE POTENCY VALUES, THEN I THINK WE DO HAVE A PROBLEM.
0051
01 DR. ALEXEEFF: UH-HUH.
02 DR. FROINES: IT AFFECTS THE PRIORITIZATION THAT
03 ENDS UP LEADING YOU TO REQUIRE RISK ASSESSMENTS. AND IF
04 WE DON'T HAVE ENOUGH INFORMATION, THEN HOW DO WE MEET THE
05 MANDATE?
06 DR. ALEXEEFF: RIGHT. AND SO WHAT WE ESTABLISHED
07 IN THIS PROGRAM IS WE TRY TO CREATE KIND OF A ROLLING
08 PROCESS, LET'S SAY.
09 GENEVIEVE AND I WERE INVOLVED IN ESTABLISHING
10 THIS PROCESS. GENEVIEVE'S PROGRAM ISN'T INVOLVED IN HOT
11 SPOTS DIRECTLY ANYMORE.
12 DR. DAS: DEFINITELY OUR PRIORITIZATION SCHEME IS
13 GEARED TOWARD POLLUTANTS WITH DATA, SO IF YOU DON'T HAVE
14 DATA, THEY TEND TO FALL LOWER ON THE TOTEM POLE.
15 SO WE SPOKE WITH DR. GLANTZ ABOUT THIS, AND
16 HE HAS GIVEN US SOME IDEAS ON PUTTING IN SOME SURROGATE
17 AVERAGE NUMBERS TO SEE WHAT HAPPENS TO THE POLLUTANTS THAT
18 WE HAVE ALREADY GONE THROUGH AND ASSESSED IF SOME OF THOSE
19 PARAMETERS WERE ZEROED OUT AND ALSO WHAT HAPPENS TO SOME
20 OF THE 111 OR SO IF WE WERE TO PUT IN SOME AVERAGE VALUES
21 TO SEE WHERE THEY WOULD THEN FALL.
22 SO WE ARE IN THE PROCESS OF DOING THAT NOW
23 AND SHOULD GET A REPORT BACK IN JUNE.
24 DR. SEIBER: YES. THE SPECIFIC EXAMPLE THERE WAS

25 IN PRIORITIZATION, IF YOU ASSIGNED A SCORE OF FIVE TO A
0052
01 CHEMICAL BASED ON WHETHER IT WAS KNOWN AS A FAIRLY POTENT
02 CARCINOGEN OR A 0, FOR THOSE THAT WEREN'T, WHAT WE STARTED
03 OUT DOING OR WHAT SOMEONE STARTED OUT DOING WAS PLUGGING
04 IN 0'S FOR THOSE WITH NO CANCER POTENCY VALUES. SO
05 AUTOMATICALLY YOU SKEWED THE PRIORITY FOR THAT CHEMICAL
06 WAY DOWN.

07 AND I THINK WHAT DR. GLANTZ HAS PROPOSED IS
08 THAT YOU USE A DEFAULT VALUE. IT CAN EITHER BE A
09 MIDDLE-OF-THE-ROAD NUMBER, SAY TWO AND A HALF, OR IT COULD
10 BE FIVE. MAYBE IT OUGHT TO BE FIVE WHEN YOU JUST SIMPLY
11 DON'T KNOW.

12 SO WE DON'T LET THOSE GUYS SLIP THROUGH THE
13 CRACKS. AND WE WILL BE DISCUSSING THAT AT A SUBSEQUENT
14 MEETING?

15 DR. ALEXEEFF: THE NEXT MEETING.

16 DR. DAS: ANY OTHER QUESTIONS ON THIS SLIDE?

17 OKAY. FINALLY, WE GET TO THE ACTUAL
18 DOCUMENTS. THERE ARE FIVE DOCUMENTS PREPARED UNDER THE
19 HOT SPOTS PROGRAM.

20 THE FIRST IS A RISK ASSESSMENT MANUAL, WHICH
21 IS A GUIDE OR A COOKBOOK, IF YOU WILL, THAT DESCRIBES HOW
22 TO USE THE VALUES DEVELOPED IN THE TECHNICAL SUPPORT
23 DOCUMENT IN THE PREPARATION OF A RISK ASSESSMENT. THERE
24 ARE FOUR CHEMICAL SUPPORT DOCUMENTS. PART ONE IS FOR THE
25 DETERMINATION OF ACUTE TOXICITY EXPOSURE LEVELS. PART TWO

0053
01 DESCRIBES THE DEVELOPMENT OF THE CHRONIC TOXICITY
02 EXPOSURE LEVELS. PART THREE IS FOR THE CANCER POTENCY
03 VALUES. AND PART FOUR IS THE EXPOSURE ASSESSMENT AND
04 STOCHASTIC ANALYSIS DOCUMENT.

05 WHEN WE INITIALLY WERE DEVELOPING THE FORMAT
06 FOR THESE DOCUMENTS, WE MET WITH DR. SEIBER AND DR. GLANTZ
07 TO COME UP WITH THE FORMAT FOR THE PRESENTATION OF PARTS
08 ONE TO THREE, BECAUSE THEY ARE SO DIFFERENT FROM THE
09 DOCUMENTS PREPARED UNDER THE T.A.C. PROGRAM, HOW DO WE
10 DECIDE WHICH CHEMICALS TO INCLUDE IN THE DOCUMENT.

11 THIS DESCRIBES THE PRIORITIZATION PROCESS.
12 CHEMICALS THAT WERE LISTED IN THE 1993 DOCUMENT PREPARED
13 BY THE CAL AIR POLLUTION CONTROL OFFICERS' ASSOCIATION
14 WERE INCLUDED IN THE DOCUMENTS. THE SECOND IN PRIORITY
15 WERE PREEXISTING VALUES DEVELOPED BY U.S. E.P.A. OR
16 CAL E.P.A. WE ALSO CONSULTED WITH THE AIR RESOURCES BOARD
17 EMISSIONS INVENTORY AND SELECTED CHEMICALS THAT WERE
18 EMITTED IN HIGH QUANTITIES.

19 FINALLY, IF A SUBSTANCE DIDN'T FALL INTO THE
20 PREVIOUS THREE CATEGORIES BUT HAD SOME KNOWN TOXIC
21 PROPERTIES, WE INCLUDED SOME OF THOSE CHEMICALS AS WELL.

22 BRIEFLY I'M GOING TO GO THROUGH THE
23 PRIORITIZATION FOR THE THREE DOCUMENTS, THE ACUTE, CHRONIC
24 AND CANCER. THIS SHOWS THE PRIORITIZATION FOR THE NUMBER
25 OF CHEMICALS IN THE DIFFERENT CATEGORIES FOR THE ACUTE

0054
01 DOCUMENT. AS YOU CAN SEE, MOST OF THE CHEMICALS WERE FROM
02 THE 1995 C.A.P.C.O.A. DOCUMENT, AND THE SECOND LARGEST
03 CATEGORY OF SUBSTANCE EMITTED IN HIGH QUANTITIES --

04 DR. FROINES: CAN I ASK YOU A QUESTION ABOUT THAT?

05 DR. DAS: UH-HUH.

06 DR. FROINES: HOW DO YOU DETERMINE AND WHAT ARE
07 THE DEFINITIONS, IN A SENSE, OF WHAT IS, QUOTE, EMITTED IN
08 HIGH QUANTITIES OF CALIFORNIA? I DON'T KNOW WHAT THAT
09 MEANS.

10 DR. DAS: WELL, WE USED A HUNDRED POUNDS PER YEAR
11 AS HIGH QUANTITIES, BUT THAT WAS FOR THE ACUTE DOCUMENT.
12 IT WAS ALSO DEPENDENT ON THE READY AVAILABILITY OF THE
13 DATABASE. SO BY "HIGH" WE MEAN MORE THAN A HUNDRED POUNDS
14 PER YEAR.

15 DR. ALEXEEFF: THE EMISSIONS INVENTORIES OF THE
16 DISTRICTS, FACILITIES THAT WERE REPORTING TO THE DISTRICTS
17 AND THE DISTRICTS HAVE BEEN REPORTING TO A.R.B. HAVE
18 TABULATED THE TOTAL EMISSIONS IN THE STATE OF A NUMBER OF
19 CHEMICALS.

20 AND SO WE JUST KIND OF WENT DOWN AND SAID,
21 OKAY, WHAT'S EMITTED IN THE HIGHEST QUANTITY IN THE STATE
22 FROM THE HOT SPOTS FACILITIES. SO THESE ARE STATIONARY
23 SOURCE EMISSIONS, NOT MOBILE SOURCE EMISSIONS. SO THAT'S
24 THE MAJOR DIFFERENCE HERE.

25 SO WE KIND OF WENT DOWN THE LIST. SUBMITTED
0055

01 IN HIGH QUANTITIES MEANS WE STARTED FROM THE TOP AND KIND
02 OF WORKED OUR WAY DOWN.

03 DR. FROINES: A HUNDRED POUNDS IS A HUNDRED POUNDS
04 USED? EMITTED?

05 DR. ALEXEEFF: EMITTED PER YEAR.

06 DR. DAS: NOT USED, BUT EMITTED INTO THE AIR FROM
07 STACKS.

08 DR. FROINES: I'LL ASK ONE MORE QUESTION AND I
09 WON'T SAY ANOTHER WORD UNTIL THIS IS OVER AFTER THAT.

10 I HAVE ONE QUESTION, WHICH IS, I HAVE NEVER
11 UNDERSTOOD THAT POTENT VALUES ARE SET, THE STOCHASTIC
12 MODELING IS SET.

13 THE PLACE WHERE PEOPLE CAN FIDDLE WITH THE
14 DATA -- PARDON THE EXPRESSION -- IS WITH EXPOSURE, BECAUSE
15 WHEN YOU ESTIMATE HOW MUCH COMES OUT OF A PLANT, THAT'S --
16 AND SO MY QUESTION IS, HOW DOES ONE EVER VALIDATE WHAT
17 PEOPLE'S ESTIMATES FOR EXPOSURE ARE? BECAUSE THERE YOU
18 CAN ESTIMATE YOUR EMISSION AND YOU CAN KEEP IT DOWN BELOW
19 THE RISK LEVEL, AND OF COURSE THEN THERE'S NO PROBLEM, SO
20 HOW DOES THE STATE VALIDATE THE ACCURACY OF INFORMATION ON
21 EMISSION, BECAUSE IT SEEMS TO ME THAT THAT'S WHERE THE
22 PROBLEM COULD LIE.

23 MS. SHIROMA: THE AIR DISTRICT ENGINEERS ARE THE
24 FIRST STEP TO REVIEW THE INVENTORIES THAT COME IN AND ALSO
25 THE MODELING OF THE DATA AS WELL. AND THEN AT THE AIR
0056

01 RESOURCES BOARD, THERE IS A LEVEL OF Q.A.Q.C. WHICH
02 OCCURS. WE INITIAL THE RISK CATEGORY SOURCES TO POP OUT
03 ANOMALIES THAT ARE EITHER TOO LOW OR TOO HIGH FROM THE
04 GIVEN INPUT OF A COMPANY. AND THEN ALSO WE HAVE A
05 CONTRAST WHERE WORK IS BEING DONE ON DATING ALL THE SOURCE
06 TESTING RESULTS SUBMITTED BY THE COMPANIES AND DISTRICTS
07 AND TO REVIEW THOSE AND THEN ALSO TO COME UP WITH EMISSION
08 FACTORS FOR THAT DATA.

09 SO THERE IS A LEVEL OF Q.A.Q.C. WHICH GOES
10 ON. HOW COMPREHENSIVE AND SO FORTH, I COULDN'T SAY, BUT
11 THERE ARE THESE STEPS.

12 DR. ALEXEEFF: SO THERE'S THE -- A LOT OF IT IS
13 FOCUSED ON THE DISTRICT LEVEL, AND THAT'S JUST THE WAY THE
14 LAW IS WRITTEN. AND SO IT'S AT THE DISTRICTS THAT THEY DO
15 THE EMISSIONS TESTING, BUT THEY USE A.R.B. SOURCE TESTING
16 METHODS.

17 AND THEN THE STOCHASTIC DOCUMENT, THAT WILL
18 COME, IT ALSO EXPLAINS HOW THE MODELING IS DONE BASED FROM
19 THE SOURCE TESTING, AND SO BASICALLY WHAT KIND OF MODEL IS
20 USED AND HOW IT IS USED.

21 SO THERE'S -- I MEAN, YOU ARE RIGHT. I'M
22 JUST SAYING THAT'S AS MUCH OF THE CONTROLS THAT WE HAVE
23 OPERATING ON THIS SYSTEM.

24 DR. SEIBER: IT CAN VARY CONSIDERABLY. THERE'S A
25 REAL NICE DISCUSSION OF THE WEAKNESS IN OUR EMISSION

0057
01 INVENTORIES IN THE CAPER REPORT. THE NATIONAL ACADEMY'S
02 DONE I THINK AT LEAST ONE CAPTURE ON THE WEAKNESS THERE.

03 AND THE PROBLEM ISN'T SO MUCH THE PLANT WITH
04 THE SINGLE SMOKESTACK WHERE YOU PUT AN AIR SAMPLER. IT'S
05 MORE THE PLANT THAT HAS MULTIPLE SOURCES.

06 AND THERE'S A METHODOLOGY THAT'S INVOLVED
07 WHICH WE COULD DEBATE AND HAVE A LOT OF FUN WITH WHERE YOU
08 GO OUT AND TAKE EACH VALVE AND EACH FLANGE AND EACH THIS
09 AND THAT AND ASSIGN A STANDARD VALUE TO IT AND SUM ALL OF
10 THOSE UP AND THAT'S YOUR EMISSION. SO NOBODY HAS MEASURED
11 ANYTHING. THEY HAVE JUST MADE SOME ASSUMPTIONS AND USED
12 SOME STANDARD VALUES.

13 SO THERE'S A REAL WEAKNESS. WE NEED TO
14 MEASURE THESE THINGS. YOU ARE ABSOLUTELY RIGHT.

15 DR. SEIBER: BUT I THOUGHT DR. FROINES WAS GOING
16 TO ASK -- SINCE HE AGREED NOT TO ASK ANY MORE QUESTIONS,
17 I'LL ASK IT FOR HIM -- A HUNDRED POUNDS COULD BE
18 ABSOLUTELY TRIVIAL FOR SOME CHEMICALS, AND IT COULD BE
19 JUST A HELL OF A LOAD FOR SOME REALLY TOXIC PERSISTENT
20 CONTAMINANTS. SO I SEE A PROBLEM WITH USING THE 100-POUND
21 NUMBER RIGHT OFF THE BAT.

22 DR. ALEXEEFF: THAT'S WHY WE HAVE CATEGORY NUMBER
23 4, THOSE THAT AREN'T EMITTED IN HIGH QUANTITIES, BUT WE
24 KNOW ARE A PROBLEM.

25 DR. DAS: SO THIS SHOWS THE PRIORITIZATION FOR THE
0058
01 CHRONIC CHEMICALS. AGAIN, MOST OF THEM WERE LISTED IN THE
02 1990 C.A.P.C.O.A. DOCUMENT. AND HERE WE HAVE A LOT OF
03 PREEXISTING VALUES FROM U.S. E.P.A. AND A TOTAL OF 120
04 CHEMICALS.

05 FOR THE CANCER DOCUMENT, THERE ARE ONLY TWO
06 CATEGORIES, THOSE LISTED IN THE C.A.P.C.O.A. DOCUMENT,
07 PREEXISTING VALUES. OF THESE 105 IN THE FIRST CATEGORY,
08 21 WERE DEVELOPED UNDER THE TOXIC AIR CONTAMINANT PROGRAM,
09 AND WE WILL BE ADDING LEAD TO THAT, SO IT WILL BE 22.

10 I'LL BE MOVING NOW TO TALK ABOUT ACUTE AND
11 CHRONIC DOCUMENTS. I'M NOT GOING TO BE TALKING ABOUT THE
12 CANCER DOCUMENT ANYMORE.

13 BOTH THE ACUTE AND THE CHRONIC DOCUMENTS

14 DEVELOP A REFERENCE EXPOSURE LEVEL. THIS IS DEFINED BY
15 THE CONCENTRATION LEVEL AT OR BELOW WHICH NO ADVERSE
16 HEALTH EFFECTS ARE ANTICIPATED.

17 THE R.E.L. IS BASED ON THE MOST SENSITIVE
18 ADVERSE HEALTH EFFECT REPORTED IN THE LITERATURE. IT IS
19 INTENDED TO PROTECT MOST SENSITIVE INDIVIDUALS IN THE
20 POPULATION, AND IT'S IMPORTANT TO KEEP IN MIND THAT
21 EXCEEDING THE R.E.L. DOESN'T AUTOMATICALLY INDICATE A
22 HEALTH IMPACT FOR ALL EXPOSED.

23 DR. WITSCHI: YES. THAT'S GOING TO BE A BIG
24 PROBLEM THAT'S COME UP REPEATEDLY NOW.

25 WHAT ARE YOU GOING TO CALL ADVERSE HEALTH
0059 EFFECT?

01 DR. DAS: WE ARE TRYING TO DEFINE THAT. ALL HEALTH
02 EFFECTS AREN'T ADVERSE. ODOR IS A HEALTH EFFECT, BUT IT
03 MAY NOT BE NECESSARILY ADVERSE. IT COULD BE, BUT IT MAY
04 NOT BE. AND SIMILARLY, EYE IRRITATION IS A HEALTH EFFECT
05 WHICH MAY NOT BE ADVERSE IF IT'S MILD.

06 DR. WITSCHI: I HAVE TO AGREE. ALL I CAN TELL YOU
07 IS THAT VERY MANY COMMITTEES OVER MANY, MANY YEARS HAVE
08 DESPERATELY STRUGGLED TO COME UP WITH A WORKING DEFINITION
09 OF WHAT'S AN ADVERSE HEALTH EFFECT, AND NOBODY CAN COME UP
10 WITH ANYTHING THAT'S REASONABLE.

11 DR. DAS: YES. WE HAVE ATTEMPTED TO DO THAT, AND
12 WE HAVE A TABLE IN THE ACUTE DOCUMENT, ANYWAY. WE HAVE
13 TRIED TO DEFINE THAT, BUT, OF COURSE, IT IS A
14 CONTROVERSIAL AREA.

15 DR. ALEXEEFF: WHEN THE DOCUMENT COMES FROM THE
16 COMMITTEE, WHAT WE WILL HAVE IS, IN ADDITION TO THE
17 INDIVIDUAL CHEMICAL DISCUSSIONS, ALSO A LISTING OF THE
18 HEALTH EFFECTS WE FOUND. AND WHAT WE ARE DEFINING AS A
19 HEALTH EFFECT DEPENDS UPON WHAT'S IN THE LITERATURE.

20 SO IF WE LOOK AT A STUDY AND DETERMINE THAT
21 IT'S AN ADVERSE EFFECT AND THAT SEEMS TO BE THE MOST
22 APPROPRIATE EFFECT FOR US TO USE, THEN WE ADD IT TO OUR
23 LIST.

24 SO WE HAVEN'T SPENT A LOT OF TIME DEFINING
0060

01 WHAT THE TERM "ADVERSE" MEANS, WHICH I KNOW THAT'S ONE
02 THAT IS VERY DIFFICULT. BUT WE HAVE DEBATED INTERNALLY
03 AND ALSO WITH THE PUBLIC COMMENTS WE HAVE RECEIVED WHETHER
04 OR NOT A PARTICULAR EFFECT WE IDENTIFY IS REALLY ADVERSE
05 OR NOT.

06 SO THAT IS ANOTHER THING THAT THE COMMITTEE
07 WILL BE ABLE TO DISCUSS AND GIVE US SOME INPUT ON, WHETHER
08 OR NOT WE HAVE IDENTIFIED ADVERSE HEALTH EFFECTS. THAT'S
09 OUR INTENT. WHATEVER ADVERSE MEANS TO US ALL, THAT'S OUR
10 INTENT.

11 DR. DAS: THIS IS THE PROCESS THAT WE USE TO
12 DEVELOP THE INDIVIDUAL R.E.L.'S. THE CHEMICALS WERE FIRST
13 PRIORITIZED BASED ON THE SCHEME THAT I DESCRIBED EARLIER.
14 FOR EACH OF THE CHEMICALS CHOSEN, LITERATURE SEARCH WAS
15 CONDUCTED, AND NEXT WE TRY TO IDENTIFY APPROPRIATE
16 EXISTING STANDARDS, LIKE THE U.S. E.P.A. R.F.C.'S.

17 IF AN EXISTING STANDARD WAS FOUND, WE THEN
18 IDENTIFIED THE LITERATURE THAT WAS PRESENTED IN SUPPORT OF

19 THAT STANDARD. AND IF IT WAS SATISFACTORY, WE ADOPTED
20 THAT LEVEL AS THE R.E.L.

21 FOR CHEMICALS THAT DIDN'T HAVE AN EXISTING
22 STANDARD, WE CHOSE THE BEST STUDY, AND CHOSE TO USE HUMAN
23 DATA WHEN AVAILABLE IN PREFERENCE TO ANIMAL DATA.

24 WE ALSO TRIED TO IDENTIFY THE CRITICAL
25 ENDPOINT. THIS TIES INTO IDENTIFYING AN ADVERSE HEALTH
0061 EFFECT AND ESTIMATED A THRESHOLD FOR EFFECT.

02 AND IN THE ACUTE DOCUMENT, WE DIDN'T ADDRESS
03 CARCINOGENIC EFFECTS. SO ALL THESE CHEMICALS WERE ASSUMED
04 TO HAVE A THRESHOLD.

05 IF APPLICABLE, WE USED TEMPORAL AND
06 DOSIMETRIC ADJUSTMENTS. THAT IS TIME EXTRAPOLATION IF THE
07 DURATION OF THE STUDY DIFFERED FROM THE DURATION THAT WE
08 WERE INTERESTED IN FOR THE R.E.L. AND THE HUMAN EQUIVALENT
09 JUSTIFICATION WHICH ACCOUNTS FOR DIFFERENCES IN INHALATION
10 AND ABSORPTION IN HUMANS COMPARED TO ANIMALS.

11 WE ALSO, IF NECESSARY, APPLIED UNCERTAINTY
12 FACTORS TO ACCOUNT FOR THE APPLICATION OF ANIMAL TO HUMAN
13 DATA AND THE APPLICATION OF OCCUPATIONAL STUDIES TO THE
14 GENERAL POPULATION, WHICH INCLUDES CHILDREN AND
15 ASTHMATICS, FOR EXAMPLE. AND AFTER APPLYING ALL THESE
16 DIFFERENT ADJUSTMENTS, WE CAME UP WITH A REFERENCE
17 EXPOSURE LEVEL.

18 THIS IS A SCHEMATIC THAT ENCOMPASSES BOTH THE
19 CHRONIC AND THE ACUTE DOCUMENT. WE HAVE LOST ONE OF OUR
20 MEMBERS, BUT DID YOU HAVE ANY QUESTIONS ON THIS?

21 DR. SEIBER: WELL, YOUR FIRST LISTING UP THERE WAS
22 PRIORITIZE CHEMICALS TO BE EVALUATED. THAT'S WHERE WE ARE
23 KIND OF AT RIGHT NOW; ISN'T IT? WE HAVE FOR A FEW
24 CHEMICALS, BUT IN A SYSTEMATIC WAY. FIRST WE HAVE GOT TO
25 PRIORITIZE AND AGREE ON WHICH GROUPS OF CHEMICALS WE WILL
0062 ATTACK FIRST.

02 IS THAT PRETTY MUCH WHERE WE ARE AT?

03 DR. ALEXEEFF: WELL, THAT'S ACTUALLY -- WHAT WE
04 HAVE DONE, IN THIS CASE, WE HAVE PRIORITIZED THEM UNDER
05 THE HOT SPOTS PROGRAM BASED ON WHAT WE MENTIONED A COUPLE
06 SLIDES EARLIER, THE EMISSIONS, IF THERE'S HEALTH LEVELS.

07 AND WE TRIED TO DO THIS ANALYSIS BASED UPON
08 WHAT LEVEL OVER AND THE PRIORITIZATION SCHEME THAT WE'RE
09 DEVELOPING WITH A.R.B. THEN WE ARE GOING TO REPRIORITIZE
10 WHAT'S LEFT, BECAUSE WE HAVE DEVELOPED SOME HEALTH LEVELS
11 IN THOSE DOCUMENTS, SO WE HAVE DONE PRIORITIZATION, AND WE
12 HAVE CHOSEN CHEMICALS TO WORK ON.

13 DR. DAS: THE FINAL SLIDE IS A PROPOSAL FOR THE
14 NEXT S.R.P. PRESENTATION WHICH WE WILL BE PRESENTING TO
15 YOU, "THE ACUTE EXPOSURE DOCUMENT." THAT DOCUMENT HAS
16 BEEN THROUGH THE PUBLIC COMMENT PERIOD ALREADY AND IS
17 BEING REVISED FOR OUR PRESENTATION TO THE S.R.P.

18 AND WE PROPOSE TO DIVIDE THE PRESENTATION
19 INTO TWO SECTIONS, THE METHODS SECTION, GIVE SPECIFIC
20 EXAMPLES OF THE METHODOLOGY WE USED, AND THEN A SECOND
21 PORTION OF THE PRESENTATION CONSISTING OF THE INDIVIDUAL
22 CHEMICALS.

23 AND BASED ON A CONVERSATION WITH DR. SEIBER

24 AND GLANTZ, WE WERE GOING DIVIDE UP THE CHEMICALS INTO TWO
25 GROUPS, THOSE BASED ON ANIMAL DATA, AND THOSE BASED ON

0063

01 HUMAN DATA.

02 ANY QUESTIONS ON THAT OR ANY SUGGESTIONS FOR
03 A CHANGE?

04 DR. SEIBER: WELL, I THOUGHT, YEAH, WE AGREED TO
05 DIVIDE THEM UP. BUT I THOUGHT THERE WAS A CANCER VERSUS
06 NONCANCER CUT TO THAT DIVISION OF CHEMICALS. I WAS JUST
07 CHECKING MY NOTES FROM THAT CONVERSATION. I SCRIBBLED
08 THAT DOWN AT THE BOTTOM. I'M NOT SURE THAT WAS THE FINAL
09 RESOLUTION.

10 DR. ALEXEEFF: YES. THIS IS FOR THE NONCANCER
11 ONES, JUST NONCANCER ONES FOR THIS PARTICULAR DOCUMENT.
12 THAT'S THE CUT, YEAH.

13 WE HAVEN'T FIGURED OUT HOW WE ARE GOING TO
14 DEAL WITH ALL THOSE CARCINOGENS YET.

15 CHAIRMAN PITTS: EXCUSE ME. I WAS GOING TO ASK
16 YOU, WHEN YOU TALK ABOUT ACUTE EXPOSURE, I GUESS HAVING
17 BEEN ONE -- IRRITANT EFFECTS, DOESN'T IT KILL YOU? DON'T
18 YOU DIE OF THINGS? IF THEY ARE REALLY ACUTE, CAN'T YOU
19 DIE OR GET VIOLENTLY ILL?

20 IN OTHER WORDS, IRRITANT IS ONE THING. IT'S
21 JUST SORT OF THE TERMINOLOGY. I VISUALIZE ACUTE HAPPENING
22 ALL THE TIME. A GUY GOES DOWN IN A TANK AND HE IS GONE IF
23 HE SMELLS, AND THAT'S ACUTE AND THAT'S DEATH. AND THEN
24 YOU CAN HAVE SUBSETS OF THAT GOING DOWN TO MEAN DAMN
25 SICK.

0064

01 AND SO I THINK IT'S REALLY IMPORTANT TO LOOK
02 AT THIS, BECAUSE WE TEND TO FOCUS SO MUCH IN PUBLIC HEALTH
03 ISSUES ON CANCER, AND IT'S EXTREMELY IMPORTANT, BUT THERE
04 ARE THESE OTHER EXPOSURES WHICH ARE QUITE -- AND THEY ARE
05 JUST NOT EVEN ACCIDENTS, BUT THEY CAN BE RELEASES THAT MAY
06 ACTUALLY BE ATOMIC.

07 DR. ALEXEEFF: EVEN THOUGH THESE DOCUMENTS ARE VERY
08 BRIEF, WHAT WE TRY TO DO IS SUMMARIZE THE CONTINUUM OF
09 EFFECTS, STARTING FROM IRRITATION, ALL THE WAY TO DEATH,
10 YOU KNOW, BECAUSE OF THE HIGHER, HIGHER CONCENTRATIONS FOR
11 THE EFFECTS CAUSING SERIOUS DAMAGE.

12 CHAIRMAN PITTS: HOW ABOUT MORBIDITY AND MORTALITY
13 OR SOMETHING? MAYBE I'M USING THE WRONG TERMS.

14 DR. DAS: I THINK IT WILL BE MORE CLEAR WHEN YOU
15 SEE THE ACUTE DOCUMENT. WE DO HAVE A VARIATION OF
16 EFFECTS.

17 I THINK HERE WHAT WE ARE TRYING TO SAY IS
18 THERE'S SOME CHEMICALS THAT PRODUCE IRRITATION, WHETHER
19 MILD AT LOW LEVELS AND MORE SEVERE AT HIGHER LEVELS, AND
20 THERE ARE OTHER CHEMICALS THAT ARE NOT IRRITANTS, THAT
21 PRODUCE OTHER EFFECTS OTHER THAN IRRITATION OF THE MUCUS
22 MEMBRANES. I THINK THAT'S THE IDEA WE ARE TRYING TO GET
23 ACROSS HERE.

24 CHAIRMAN PITTS: THEN THERE'S A RANGE OF EFFECTS?

25 DR. DAS: YES, THERE IS A RANGE.

0065

01 CHAIRMAN PITTS: SO IT WOULD BE RANGE OF EFFECTS,
02 INCLUDING IRRITATION.

03 I WAS JUST TRYING TO BE SURE WE DON'T FALL IN
04 A SEMANTIC TRAP HERE, BECAUSE THERE'S SO MUCH RIDING ON
05 THIS, THAT, AGAIN, YOU'RE BACK TO RISK ASSESSMENT, AND YOU
06 ARE BACK TO STAKEHOLDERS IN THIS WHOLE THING. AND YOU
07 HAVE TO GO TO THE PUBLIC AND SAY "THIS IS WHAT WE ARE
08 LOOKING AT," AND THE PUBLIC VIEWS IT AS BEING NOT JUST
09 IRRITATION, BUT A LOT OF THINGS THAT COULD BE FAIRLY
10 SERIOUS IN TERMS OF PUBLIC HEALTH.

11 DR. ALEXEEFF: WHAT WE DID IN DEVELOPING THIS
12 GROUPING IS WE LOOKED AT THE REFERENCE EXPOSURE LEVELS
13 THAT WERE CALCULATED AND FOR EACH CHEMICAL, AND THEN WE
14 LOOKED AT, WHAT WAS THE ADVERSE EFFECT ON WHICH THAT
15 REFERENCE LEVEL WAS BASED ON.

16 WE JUST KIND OF LOOKED DOWN THE LIST, AND
17 MOST OF THEM IN THE END ARE BASED UPON IRRITANT EFFECTS.
18 THAT'S WHERE THE REFERENCE LEVEL COMES IN. SO IF YOU
19 EXCEED THE REFERENCE EXPOSURE LEVEL, THE FIRST THING FOR
20 MOST OF THE CHEMICALS YOU WILL SEE IS IRRITATION, AND THEN
21 AS YOU GET FURTHER AND FURTHER DOWN, IT WILL CAUSE OTHER
22 DAMAGE UNTIL HIGHER LEVELS IS POTENTIAL DEATH.

23 SO WE TRY TO GIVE SOME, YOU KNOW, INFORMATION
24 ABOUT WHAT IS THAT GRAY AREA. IS THE DISTANCE BETWEEN
25 IRRITATION AND LETHALTY TIGHT OR FAR? AND SO WE TRIED TO
0066

01 DO THAT IN THE DOCUMENT WHEN WE COULD, BUT, YES, THIS
02 GROUPING IS JUST FOR THE REFERENCE EXPOSURE LEVEL, HEALTH
03 EFFECT, HOW WERE THEY GROUPED.

04 CHAIRMAN PITTS: OKAY. THANKS.

05 THAT CLARIFIES IT. THANK YOU.

06 DR. DAS: OKAY. THAT CONCLUDES MY PRESENTATION.

07 CHAIRMAN PITTS: THANK YOU VERY MUCH.

08 IF SOMEONE WILL TURN ON THE LIGHTS, THANK YOU
09 FOR THE PRESENTATION.

10 WE HAVE BEEN -- IN OUR CUSTOMARY INFORMAL
11 STYLE, WE HAVE BEEN ASKING QUESTIONS DURING THE
12 PRESENTATION, BUT THAT ALSO -- COUPLED WITH ASKING ONES
13 THAT MIGHT WELL WANT TO BE ASKED FOR THAT PARTICULAR
14 SUBJECT AT THAT TIME. BUT WE ALSO NOW WILL OPEN IT TO THE
15 PANEL TO ASK ANY OTHER GENERAL QUESTIONS OR PURSUE THE
16 TOPIC ANY WAY YOU'D CARE.

17 GENTLEMEN?

18 DO I TAKE THE NODDING OF HEADS -- THAT'S FOR
19 THE COURT REPORTER -- TO ASSUME THAT WE HAVE --

20 YES. JIM SEIBER.

21 DR. SEIBER: WELL, I THINK THE KEY QUESTION FROM
22 THE LAST PRESENTATION IS, IS THIS THE PROCESS THE PANEL
23 WANTS TO SEE? BECAUSE IT'S REALLY THE NEXT MEETING WHEN
24 THIS BIG PRESENTATION IS GOING TO BE MADE, SO IF THERE'S
25 ANY INPUT ON WHAT'S HAPPENED SO FAR, WE STILL HAVE TIME TO
0067

01 CHANGE THE PROCESS.

02 CHAIRMAN PITTS: THAT'S A VERY GOOD POINT. GEORGE,
03 LET'S JUST OPEN IT UP, BECAUSE THIS IS A HUGE SUBJECT, AND
04 IT'S AN IMPORTANT SUBJECT.

05 YOU ARE RIGHT, JIM. IT'S A MATTER THAT WILL
06 BE BEFORE US, SO WE NEED TO BE SURE WE CAN GIVE WHATEVER
07 GUIDANCE IN MIND.

08 DR. ALEXEEFF: JUST AS A SUMMARY, WHAT WE CAME UP
09 WITH WAS -- A LOT OF WHAT WE ARE TRYING TO DO IS COME UP
10 WITH METHODOLOGY, HOW WE CAN ASSESS THE ACUTE RISKS FOR
11 THIS PURPOSE OR HOW WE ARE GOING TO ASSESS THE CHRONIC
12 RISKS.

13 SO WE THOUGHT ONE OF THE FIRST THINGS WOULD
14 BE TO DISCUSS THE METHODOLOGY WITH LOTS AND LOTS OF
15 SPECIFIC EXAMPLES. IN OTHER WORDS, WE DO THIS TIME
16 EXTRAPOLATION.

17 HERE'S THE EXAMPLE OF WHAT WE DID. THIS IS,
18 YOU KNOW, A PARTICULAR CHEMICAL, AND WE HAD TO EXTRAPOLATE
19 IT FROM FOUR HOURS TO ONE HOUR. THIS IS WHAT THE
20 ADJUSTMENT LOOKED LIKE. DO LOTS OF EXAMPLES AS TO WHAT
21 DOES METHODOLOGY MEAN.

22 SO WE DIDN'T KNOW HOW LONG THAT DISCUSSION
23 COULD TAKE. IT COULD BE A MORNING; IT COULD BE A DAY; IT
24 COULD BE MORE.

25 AND THEN AFTER WE HAVE KIND OF GONE THROUGH
0068

01 THE METHODOLOGY, THEN AT THIS POINT WE HAVE BROKEN IT UP
02 INTO TWO GROUPS OF CHEMICALS, HUMAN, THOSE THAT ARE BASED
03 UPON HUMAN DATA, AND THOSE THAT ARE BASED UPON ANIMAL
04 DATA, AND THEN WE CAN SUBGROUP THOSE FURTHER, BECAUSE A
05 LOT OF THE -- ALTHOUGH THERE ARE SOME CHEMICAL-SPECIFIC
06 ISSUES, THE METHODOLOGY'S APPLIED THE SAME WAY. IN TERMS
07 OF IF IT'S AN OCCUPATIONAL STUDY SHOWING IRRITATION,
08 THERE'S ONLY SO MUCH YOU CAN GLEAN FROM THAT.

09 SO PART OF IT IS FOR US TO SORT OF PRESENT
10 THEM AND YOU CAN KIND OF SEE WHICH ONES ARE ISSUES.

11 DR. WITSCHI: I HAVE A GENERAL QUESTION ABOUT
12 PRESUMABLY THERE ARE ALREADY KNOWN PEOPLE LIVING CLOSE TO
13 THOSE HOT SPOTS; RIGHT?

14 DR. ALEXEEFF: THERE ARE PEOPLE LIVING THERE.

15 DR. WITSCHI: OKAY. HOW ARE YOU GOING TO DO A
16 REALITY CHECK? I MEAN, YOU CAN GIVE US A CHEMICAL, BUT
17 PEOPLE ARE OUT THERE AND MIGHT NOT HAVE FELT ANYTHING.
18 ARE YOU PREPARED TO DO MAYBE SOME REALITY CHECKS, OR CAN
19 THIS BE DONE?

20 DR. ALEXEEFF: WELL, THE HOT SPOTS PROGRAM KIND OF
21 HAS THAT ALL BUILT IN. THIS IS JUST THE HEALTH ASSESSMENT
22 PIECE OF IT. THEN THE NEXT STEP IS TO LOOK AT THE
23 SPECIFIC SITE AND TO SEE HOW IS IT MODELED, WHAT ARE THE
24 CONCENTRATIONS.

25 WE HAVE HAD A NUMBER OF HEALTH RISK
0069

01 ASSESSMENTS WHERE EVEN FOR THE NONCANCER HEALTH EFFECT
02 LEVELS THAT WE HAVE WHERE CITIZENS HAVE -- THERE'S A LONG
03 RECORD OF CITIZENS COMPLAINING ABOUT IRRITATION AND HEALTH
04 EFFECTS AND CONCERN, AND SO THIS SORT OF PROVIDES SOME
05 DOCUMENTATION FOR THAT.

06 THERE'S OTHERS WHERE WE DEVELOPED LEVELS THAT
07 EXCEED THIS, BUT NOBODY HAS REPORTED ANYTHING. WELL,
08 THERE COULD BE A NUMBER OF REASONS FOR THAT. SO THERE IS
09 A PROCESS OF LOOKING AT THAT.

10 BUT WHAT HAPPENS IN THE PROGRAM IS IF YOU
11 EXCEED THE HEALTH LEVEL THAT'S ESTABLISHED, YOU KNOW, NOT
12 DEFINING THAT MORE, THEN THE DISTRICT -- IF YOU EXCEED IT

13 TO A SIGNIFICANT AMOUNT, WHATEVER THAT IS, THE DISTRICT
14 HAS TO INFORM THE COMMUNITY THAT THIS IS HAPPENING.

15 AND SO IT SETS UP THIS RAPPORT. AND YOU CAN
16 SEE IF YOU HAVE A COMMUNITY MEETING AND NO ONE SHOWS UP
17 WHETHER IT'S AN ISSUE OR NOT AN ISSUE.

18 DR. FROINES: AT SOME POINT I'D LIKE TO WALK
19 THROUGH A LITTLE BIT. I'VE SPENT ON THE CARCINOGEN
20 IDENTIFICATION COMMITTEE AND THIS COMMITTEE OVER THE LAST
21 FEW YEARS -- I HAVE SPENT SO MUCH TIME LISTENING TO
22 DEVELOPMENT OF PROCEDURE. I'M JUST OVERWHELMED WITH ALL
23 THE NEW PROCEDURAL ISSUES WE HAVE TO DEAL WITH.

24 AND AS A SCIENTIST, I ACTUALLY LIKE TO DEAL
25 WITH DATA PERIODICALLY. I KNOW THAT THAT'S AN EXCEPTION
0070

01 TO THE RULE, BUT IT WOULD BE NICE TO DO THAT.

02 AND AT SOME POINT I WOULDN'T MIND GOING
03 THROUGH 2588 -- AND TAKE THE COMPANY'S NAME OFF. WE DON'T
04 NEED TO KNOW THAT -- BUT TO GET A SENSE OF THE PROGRAM,
05 NOT JUST OF THE PROCEDURES, TO UNDERSTAND A LITTLE BIT
06 MORE ABOUT HOW IT ACTUALLY WORKS AND PICK AN INDUSTRY AND
07 GO THROUGH IT SO WE CAN GET A SENSE OF ARE WE
08 ACCOMPLISHING ANYTHING.

09 THERE ARE 58 COUNTIES IN CALIFORNIA. I DON'T
10 KNOW WHEN 2588 PASSED. SO THAT MEANS WE HAVE DONE ABOUT
11 11 RISK ASSESSMENTS PER COUNTY. AND I UNDERSTAND IT'S
12 WEIGHTED -- AND PRESUMING L.A. HAS MORE THAN 11 -- BUT
13 THAT'S NOT AN OVERLY IMPRESSIVE NUMBER.

14 AND SO IT'S NOT CLEAR TO ME WHAT WE HAVE
15 ACCOMPLISHED WITH 2588, WHICH IS, I THINK, PART OF WHAT
16 PETER IS RAISING. SO AT SOME POINT IT WOULD BE
17 INTERESTING TO LOOK AT THIS ISSUE IN A LITTLE MORE
18 CONCRETE TERMS THAN PROCEDURAL TERMS.

19 DR. ALEXEEFF: OKAY.

20 CHAIRMAN PITTS: GEORGE, WOULD YOU NOTE THAT. AND
21 FOR THE FUTURE S.R.P. MEETINGS AND ALSO FOR INTERACTIONS
22 WITH S.R.B. PERSONNEL, JUST SORT OF WORK WITH US.

23 AND ALSO, I THINK, DO THIS IN COOPERATION
24 WITH THE D.P.R., SOME OF THEIR CONCERNS RELATING TO
25 PESTICIDES, BECAUSE THEY HAVE EXPOSURES, HOT SPOTS, THEY

0071
01 HAVE ACUTE EXPOSURES, THEY HAVE MORE CHRONIC-TYPE
02 EXPOSURES, AND JUST SORT OF GET A MORE GENERAL FEELING.

03 IRRESPECTIVE OF WHOSE POLITICAL JURISDICTION
04 IT FALLS INTO, OR STATUTORY, THE GENERAL PUBLIC ARE IN ONE
05 JURISDICTION, AND THAT'S THE GENERAL PUBLIC, AND THEY ARE
06 EXPOSED TO THESE.

07 SO IT WOULD BE NICE TO SEE -- AND WE AS
08 SCIENTISTS ARE NOT REALLY COMMON AND NOT FAMILIAR, AS
09 PROFESSOR FROINES POINTED OUT, WITH THIS 2588 PROCESS --
10 BUT WHAT REALLY IS INVOLVED IN THE ACTUAL IMPLEMENTATION
11 OF THAT, A, THE PROCESS, AND HOW DO YOU IMPLEMENT IT.

12 AND THEN I NOTED -- AMUSING ENOUGH, JOHN,
13 BEFORE YOU MADE YOUR COMMENT, I WROTE DOWN, "CAN WE COME
14 OUT OF THIS WITH RECOMMENDATIONS?"

15 AGAIN, YOU HAVE TWO EXPERIMENTAL LEVELS
16 HERE. RECOMMENDATIONS FOR IMPROVING HOT SPOT DATABASES.
17 WHAT ARE THE DATABASES FOR THESE?

18 THAT GETS BACK TO A POINT HE MADE EARLIER.
19 WE FIND THAT, YOU KNOW, IN CHEMICAL KINETICS YOU'VE GOT
20 "A" REACTING WITH "B" THROUGH A LOT OF STEPS TO GET SOME
21 PRODUCT. LIKE OZONE, YOU START OUT WITH HYDROCARBONS.
22 YOU RAISE THE QUESTION, WHAT IS THE RATE
23 DETERMINING STEP IN A CHEMICAL PROCESS? IN OTHER WORDS,
24 WHEN YOU ARE GOING DOWN THE FREEWAY, WHAT'S THE THING THAT
25 SLOWS YOU DOWN. YOU ARE 70 HERE, BUT IS THERE SOME
0072 SECTION THAT'S FIVE MILES AN HOUR. WHAT IS THE
01 DETERMINING STEP IN THE SENSE OF IN TERMS OF THE WHOLE
02 OVERALL MOMENTUM AND UTILITY AND USEFULNESS AND
03 EFFECTIVENESS OF ACTUALLY GETTING OUT THIS INFORMATION IN
04 A FORMAT THAT'S USEFUL. SO WHAT IS THE KEY PROCESS ALONG
05 HERE?
06 AND IT SEEMS LIKE AGAIN YOU COME TO THE
07 DATABASES. AND I THINK IT'S IMPORTANT TO DO THIS
08 BECAUSE I THINK WE HAVE A GREAT INTEREST IN THIS THING,
09 AND PROPERLY PRESENTED TO ADMINISTRATION AND THE
10 LEGISLATURE -- CERTAINLY THE ADMINISTRATION, THAT WE CAN
11 COME OUT OF THIS WITH SOME RECOMMENDATIONS THAT WOULD BE
12 SOUND, THAT WOULD BE GENERALLY APPLICABLE TO A VARIETY OF
13 SITUATIONS, BUT APPLICABLE TO THE GENERAL SITUATION OF
14 ACUTE AND CHRONIC EXPOSURES TO THE GENERAL PUBLIC AND SOME
15 EMPHASIS ON PERHAPS CHILDREN, BECAUSE OF THE -- YOU KNOW,
16 BECAUSE OF THIS HERE.
17 SO KEEP THIS IN MIND, BECAUSE YOU'VE ALL GONE
18 THROUGH A GREAT DEAL OF WORK.
19 AND HAVING SEEN GENEVIEVE COME UP HERE, I WAS
20 GOING TO ASK HER SOMETHING, TOO.
21 DID YOU MENTION THAT GREAT BIG THICK BOOK?
22 MS. SHIROMA: NO.
23 CHAIRMAN PITTS: WELL, THERE'S A GREAT BIG THICK
24 BOOK. ONE OF THEM WAS FROM 1996, WAS IT NOT, GENEVIEVE?
25
0073 AND NOW WE HAVE A 1997.
01 AND, CRAIG, THIS IS ANOTHER ONE. IT'S ABOUT
02 THAT THICK (INDICATING), AND IT REPRESENTS A TREMENDOUS
03 AMOUNT OF WORK.
04 AND JOAN DENTON HAS BEEN RESPONSIBLE AND
05 INVOLVED IN THIS. I WOULD LIKE YOU TO BRING THAT TO THE
06 ATTENTION OF THE PANEL AND TO THOSE INVOLVED HERE, THE
07 AUDIENCE AND INVOLVED PERSONNEL, BECAUSE I THINK THAT'S
08 VERY DRAMATIC, AND HOW THAT IMPACTS WHAT YOU ARE TALKING
09 ABOUT, GEORGE, YOU KNOW, HOW THAT RELATES TO WHAT THIS
10 PRESENTATION HAS BEEN ALL ABOUT.
11 SO GO AHEAD, GENEVIEVE, WOULD YOU EXPLAIN
12 WHAT THAT IS?
13 DR. FROINES: SINCE THIS IS GOING TO BE A
14 TRANSCRIPT AND I DON'T WANT TO BE ACCUSED OF NOT BEING
15 ABLE TO DIVIDE, 700 DIVIDED BY 58 IS ACTUALLY 12.
16 CHAIRMAN PITTS: LET THAT BE DULY RECOGNIZED. THAT
17 WAS DONE, I THINK, WITHOUT A CALCULATOR, TOO.
18 MS. SHIROMA: DR. PITTS, YOU ARE REFERRING TO THE
19 COMPOUND SUMMARY REPORT --
20 CHAIRMAN PITTS: YES.
21 MS. SHIROMA: -- OF OUR TOXIC AIR CONTAMINANT
22

23 IDENTIFICATION LIST, SEVERAL HUNDRED SUBSTANCES WHERE YOU
24 HAVE A THREE- TO FIVE-PAGE SUMMARY OF EACH.
25 AND WE JUST SENT A REVISED DRAFT TO EACH OF

0074

01 YOU FOR YOUR INFORMATION AND FOR A CHANCE TO TAKE A LOOK
02 AT IT. AND OUR THOUGHT IS TO FINALIZE THAT AFTER THE
03 JUNE 19 MEETING.

04 AND MEANWHILE, WE WOULD BE HAPPY TO COME BACK
05 AND TAKE AN EXAMPLE FACILITY AND WALK YOU THROUGH FROM THE
06 BEGINNING TO THE END OF INVENTORY AND SOURCE TESTING,
07 PRIORITIZATION, SO FORTH, AND ON THROUGH TO AN EXAMPLE
08 WHERE YOU DO NOTIFY OR YOU DON'T, ALSO, YOU REDUCE
09 EMISSIONS OR YOU DON'T.

10 DR. SEIBER: YES. IF I REMEMBER RIGHT, GENEVIEVE,
11 I MAY BE WRONG ON THIS, BUT 2588 WAS THE PIECE OF
12 LEGISLATION THAT CAUGHT THE PESTICIDE EMISSION FROM
13 AGRICULTURE FIELDS; IS THAT CORRECT?

14 MS. SHIROMA: NO. ACTUALLY, THAT WAS THE 1807
15 PROGRAM WHERE A.R.B. WAS PERFORMING THE AIR MONITORING FOR
16 THE E.P.R. FOR THE T.A.C. PROGRAM AND THEN FOUND LEVELS
17 ABOVE THE PROP 65.

18 DR. SEIBER: OKAY. SO THAT'S NOT A GOOD EXAMPLE,
19 THEN, 2588?

20 MS. SHIROMA: NO.

21 DR. SEIBER: IT WAS A HOT SPOT, BUT IT WAS NOT HOT
22 SPOTS.

23 MR. ALEXEEFF: THE HOT SPOTS PROGRAM ONLY DEALS
24 WITH STATIONARY FACILITIES, SO IT DOESN'T DEAL WITH
25 GENERAL PESTICIDE USE.

0075

01 THE ONLY PESTICIDE THAT'S KIND OF BEEN
02 COVERED -- I SHOULDN'T EVEN MENTION THIS. MAYBE IT'S
03 GOING TO OPEN UP ANOTHER CAN -- HAS BEEN METHYLBROMIDE,
04 BECAUSE IT IS EMITTED FROM FUMIGATION FACILITIES. NOT ITS
05 USE ON STRAWBERRY FIELDS, THAT'S NOT INVOLVED IN THE HOT
06 SPOTS, BUT ITS EMISSION FROM FUMIGATION FACILITIES HAS
07 BEEN UNDER THE JURISDICTION OF THE AIR DISTRICTS, SO IT
08 FALLS UNDER THIS PROGRAM.

09 CHAIRMAN PITTS: INCLUDING PRIVATE HOMES?

10 DR. ALEXEEFF: NO.

11 CHAIRMAN PITTS: WHO TAKES CARE OF THAT?

12 DR. ALEXEEFF: D.P.R.

13 CHAIRMAN PITTS: OKAY.

14 DR. ALEXEEFF: SO, YES, I THINK THAT'S -- YEAH, I
15 KNOW WHAT I WANTED TO SAY. WE WILL BE HAPPY TO WALK
16 THROUGH THE EXAMPLE.

17 AND THEN THE OTHER THING IS THAT, YOU KNOW,
18 THERE'S TWO WAYS TO LOOK AT THIS: ONE IS WHETHER OR NOT
19 WE HAVE PUT TOGETHER THE BEST PIECES WE COULD FIND TO
20 BUILD A PROCESS, BUT THE OTHER ISSUE IS, WHAT ARE THE
21 OUTSTANDING DATA GAPS. I THINK THAT'S SOMETHING THAT
22 REALLY COMES OUT WHEN YOU START SEEING THESE DOCUMENTS.
23 YOU KNOW, HOW COME THERE'S NOT A NUMBER FOR THIS
24 CHEMICAL? AND THERE'S A LOT OF CHEMICALS LIKE THAT.
25 THERE'S A LOT OF MISSING BITS OF INFORMATION.

0076

01 AND EVERYTHING HAS TO DO WITH RESOURCES. ONE

02 IS RESOURCES, ONE IS WHETHER OR NOT EXPERIMENTS HAVE
03 ACTUALLY BEEN DONE THAT CAN ESTABLISH A HEALTH LEVEL IN
04 THAT ARENA.

05 AND IT'S QUITE AMAZING WHEN YOU LOOK AT THE
06 LITERATURE, WHEN YOU SEE CHEMICALS YOU THINK ARE FAIRLY
07 WELL DEFINED, THE DATABASE IS ACTUALLY NOT VERY WELL
08 DEFINED.

09 DR. FROINES: IF I TOOK JUST THE 20 CHEMICALS THAT
10 1807 HAS DONE AND I WENT BACK TO THE PART-A DOCUMENTS AND
11 LOOKED AT ALL THE INDUSTRY IN CALIFORNIA WHERE THOSE ARE
12 USED, I BET I CAN COME UP WITH A PRETTY LARGE NUMBER OF
13 PLACES THAT YOU MIGHT WANT TO DO RISK ASSESSMENTS.

14 SO I AM STILL BACK ON THE FIRST STEP, HOW DO
15 YOU DECIDE THE INDUSTRY ISSUE, BECAUSE IT SEEMS LIKE THERE
16 SHOULD BE LOTS OF INDUSTRIES WHERE THEY ARE USING
17 MULTIPLE, MULTIPLE CHEMICALS THAT YOU WOULD WANT TO TRY
18 AND FIGURE OUT IF THAT'S A PROBLEM. IT'S AN IGNORANT
19 QUESTION. I'M NOT IMPLYING ANYTHING. I DON'T WANT IT ON
20 THE RECORD THAT I AM IMPLYING THAT THERE ARE, BUT IT JUST
21 SEEMS LIKE WHEN YOU ADD UP THE NUMBERS, IT LOOKS LIKE
22 THERE MIGHT.

23 DR. SEIBER: YOU MEAN, MORE THAN 30,000?

24 DR. FROINES: I DON'T KNOW. IF YOU TAKE THE
25 20 CHEMICALS AND ASK THE QUESTION OR A HUNDRED CHEMICALS
0077

01 AND ASK THE QUESTION, WHERE ARE THEY USED -- WHERE ARE
02 MULTIPLES OF THOSE CHEMICALS USED, I WOULD COME UP WITH A
03 LARGE NUMBER OF INDUSTRIES, I THINK. BUT THAT'S WHAT I AM
04 SO CURIOUS ABOUT.

05 MS. SHIROMA: IT HAS TO DO WITH THE REQUIREMENT OF
06 2588, THAT DOES A COMPANY NOTIFY THE PUBLIC OR NOT, AND
07 MANY DISTRICTS HAVE CHOSEN TEN IN A MILLION AS
08 NOTIFICATION LEVEL.

09 CHAIRMAN PITTS: EXCUSE ME. WHAT WAS THAT?

10 MS. SHIROMA: I'M SORRY. TEN IN A MILLION CANCER
11 RISK AS A NOTIFICATION LEVEL.

12 SO THE INVENTORY DATA FOR THESE FACILITIES
13 ARE FIRST TAKEN THROUGH A SCREENING ASSESSMENT TO SEE IF
14 THEY WILL BE WELL BELOW A TEN IN A MILLION OR A ONE IN A
15 MILLION, AND THEN THOSE REMAINING GO ON AND DO THE MORE
16 THOROUGH RISK ASSESSMENT.

17 SO THERE ARE THE COMPANIES THAT ARE EMITTING
18 THESE COMPOUNDS, BUT NOT ALL OF THEM WOULD HAVE TO
19 NOTIFY.

20 BUT WE WILL GO THROUGH THAT IN ANOTHER
21 PRESENTATION IN MORE DETAIL, HOW ALL OF THAT WORKS.

22 CHAIRMAN PITTS: ARE THERE ANY OTHER COMMENTS?

23 LET ME JUST ASK ONE MORE THING THAT WILL BE
24 HELPFUL. I WOULD APPRECIATE IT IF YOU WOULD ALSO PERHAPS
25 BETWEEN NOW AND JUNE 19TH -- COULD YOU JOG OR ASSIST IN
0078

01 THE MEMORY RECALL AND LET US KNOW, AGAIN, WHAT QUESTIONS
02 YOU HAVE OR WHAT SPECIFIC POINTS YOU'D LIKE TO DISCUSS
03 PRIOR TO THE MEETING? PREPARE A LIST. LOOK, THESE ARE
04 SOME QUESTIONS WE ARE GOING TO HAVE, HERE ARE SOME
05 SUGGESTIONS WE MIGHT HAVE.

06 PROVIDE THE PANEL WITH SOME SUBJECTS TO THINK

07 ABOUT AND PERHAPS GET BACK WITH YOU AND THEN PERHAPS,
08 AGAIN, IF YOU FEEL THAT YOU HAVE ANY QUESTIONS ABOUT
09 SPECIFIC ASPECTS OF THE PROCESS, THIS WHOLE COMPLEX ISSUE,
10 THE COMPLEX ISSUES THAT ARE INVOLVED, PLEASE FEEL FREE TO
11 CONTACT THE PANEL MEMBERS AND KEEP US UP ON IT, BECAUSE I
12 THINK IT'S ENORMOUSLY COMPLEX.

13 AND IT HOPEFULLY WILL BE HELPFUL COMING FROM
14 DIFFERENT PERSPECTIVES FROM THE PANEL. SO WE WILL BE MORE
15 THAN HAPPY TO REALLY PUT OUR EFFORTS IN, AS IN THE PAST,
16 INTERACTING TO PRODUCE THIS.

17 BECAUSE THERE ARE TIMES WHEN CERTAIN THINGS
18 COME, AND IT'S A GOOD TIME THAT WE HAVE THESE COMPLEX
19 ISSUES BROUGHT AGAIN AND WE FOCUS ON, AGAIN, WHAT ARE THE
20 CRITICAL ASPECTS, DETERMINING ASPECTS.

21 BUT WE APPRECIATE YOUR MAJOR EFFORTS. AND
22 FOR THOSE IN THE AUDIENCE WHO HAVEN'T SEEN THIS -- WHAT DO
23 YOU CALL IT AGAIN?

24 MS. SHIROMA: COMPOUND SUMMARY REPORTS.

25 CHAIRMAN PITTS: IT'S THIS THICK (INDICATING). YOU
0079

01 CAN DESCRIBE IT AS 4.35 INCHES, WHICH IS AN IMPROPER
02 NUMBER AND SIGNIFICANT FIGURE. IT'S THAT THICK.
03 (INDICATING)

04 ANALYTICAL CHEMISTRY STRIKES AGAIN, BUT
05 ANOTHER DIRECTION.

06 BUT I THINK IT'S VERY, VERY INTERESTING TO
07 SEE WHAT'S GONE INTO THAT, A LOT OF EFFORT, AND WE COMMEND
08 YOU ALL FOR WHAT YOU ARE PUTTING INTO THIS.

09 AND THANK YOU.

10 WITH THAT, THEN, I THINK IF THERE ARE NO
11 OTHER DISCUSSIONS, IT'S 12:10, I THINK IT'S TIME TO TAKE A
12 BREAK FOR LUNCH.

13 AND GENERALLY WE ALLOW ONE HOUR FOR LUNCH,
14 AND SO WHEN WE COME BACK, IF I HAVE IT RIGHT, WE SHOULD BE
15 BACK HERE ABOUT 1:15.

16 FINE. THANK YOU VERY MUCH. WE WILL SEE YOU
17 AT 1:15.

18 (LUNCH RECESS)

19 CHAIRMAN PITTS: WE'LL NOW TAKE UP THE SUBJECT ON
20 AN "UPDATE ON THE T.A.C. IDENTIFICATION OF INORGANIC LEAD
21 BY THE AIR RESOURCES BOARD ON APRIL 24, 1997."

22 AND BASICALLY, DR. WITSCHI AND SEIBER WERE
23 BOTH PRESENT ON THAT OCCASION.

24 I'D LIKE TO START BY GIVING A VERY BRIEF
25 LITTLE BACKGROUND ON THE STORY OF THE LEAD DOCUMENT, WHICH
0080

01 CULMINATED IN THIS ONE RIGHT OVER HERE.

02 OKAY. THE EXECUTIVE SUMMARY. SO LET ME JUST
03 QUICKLY TAKE YOU THROUGH TIME HERE.

04 THE FIRST OVERHEAD.

05 OKAY. THIS IS KIND OF A HISTORY ON INORGANIC
06 LEAD. THE IDENTIFICATION PROCESS BEGAN FEBRUARY 1991. WE
07 HAD SOME PUBLIC COMMENT 9/92. WE THEN HAD A PART A AND
08 EXECUTIVE SUMMARY PUBLIC COMMENT ON 3/93. WE THEN HAD A
09 FIRST WORKSHOP, PUBLIC WORKSHOP. SO WE HAVE A THIRD
10 PUBLIC COMMENT PERIOD HERE. THEN WE HAD THE FIRST S.R.P.
11 MEETING 10/93, A SECOND S.R.P. MEETING 1/94. FOLLOWING

12 THAT, A FOURTH PUBLIC COMMENT 9/94, A SECOND PUBLIC
13 WORKSHOP 5/94, A FIFTH PUBLIC COMMENT PERIOD 1/96, A THIRD
14 WORKSHOP 3/96.

15 THIS LAST ONE, AS A MATTER OF FACT, WAS HELD
16 AT THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, AND I
17 ATTENDED THAT, AND OTHER PANEL MEMBERS ATTENDED THESE
18 VARIOUS OTHER WORKSHOPS.

19 THE NEXT OVERHEAD, PLEASE.

20 TO SUMMARIZE WHERE WE WENT FROM THERE, A
21 DRAFT S.R.P. VERSION OF THE LEAD DOCUMENT, WHICH IS
22 HERE -- A DRAFT S.R.P. VERSION OF THE DOCUMENT WAS THEN
23 REVIEWED AND DATED 1996 REVIEWED BY THE S.R.P. FOR ITS
24 OCTOBER 31 MEETING. ON OCTOBER 31, 1996, THE S.R.P., IN
25 CONJUNCTION WITH THE A.R.B. AND O.E.H.H.A. STAFF MADE A

0081
01 NUMBER OF CLARIFICATIONS TO THE SEPTEMBER DRAFT AND
02 APPROVED IT AND TRANSMITTED IT TO THE A.R.B.

03 AND THEN WHAT WE HAVE HERE IS ACTUALLY THEN
04 THAT DRAFT, BASICALLY A SUMMARY OF THAT DRAFT, WHICH WAS
05 PRESENTED, AS I UNDERSTAND IT, TO THE A.R.B. AT THE
06 APRIL 24TH MEETING.

07 ON APRIL 24TH, '97, THE BOARD HELD A PUBLIC
08 HEARING AND DRAFTED A RESOLUTION AND INSERTED A PORTION OF
09 THAT RESOLUTION AS A PREFACE TO THE RISK ASSESSMENT
10 DOCUMENT.

11 AND NOW MAY I SEE THE NEXT SLIDE.

12 AT THAT A.R.B. MEETING, THE MEETING
13 APRIL 24TH, THE LEAD INDUSTRY PROPOSED A RESOLUTION, THE
14 FOLLOWING RESOLUTION TO THE BOARD THAT THE BOARD ADOPTED.
15 YOU CAN READ THIS ABOUT AS FAST AS I CAN CITE IT.

16 "ACCORDINGLY, THE BOARD EXPRESSES
17 RESERVATIONS ABOUT THE STRENGTH OF THE
18 CONCLUSIONS THAT MAY BE REACHED CONSISTENT
19 WITH THE BEST AVAILABLE SCIENTIFIC EVIDENCE,
20 PARTICULARLY IN THE ATTACHED REPORT'S
21 DISCUSSION OF NEURODEVELOPMENTAL AND
22 BLOOD PRESSURE HEALTH EFFECTS FROM LEAD," AND
23 SO FORTH.

24 AND THEN THE NEXT OVERHEAD, PLEASE.

25 ALSO, AS PART OF THIS, THEN, THERE WERE

0082
01 DETAILED LEAD INDUSTRY PROPOSED DETAILED FOOTNOTES TO
02 APPEAR ON PAGES SO FORTH OF THE EXECUTIVE SUMMARY.

03 NOW, THAT'S THE EXECUTIVE SUMMARY THAT WE HAD
04 APPROVED HERE IN OCTOBER 31 AND THEN CLARIFIED, AND THESE
05 ARE ALL THE PLACES THAT SHOULD HAVE BEEN PUT. THIS WAS
06 REJECTED BY THE AIR RESOURCES BOARD. THEY DIDN'T APPROVE
07 THIS.

08 AT THAT POINT IN TIME, AS I UNDERSTAND IT,
09 BASICALLY THE CHAIRMAN -- YOU ALL HAVE COPIES OF THE
10 TRANSCRIPT NOW, AT LEAST THE PANEL HAS IT -- PROPOSED AN
11 AD HOC GROUP. DURING THE PERIOD, AN AD HOC GROUP CONVENED
12 TO ACTUALLY SEE IF SOME STATEMENT COULD BE DEVELOPED THAT
13 MIGHT BE APPROPRIATE.

14 THEY DID. THEY DEVELOPED THE FOLLOWING
15 STATEMENT: BY THE WAY, I SHOULD POINT OUT, DR. WITSCHI
16 AND SEIBER WERE THERE AS PANEL MEMBERS, BUT MADE VERY

17 CLEAR THEY DID NOT REPRESENT THE VIEWS OF THE PANEL.
18 THAT'S CLEARLY MADE. THEY GAVE THEIR VIEWS AT THAT TIME,
19 BUT COULDN'T REPRESENT OR SPEAK FOR THE PANEL, AND THAT'S
20 CLEARLY SPECIFIED. AND I BELIEVE ALSO THAT THE GROUP THAT
21 DRAFTED THIS RESOLUTION CONSISTED OF WALSH AND SCHEIBLE
22 AND ALEXEEFF AND SHIROMA AND DR. SEIBER AND A
23 REPRESENTATIVE OF TOM MC HENRY FROM THE LEAD INDUSTRY.
24 DR. SEIBER: WELL, I THINK YOU HAVE TO BE CAREFUL
25 ABOUT WHO DRAFTED AND WHO HAPPENED TO BE IN THE ROOM.

0083

01 THERE WAS A DIFFERENTIATION.

02 CHAIRMAN PITTS: WELL, YOU CAN PUT THAT IN THE
03 RECORD.

04 DR. SEIBER: THE PEOPLE THAT YOU MENTIONED WERE IN
05 THE ROOM WHEN THIS WAS DRAFTED.

06 CHAIRMAN PITTS: WELL, WAS I CORRECT IN THAT THE
07 CHAIRMAN DUNLAP, FROM WHAT I READ IN THE TRANSCRIPT, SAID
08 THAT MR. MC HENRY WILL BE A MEMBER OF THAT AD HOC GROUP?

09 DR. SEIBER: I DON'T REMEMBER.

10 CHAIRMAN PITTS: OKAY. WELL, READ IT.

11 DR. SEIBER: IF IT'S IN THERE, IT'S IN THERE.

12 CHAIRMAN PITTS: WELL, LET'S JUST SAY HE WAS IN THE
13 ROOM.

14 OKAY. WHATEVER. THEN THIS WAS THEN DRAFTED.

15 DR. FROINES: WELL, WHAT DOES IT SAY IN THE
16 TRANSCRIPT? WAS HE APPOINTED TO BE A MEMBER OF THAT
17 COMMITTEE? WHAT DOES IT SAY?

18 DR. WITSCHI: IT SAYS:

19 "I WOULD PURPOSE THAT SOME LANGUAGE,
20 SOME HYBRID LANGUAGE EMERGE IN A FEW MINUTES
21 THAT THE BOARD COULD CONSIDER, AND ALSO THE
22 PROPER SECTION IT COULD BE PLUGGED INTO.
23 OKAY? SO, IF I MIGHT PROPOSE AN AD HOC
24 GROUP, WHY DON'T WE DO THAT -- DR. SEIBER
25 OR DR. WITSCHI, ONE OF YOU PERHAPS, WITH

0084

01 OUR LEGAL COUNSEL, PERHAPS GENEVIEVE AND
02 MR. MC HENRY, TAKE A QUICK MOMENT TO SIT
03 DOWN AND PUT -- WORDSMITH SOME THINGS, AND
04 THEN WE'LL BRING IT BACK TO US IN A FEW
05 MINUTES WHEN WE HEAR FROM YOUR LAST WITNESS."

06 CHAIRMAN PITTS: OKAY. DOES THAT SATISFY YOU?

07 DR. WITSCHI: PAGE 123, 14.

08 CHAIRMAN PITTS: OKAY. SO BASICALLY, THEN, THIS
09 WAS THE -- AND I HAVE TO SAY, I REALLY COULDN'T GET THE
10 FINAL ON THIS. THIS MIGHT EVEN STILL BE DRAFT.

11 AND IT SAYS "WHEREAS" -- AND SO FORTH -- "THE
12 BOARD ACKNOWLEDGES AND AGREES WITH THE S.R.P.
13 AND THE STAFFS OF THE A.R.B. AND THE OFFICE
14 OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
15 THAT UNCERTAINTY EXISTS WHEN DEALING THE
16 QUANTITATIVE CORRELATION OF THE POTENTIAL
17 HEALTH EFFECTS AT EXPOSURE TO LOW LEVELS OF
18 AIR CONCENTRATIONS OF INORGANIC LEAD."
19 AND THEN IT SAYS:

20 "FURTHER, GIVEN THE COMPLEXITY OF
21 THE MODELS AND THE LIMITATIONS OF

22 INTERPRETATION OF THE TESTS OF INTELLIGENCE
23 QUOTIENT USED TO CORRELATE THE
24 NEURODEVELOPMENTAL EFFECTS TO LOW AIR
25 CONCENTRATIONS OF AIR LEAD, THE READER

0085

01 NEEDS TO BE AWARE THAT THE FRACTIONAL I.Q.
02 MEASUREMENTS RELATED TO THE LOW STATEWIDE
03 AMBIENT AIR LEAD CONCENTRATIONS ARE GIVEN
04 AS AN EXAMPLE OF DIRECTIONAL EFFECTS AND
05 INVOLVES UNCERTAINTY AND SHOULD NOT BE
06 VIEWED AS DEFINITIVE," AND IT GOES ON.
07 AND AS I UNDERSTAND IT -- YOU CAN CORRECT
08 ME. BUT AS I UNDERSTAND IT, THIS ACTUALLY WAS AS PART OF
09 A RESOLUTION THIS APPEARED, AND THEN IT WAS ALSO TO APPEAR
10 LATER IN THE TRANSCRIPT -- AS I UNDERSTAND IT, WAS TO
11 APPEAR IN THE PREFACE OF THE EXECUTIVE SUMMARY OF THIS
12 REPORT.

13 MS. WALSH: RIGHT. THIS LANGUAGE WAS ORIGINALLY
14 DISCUSSED AS PART OF THE PREFACE, AND THEN THE BOARD
15 DECIDED THAT THE LANGUAGE WOULD ALSO BE MADE A PART OF THE
16 RESOLUTION.

17 CHAIRMAN PITTS: SO IT'S BOTH?

18 MS. WALSH: IT'S BOTH.

19 CHAIRMAN PITTS: THANK YOU.

20 THAT CLARIFIES THAT ISSUE.

21 MR. SCHEIBLE: I'M MIKE SCHEIBLE.

22 CHAIRMAN PITTS: WE WANT TO BE VERY CLEAR THAT WE
23 ARE ALL SPEAKING ABOUT THE SAME PREFACE, THE SAME
24 DOCUMENTS, THE SAME STATEMENT.

25 GO AHEAD.

0086

01 MR. SCHEIBLE: JUST TO BE COMPLETELY CLEAR, THE
02 LAST SENTENCE THERE THAT SAYS, "FURTHER, GIVEN THE
03 COMPLEXITY OF THE MODELS" WAS NOT DEVELOPED AT THE SAME
04 TIME THE MATERIAL ABOVE IT WAS DEVELOPED. THE MATERIAL
05 DOWN TO THAT POINT WAS DEVELOPED THROUGH THE COMMITTEE
06 PROCESS THAT YOU DESCRIBED PREVIOUSLY.

07 THE ADDITIONAL LANGUAGE WAS IN RESPONSE TO A
08 QUESTION BY DR. FRIEDMAN AND WAS PUT TOGETHER LATER ON.

09 CHAIRMAN PITTS: OKAY. GOOD. THAT'S GOOD TO
10 KNOW. THAT WAS NOT CLEAR.

11 IS EVERYONE CLEAR ABOUT THAT, THEN, ON THE
12 PANEL?

13 FINE. THAT WAS HELPFUL.

14 DR. FROINES: CAN I ASK A QUESTION?

15 CHAIRMAN PITTS: SURE.

16 DR. FROINES: WHO WAS IT THAT PUT IT TOGETHER LATER
17 ON?

18 MR. SCHEIBLE: IT WAS A REQUEST MADE BY
19 DR. FRIEDMAN TO THE STAFF TABLE, AND THE STAFF PREPARED
20 THAT RATHER QUICKLY WITHOUT CONVENING ANY SORT OF
21 COMMITTEE OR PROCESS.

22 CHAIRMAN PITTS: BUT THAT ACTUALLY OCCURRED DURING
23 THE ACTUAL HEARING?

24 MR. SCHEIBLE: IT OCCURRED IN THE HEARING ROOM
25 DURING THE HEARING; CORRECT.

0087

01 CHAIRMAN PITTS: SO IS THAT NOTED, THEN, IN THE
02 TRANSCRIPT?
03 MR. SCHEIBLE: IT'S HANDLED IN A DIFFERENT PLACE IN
04 THE TRANSCRIPT. I CAN GIVE YOU THE CITE.
05 DR. WITSCHI: I HAVE FOUND IT. IT'S ON PAGE 177,
06 LINE 12.
07 MR. SCHEIBLE: YES, IT'S 177, 178.
08 CHAIRMAN PITTS: ALL RIGHT. DID THAT ANSWER YOUR
09 QUESTION, JOHN?
10 DR. FROINES: (NO AUDIBLE RESPONSE)
11 CHAIRMAN PITTS: THANK YOU FOR THE CLARIFICATION.
12 NOW, THAT'S BASICALLY THEN THIS MATERIAL AND THE ACTUAL --
13 WITH THE DRAFT OF THIS STATEMENT AND A DRAFT OF THE
14 PREVIOUS ONE I SHOWED, IT SHOULD BE REJECTED.
15 DR. FROINES: I WANT TO COMMENT ABOUT THIS. JUST
16 ONE SECOND. ON PAGE 178, I WANT TO MAKE IT CLEAR THAT
17 DR. KAUFMAN IS BEING ASKED HIS OPINION ON THIS MATTER AT
18 THIS PARTICULAR TIME.
19 MR. SCHEIBLE: THAT'S CORRECT.
20 DR. FROINES: SO THE BOARD IS TAKING SCIENTIFIC
21 TESTIMONY FROM AN ADVOCATE FOR THE LEAD INDUSTRY AT THIS
22 POINT IN DEVELOPING THAT FURTHER LANGUAGE.
23 MR. SCHEIBLE: HE WAS CONSULTED IN TERMS OF HIS
24 REACTION TO THE LANGUAGE.
25 CHAIRMAN PITTS: AND DR. ALAN KAUFMAN CAME THERE AS
0088
01 A REPRESENTATIVE OF THE LEAD INDUSTRY?
02 MR. SCHEIBLE: YES.
03 CHAIRMAN PITTS: ANY OTHERS?
04 WELL, TO CONCLUDE, THEN, THIS INTRODUCTION IN
05 A SENSE, I HAD JUST RECEIVED THIS THURSDAY THE 24TH, AND I
06 WAS LEAVING THE AREA. I RECEIVED THIS AND THEN DRAFTED A
07 LETTER, WROTE A LETTER TO THE S.R.P. MEMBERS. A COPY WENT
08 TO CHAIRMAN DUNLAP THAT SAID THAT I WAS AT THIS MEETING,
09 THAT THIS HAD BEEN PASSED AS A PREFACE IN THE LETTER WHICH
10 WE CAN READ INTO THE TRANSCRIPT IF YOU WOULD LIKE LATER.
11 BUT THEN I BASICALLY SAID THAT WE HAVE NO
12 PROBLEM WITH THE AIR RESOURCES BOARD DRAFTING A RESOLUTION
13 AND MAKING ANY STATEMENT THEY CARE TO MAKE ABOUT THE
14 SITUATION SUCH AS THAT. THAT'S THE PREROGATIVE OF THE
15 A.R.B.; THAT'S RISK MANAGEMENT AS WE SAW IT.
16 IN ANY CASE, IT'S THEIR PREROGATIVE. BUT I
17 WAS DEEPLY CONCERNED ABOUT THE FACT THAT -- AS I
18 UNDERSTOOD IT AT THAT TIME, WITHOUT HAVING ACCESS TO THE
19 TRANSCRIPT, AND I WASN'T THERE, SO I WANTED TO BE FAIR
20 THAT -- BUT I WAS DEEPLY CONCERNED ABOUT THE POSSIBILITY
21 THAT THIS WOULD APPEAR AS A PREFACE TO A DOCUMENT THAT WE
22 HAD ALREADY APPROVED. AND I THEN SENT IT TO THE S.R.P.
23 MEMBERS AND ASKED FOR THEIR COMMENTS.
24 SO WHAT I PROPOSE TO DO NOW IS GET THE
25 COMMENTS FROM THE INDIVIDUAL S.R.P. MEMBERS, AND THEN WE
0089
01 CAN PROCEED FROM THERE.
02 SO FIRST OF ALL, I'D LIKE TO ASK
03 PROFESSOR WITSCHI TO GIVE US HIS COMMENTS ON THIS
04 SITUATION.
05 DR. WITSCHI: I ATTENDED THE MEETING, AND I DID NOT

06 REALIZE DURING THE MEETING WHAT WAS GOING ON. FROM THE
07 LETTER DR. PITTS WROTE TO THE S.R.P. MEMBERS, I SAW THIS
08 PARAGRAPH. I KNEW SOMETHING WAS BEING DRAFTED, BUT I
09 NEVER WAS UNDER THE IMPRESSION THAT THIS WAS GOING TO BE
10 PART OF THE S.R.P. DOCUMENT. I THOUGHT THIS WAS GOING TO
11 BE PART OF THE FORM THE BOARD EVALUATES THE S.R.P.
12 REPORT.

13 NEXT TO ME WAS SITTING DR. VANCE, AND ON THE
14 OTHER SIDE, DR. SEIBER, BOTH SCIENTISTS. IF I EVER GO TO
15 A BOARD MEETING AGAIN, I DO NOT WANT TO HAVE SCIENTISTS
16 BESIDE ME. ON THE RIGHT SIDE, I WANT A POLITICIAN WHO
17 TELLS ME WHAT'S GOING ON, AND ON THE LEFT SIDE I WANT THE
18 LAWYER WHO TELLS ME WHAT'S GOING ON IS RIGHT OR WRONG.

19 HAVING SAID SO, I THEN CONDENSED MY OWN
20 POSITION OF THE WHOLE THING IN THE LETTER WHICH I WROTE TO
21 YOU AND WHICH I WOULD LIKE WITH YOUR PERMISSION TO READ
22 INTO THE RECORD.

23 CHAIRMAN PITTS: AND WE CAN TRANSMIT THAT LETTER TO
24 THE COURT REPORTER.

25 DO WHAT YOU CAN NOW, BUT WE WILL HAVE IT

0090

01 HANDED TO YOU.

02 DR. WITSCHI: OKAY. "SUBJECT: ACTION OF THE
03 A.R.B. IN ADDING THE PREFACE TO THE S.R.P. APPROVED
04 SCIENTIFIC RISK ASSESSMENT DOCUMENT FOR LEAD."

05 "AS YOU KNOW I WAS PRESENT AT THE
06 APRIL 24TH MEETING OF THE A.R.B. I FEEL
07 STRONGLY THAT NO PREFACE SHOULD BE ADDED TO
08 THE SCIENTIFIC LEAD RISK ASSESSMENT DOCUMENT
09 THAT THE PANEL CAREFULLY REVIEWED, APPROVED,
10 AND MADE FINDINGS ABOUT ON OCTOBER 31,
11 1996.

12 "LET ME OFFER THE FOLLOWING COMMENTS:
13 I, AS DO YOU AND THE OTHER PANEL MEMBERS,
14 RECOGNIZE FULLY THE BOARD'S ROLE AND
15 RESPONSIBILITY TO HOLD A PUBLIC HEARING, AND,
16 IF SO DESIRED, TO ADOPT A RESOLUTION
17 REFLECTING THEIR VIEW OF THE LEAD RISK
18 ASSESSMENT DOCUMENT WE FORWARD TO THEM --
19 INCLUDING THE LANGUAGE NOW IN THEIR
20 RESOLUTION, WHICH I BELIEVE MAY BE IDENTICAL
21 TO THE PREFACE LANGUAGE THEY VOTED TO INSERT
22 INTO OUR S.R.P.-APPROVED DOCUMENT. I ALSO
23 FULLY RECOGNIZE, AS STATED IN YOUR LETTER
24 TRANSMITTING THE PANEL'S LEAD FINDINGS TO
25 THE BOARD, THE BOARD'S DUTY AND

0091

01 RESPONSIBILITY FOR RISK MANAGEMENT
02 CONSIDERATIONS.

03 "(2) THROUGHOUT ITS EXISTENCE, THE
04 S.R.P. HAS WORKED IN ACCORDANCE WITH ITS
05 STATUTORY MANDATES. THE ADDITION OF THE
06 ATTACHED PREFACE TO THE SCIENTIFIC LEAD RISK
07 ASSESSMENT DOCUMENT SEEMS TO COUNTER TO THE
08 LEGISLATIVE INTENT AND SPIRIT OF THE
09 STATUTES.

10 "(3) WE TWO S.R.P. MEMBERS PRESENT

11 AT THE HEARING, DR. J. SEIBER AND MYSELF,
12 WERE NEVER UNDER THE IMPRESSION THAT THE TWO
13 PARAGRAPHS WRITTEN BY THE AD HOC GROUP,
14 FORMED BY CHAIRMAN DUNLAP DURING THE BOARD
15 MEETING, WERE GOING TO BE ADDED AS A PREFACE
16 TO THE S.R.P.-APPROVED LEAD RISK ASSESSMENT
17 DOCUMENT. AS DR. SEIBER CORRECTLY POINTED
18 OUT AT THE APRIL 24 BOARD MEETING, NEITHER OF
19 US COULD OR WOULD HAVE SPOKEN FOR THE ENTIRE
20 PANEL, WITHOUT CONSULTING WITH OUR
21 COLLEAGUES, IN A MATTER THAT SUBSTANTIALLY
22 ALTERS THE GENERAL THRUST OF THE SCIENTIFIC
23 RISK ASSESSMENT DOCUMENT AND ASSOCIATED
24 'FINDINGS,' WE FORMALLY APPROVED UNANIMOUSLY
25 ON OCTOBER 31, 1996.

0092

01 "(4) I WANT TO EMPHASIZE THAT WE
02 S.R.P. MEMBERS ROUTINELY PAY METICULOUS
03 ATTENTION TO THE COMMENTS SUBMITTED BY ALL
04 THE INTERESTED PARTIES DURING THE PUBLIC
05 REVIEW PERIOD, AND WE INCORPORATE
06 APPROPRIATE, NEW, SCIENTIFICALLY SOUND,
07 AND IMPORTANT MODIFICATIONS INTO THE FINAL
08 REPORT. WE FOLLOWED THIS PRACTICE IN
09 REVIEWING THE LEAD RISK ASSESSMENT. ANY
10 QUALIFYING ADDITION BY THE BOARD TO OUR
11 APPROVED SCIENTIFIC REPORT NO LONGER
12 CORRECTLY REPRESENTS OUR PANEL'S CONCLUSIONS
13 WHICH ARE BASED ON OUR BEST COLLECTIVE
14 SCIENTIFIC JUDGEMENT. IN THIS REGARD, AS YOU
15 WELL KNOW, AS PRESCRIBED LEGISLATIVELY, WE
16 RESEARCHERS REPRESENT A DIVERSE AND HIGHLY
17 RELEVANT SET OF DISCIPLINES, INCLUDING
18 ATMOSPHERIC SCIENCES, BIostatISTICS,
19 EPIDEMIOLOGY, PATHOLOGY, PHARMACOLOGY,
20 AND TOXICOLOGY.

21 "THEREFORE, I THINK THAT THE PREFACE
22 DEVELOPED BY AN AD HOC GROUP DURING THE
23 A.R.B. HEARING SHOULD NOT BE MADE A PART OF
24 THE FINAL SCIENTIFIC DOCUMENT APPROVED BY
25 THE S.R.P. ON OCTOBER 31, 1996 WHICH INCLUDES

0093

01 THE S.R.P. FINDINGS AND TRANSMITTAL LETTER,
02 PARTS A, B AND C, AND THE EXECUTIVE SUMMARY.
03 SUCH A PREFACE WOULD NOT REFLECT OUR
04 PROFESSIONAL JUDGEMENT WHICH IS BASED ON THE
05 AVAILABLE SCIENTIFIC EVIDENCE THAT CLEARLY
06 SHOWS THAT AIRBORNE LEAD IS A DANGEROUS
07 POISON.

08 "IMPLICIT IN OUR EVALUATION IS AN
09 ADDITIONAL POINT: SINCE RECENT MEASURES HAVE
10 RESULTED IN AN IMPRESSIVE DECLINE IN AIRBORNE
11 LEVELS OF LEAD, THERE IS NO REASON THEY
12 SHOULD GO UP AGAIN, NOT EVEN TO THE LEVELS
13 OF PRESENT STANDARDS WHICH, IN OUR VIEW AS
14 MEMBERS OF THE S.R.P., ARE NOT ADEQUATELY
15 HEALTH PROTECTIVE, ESPECIALLY FOR CHILDREN.

16 "FURTHERMORE, I NOTE THAT THE LANGUAGE
17 OF THE RESOLUTION/PREFACE SEEMS SERIOUSLY
18 FLAWED BY VAGUENESS IN THAT IT DOES NOT
19 SPECIFY WHAT IS MEANT BY THE TERM 'LOW'
20 IN THE STATEMENT 'EXPOSURE TO LOW LEVELS
21 OF AIR CONCENTRATIONS OF INORGANIC LEAD.'"
22 THAT'S IT.

23 CHAIRMAN PITTS: THANK YOU.

24 DO WE HAVE A COMMENT ON THIS, ANYONE?

25 DR. SEIBER: I THINK DR. WITSCHI HAS SUMMARIZED THE
0094

01 POSITION THAT WE AS PANELISTS -- AND I WILL AMPLIFY ON
02 THIS. BUT I THINK HE HAS WRITTEN A CLEAR LETTER THAT'S
03 REPRESENTATIVE OF OUR POSITION.

04 DR. FROINES: I JUST WANT TO DISAGREE WITH ONE
05 SMALL THING, AND IT COULD BE TAKEN AS A JOKE, AND I DON'T
06 MEAN IT AS A JOKE. HE SAID THAT HE WOULD RATHER NOT HAVE
07 SCIENTISTS SITTING NEXT TO HIM, BUT HE WOULD RATHER HAVE A
08 PERSON FROM GOVERNMENT AND A LAWYER TELL HIM WHAT WAS
09 CORRECT.

10 AND I THINK THAT, IN FACT, IT IS PRECISELY
11 THE OPPOSITE, THAT WE DO NOT WANT LAWYERS SITTING NEXT TO
12 US TELLING US WHAT'S CORRECT, BECAUSE LAWYERS REFLECT
13 THEIR CLIENT. THEY ARE ADVOCATES. THEY ARE NOT
14 SCIENTISTS.

15 AND IN THAT RESPECT, I THINK WE DON'T WANT A
16 PROCESS IN WHICH ADVOCATES BECOME DETERMINING FACTORS AS
17 PART OF THE SCIENTIFIC PROCESS.

18 DR. WITSCHI: THANK YOU, JOHN. I REALLY ENDORSE
19 YOUR COMMENT. I MEANT IT AS A JOKE. BUT I THINK YOU ARE
20 ABSOLUTELY RIGHT.

21 CHAIRMAN PITTS: NO DISAGREEMENT.

22 DR. WITSCHI: NO DISAGREEMENT WHATSOEVER.

23 CHAIRMAN PITTS: OKAY. ALL RIGHT.

24 JIM, YOU ARE NEXT. YOU WERE AT THE MEETING.

25 DR. WITSCHI: AND YOU SAY THE SWISS HAVE NO SENSE
0095

01 OF HUMOR.

02 DR. SEIBER: OKAY. WELL, THANK YOU, DR. PITTS.

03 I'D LIKE TO OFFER A FEW POINTS RELATIVE TO
04 THE APRIL 24TH, 1997 BOARD MEETING AND ACTIONS THAT
05 EMANATED FROM THAT.

06 I WAS, AS YOU NOW KNOW, ASKED BY
07 CHAIRMAN PITTS TO REPRESENT THE S.R.P. AT THAT MEETING
08 AS LEAD PERSON IN THE EXPOSURE PART OF THE LEAD
09 DOCUMENTATION.

10 AND I REALLY ADDRESS FOUR POINTS: FIRST, THE
11 S.R.P. PROCESS; SECONDLY, SPECIFICALLY THE ROLE OF S.R.P.
12 LEADS -- AND THERE WE HAVE TO BE CAREFUL, LEAD VERSUS
13 LEAD. THEY ARE SPELLED THE SAME -- S.R.P. LEADS IN
14 EXPOSURE AND HEALTH; THIRDLY, THE ISSUE OF ORAL TESTIMONY
15 AND HOW THE SCIENTIFIC REVIEW PANEL APPROACHES ORAL
16 TESTIMONY AT ITS PANEL MEETINGS. AND AS WE KNOW, WE DON'T
17 ACCEPT IT, AND I DEFENDED THAT PROCESS AS PART OF MY
18 PREPARED STATEMENTS. AND FINALLY, WHETHER THE S.R.P.
19 CONSIDERATION OF LEAD ADHERED TO WHAT THE RISK ASSESSMENT
20 ADVISORY COMMITTEE RECOMMENDED AS GOOD PROCESS, AND I SAID

21 THAT IT DID. AND ALL OF THAT IS IN THE PUBLIC
22 TRANSCRIPT.

23 FOLLOWING MY COMMENTS AND THOSE OF A.R.B. AND
24 O.E.H.H.A. STAFF AND DR. WITSCHI, THE BOARD BROUGHT IN THE
25 PUBLIC COMMENT PERIOD. NOW, I WAS NOT PREPARED FOR A
0096 PUBLIC COMMENT, AND THAT IS SORT OF GIVE AND TAKE, BUT
01 NEVERTHELESS, IT OCCURRED. AND IT LED TO THE CONCLUSION
02 THAT CHAIRMAN PITTS JUST READ FOR YOU.
03

04 I JUST WANT TO SAY THAT IT WAS MY
05 UNDERSTANDING THAT WHAT THE BOARD WAS DOING WAS DRAFTING A
06 RESOLUTION THAT IT WOULD ACT ON AS A BOARD, AND I THINK WE
07 ALL FEEL THAT IT HAS A PREROGATIVE TO MAKE RESOLUTIONS,
08 AND I NEVER FELT THAT IT WOULD BE A PREFACE TO THE S.R.P.
09 SCIENTIFIC DOCUMENT OR RISK ASSESSMENT DOCUMENT. IN FACT,
10 JUST THE OPPOSITE. I HEARD THAT THE S.R.P. FINDINGS WOULD
11 NOT BE ALTERED. THAT'S IN THE TRANSCRIPT. AND I THINK A
12 PREFACE REPRESENTS AN ALTERATION, HOWEVER YOU WANT TO
13 PHRASE IT.

14 SO HERE ARE SOME COMMENTS THAT I WOULD LIKE
15 TO MAKE RELATIVE TO THESE THINGS, WHICH WE ALL KNOW NOW
16 HAPPENED: FIRST, YES, WE SHOULD HAVE AS S.R.P. MEMBERS
17 DISTANCED OURSELVES MORE FROM THE BOARD'S ACTIONS. AND
18 THIS WAS UNFAMILIAR TERRITORY FOR ME PERSONALLY. THAT WAS
19 THE FIRST TIME I'D BEEN IN THAT SITUATION, AND THERE WERE
20 REALLY TWO ISSUES THAT WE WERE CONFRONTED WITH. FIRST WAS
21 A PARAGRAPH OR A STATEMENT, AND ONCE THE WORDSMITHING WAS
22 DONE, I FELT -- PERSONALLY, I DIDN'T SPEAK ON BEHALF OF
23 THE PANEL -- I FELT THAT THAT COULD BE A USEFUL DOCUMENT
24 AND MIGHT HELP TO MOVE THE LEAD RESOLUTION ON AND HELP THE
25 BOARD DECLARE IT AS A TOXIC AIR CONTAMINANT. THAT'S MY

0097 PERSONAL FEELING ABOUT THE PARAGRAPH ITSELF.
01

02 THE SECOND ISSUE IS WHERE THE PARAGRAPH WOULD
03 GO, HOW IT WOULD BE USED AND HOW IT MIGHT SET A
04 PRECEDENT. AND I WILL HAVE TO SAY THAT IF IT'S TO BE A
05 PREFACE TO THE HEALTH RISK ASSESSMENT DOCUMENT OR
06 SCIENTIFIC DOCUMENT -- WE HAVE REFERRED TO IT IN SEVERAL
07 WAYS HERE JUST EVEN IN THE LAST FEW MINUTES -- IT WOULD BE
08 INAPPROPRIATE IN THAT I SUPPORT THE FEELING OF MY PANEL
09 COLLEAGUES.

10 WE SHOULD STATE OUR FEELINGS, STATE THEM FOR
11 THE RECORD, PERHAPS STATE THEM DIRECTLY TO THE AIR
12 RESOURCES BOARD, CHAIRMAN DUNLAP. LET'S DO THIS, DO IT
13 RIGHT AND MOVE PAST IT.

14 BUT LET'S NOT LOSE THIS OPPORTUNITY TO LEARN
15 SOME ADDITIONAL THINGS, WHICH I THINK I CERTAINLY LEARNED
16 AS A PANEL MEMBER. FIRST, IF A POTENTIALLY CONTENTIOUS
17 ISSUE MAY BE RAISED AT AN A.R.B. MEETING, LET'S GIVE OUR
18 LEADS, OUR S.R.P. LEADS PLENTY OF IN-DEPTH PREPARATION. I
19 DID NOT FEEL PREPARED FOR THE RANGE OF ISSUES THAT CAME UP
20 AT THAT BOARD MEETING.

21 BEFORE THE MEETING AND DURING THE MEETING,
22 DR. WITSCHI SAID HE WOULD LIKE TO HAVE HAD SOMEONE NEARBY
23 COACHING HIM. MAYBE THE CHOICE OF THE WORD "LAWYER" WAS
24 INAPPROPRIATE, BUT SOMEBODY TO PROVIDE A COMMENTARY WHO
25 HAD BEEN THERE BEFORE, SEEN IT AND DONE IT WOULD HAVE BEEN

0098

01 EXTREMELY HELPFUL TO US. THAT WAS NOT THERE.

02 WE OBSERVED THE PROCEEDINGS LITERALLY FROM
03 ISOLATION. YES, THERE WERE PEOPLE ON EITHER SIDE OF US,
04 BUT THEY DIDN'T PROVIDE INPUT TO US DURING THE MEETING.

05 OF THE POSSIBLE OUTCOMES, I WAS KIND OF
06 SURPRISED. I THOUGHT THE OUTCOME WOULD BE THAT SOMETHING
07 WOULD GO BACK TO THE S.R.P. AND WHEN A VOTE WAS TAKEN
08 LATER ON, I WAS PROBABLY AS SURPRISED AS ANYONE ELSE.
09 OKAY. SO THAT'S POINT NUMBER ONE: LET'S MAKE SURE OUR
10 LEADS ARE WELL PREPARED FOR THE RANGE OF THINGS THAT MIGHT
11 HAPPEN.

12 SECONDLY, AS A MATTER OF FUTURE POLICY, I
13 WOULD SUGGEST THAT THE BOARD'S CHAIR OR VICE CHAIR BE
14 PRESENT AT THESE BOARD MEETINGS SO THAT THE LEADS CAN
15 ADDRESS THE TECHNICAL ISSUES, BUT THE -- AND I SHOULD HAVE
16 SAID THE S.R.P. PANEL CHAIR. I THINK I SAID THE BOARD
17 CHAIR.

18 CHAIRMAN PITTS: YOU MEANT PANEL.

19 DR. SEIBER: PANEL CHAIR. PANEL CHAIR OR VICE
20 CHAIR BE PRESENT SO THAT THE LEADS CAN ADDRESS THE
21 TECHNICAL ISSUES, BUT THE CHAIR OR VICE CHAIR COULD
22 ADDRESS, YOU KNOW, QUESTIONS OF PANEL POLICY.

23 I WAS ASKED, FOR EXAMPLE, DO WE ALLOW OUTSIDE
24 EXPERTS TO BECOME INVOLVED AND GIVE US ADVICE AS WE AS
25 PANELISTS CONDUCT OUR WORK. AND QUITE FRANKLY, I KNEW

0099

01 THAT WE COULD, BUT I COULDN'T THINK OF ANY EXAMPLES WHERE
02 WE HAD. NOW, THERE'S A QUESTION WHERE THE CHAIR PROBABLY
03 WOULD HAVE REMEMBERED THAT RIGHT OFF THE BAT.

04 SO IT PROBABLY DIDN'T MAKE US LOOK TOO GOOD
05 TO HAVE QUESTIONS LIKE THAT ASKED OF ME AND DR. WITSCHI,
06 AND WE SIMPLY -- I THINK WE GOT TO THE ANSWER IN THAT
07 CASE, BUT IT INVOLVED SOME HELP FROM A.R.B. STAFF.

08 AND THEN THIRDLY, LET'S REVISIT THE
09 OCTOBER 31 MEETING JUST FOR A MINUTE. THE QUESTION WAS
10 RAISED AT THAT MEETING WHETHER INDUSTRY SHOULD PROVIDE
11 TESTIMONY. AND I THINK THAT WOULD HAVE BEEN VERBAL OR
12 ORAL TESTIMONY. AND THE PANEL DISCUSSED THAT. THE S.R.P.
13 DISCUSSED IT AND DECIDED NOT TO HAVE THAT HAPPEN.

14 AND I, QUITE FRANKLY, SIDED WITH THAT
15 DECISION THINKING OR HEARING THERE WOULD BE A PUBLIC
16 COMMENT PERIOD PRECEDING THE BOARD'S ACTION ON
17 DECLARATION. SO I FELT, OKAY, THERE WILL BE AN
18 OPPORTUNITY THERE FOR THAT INPUT.

19 WHAT WE DIDN'T FOLLOW THROUGH CLEARLY -- I
20 DIDN'T. AND I AM NOT SURE ANY OF THE PANELISTS DID -- WAS
21 IF POINTS CAME UP AT THE PUBLIC REVIEW COMMENT PERIOD, HOW
22 THEY WOULD BE HANDLED. THERE WAS NO PROCESS. THE PROCESS
23 KIND OF ENDED THERE. THEY COULD WRITE IN THEIR COMMENTS,
24 BUT THERE WAS NO RESPONSE WRITTEN INTO THE PROCESS, AS I
25 SEE IT NOW.

0100

01 SO I GUESS TO CONCLUDE THAT LAST ITEM, I
02 WOULD URGE THAT WE CONSIDER ADOPTING A PROCESS FOR OUR
03 REGULAR PANEL MEETINGS WHICH COULD INCLUDE, WOULDN'T
04 REQUIRE -- THAT COULD INCLUDE ORAL TESTIMONY FROM THE

05 PUBLIC.

06 I THINK WE MIGHT HAVE POSSIBLY BEEN ABLE TO
07 DIFFUSE THIS ISSUE IF WE HAD DONE IT EITHER AT THE
08 OCTOBER 31ST MEETING OR AT A SPECIAL MEETING WE MIGHT HAVE
09 SET UP JUST FOR THAT PURPOSE BEFORE IT GOT TO THE BOARD.

10 THAT'S THE END OF MY STATEMENT.

11 CHAIRMAN PITTS: ANY COMMENTS ABOUT THAT STATEMENT?

12 DR. FROINES: WELL, I JUST HAVE ONE, WHICH IS, I
13 THINK YOUR OVERHEAD DESCRIBING THE PROCESS WAS VERY
14 USEFUL. AND THE FACT OF THE MATTER WAS, I DON'T AGREE
15 WITH JIM ABOUT TESTIMONY AT THE LAST MINUTE.

16 I THINK WE WENT THROUGH THREE WORKSHOPS.
17 EVERYBODY HAD A VERY BIG BITE ON THIS APPLE. IT WAS NOT
18 AS THOUGH ANY NEW INFORMATION WAS PRESENTED THAT WOULD
19 AFFECT THE FINDINGS OF THIS PANEL. SO IT'S LIKE A PROCESS
20 BECOMES LIMITLESS AT SOME POINT.

21 AND I THINK WE HAVE TO AVOID BECOMING A
22 DEBATING SOCIETY WHERE WE ACTUALLY HAVE ARGUMENTS AT THE
23 END OF A PROCESS. I THINK THERE HAS TO COME A TIME WHEN
24 THE PROCESS STOPS AND THE SCIENTISTS DRAW THEIR
25 CONCLUSIONS. AND THAT PROCESS HAS TO BE PRESERVED,

0101 BECAUSE OTHERWISE IT BECOMES ESSENTIALLY A POLITICAL
01 CONSENSUS PROCESS, AND I REALLY AM OPPOSED TO THAT.

02 SO I DON'T KNOW HOW WE COULD HAVE GIVEN A
03 BIGGER BITE OF THE APPLE. EVERYBODY HAD MORE TIME THAN
04 THEY NEEDED TO ADDRESS THESE ISSUES. AND SO IT MAY BE
05 THAT WE SHOULD TAKE TESTIMONY, BUT I THINK THAT DECISION
06 SHOULD NOT BE BASED ON PEOPLE PRESSURING US TO TAKE
07 TESTIMONY. AND THAT'S WHAT'S HAPPENED.

08 THE SCIENCE HASN'T CHANGED. THE SCIENCE AND
09 THE PROCESS HAVEN'T CHANGED. WHAT'S HAPPENED IS THE
10 PRESSURE HAS CHANGED. AND EITHER WE HOLD UP AGAINST THAT
11 PRESSURE, OR WE ARE NOT GOING TO BE ABLE TO FUNCTION,
12 BECAUSE IT WON'T RESOLVE IT, BECAUSE AN ADVOCATE GOES
13 AFTER EACH STEP. THEY DON'T STOP. THEY WIN SOMETHING AND
14 THEY TRY AND GET MORE. THAT'S THE WAY THE SYSTEM WORKS.
15 IT'S ALL PLURALISM. I MEAN, IT'S THE WAY THINGS GO ON IN
16 SOCIETY. SO I THINK WE HAVE TO BE VERY CAREFUL ABOUT
17 MAKING THE PROCESS BECOME MORE LENGTHY AND MORE OPEN-ENDED
18 THAN WE ALREADY HAVE. I MEAN, THIS IS A QUITE INCREDIBLE
19 HISTORY FOR THIS DOCUMENT.

20 DR. WITSCHI: I WOULD LIKE TO ADD SOMETHING TO
21 THIS. THE BASIS OF THE INDUSTRY'S TESTIMONY WAS IN A
22 LETTER WHICH WAS WRITTEN DIRECTLY TO DUNLAP. I DON'T
23 THINK I HAVE A COPY WITH ME, BUT WE HAD THIS LETTER PRIOR
24 TO THE MEETING. IT FORMED THE BASIS OF THE TESTIMONY OF

0102 THE A.R.P.
01

02 I WAS GIVEN THIS LETTER A FEW DAYS BEFORE,
03 AND BEFORE WE WENT DOWN TO THE MEETING ROOM, I SPENT WITH
04 STAFF ABOUT AN HOUR -- AND I COULD HAVE HANDLED EVERY
05 POINT IN THIS LETTER ON A SCIENTIFIC BASIS IF THE CHAIRMAN
06 HAD ALLOWED ME TO ASK WHAT IS OUR POSITION ON THIS LAST
07 MINUTE. WE WERE VERY WELL PREPARED TO HANDLE ALL THOSE
08 QUESTIONS THAT WERE RAISED IN THE LAST MINUTE, AND WE
09 DISCUSSED THEM FOR A LENGTH OF TIME PRIOR TO THE MEETING.

10 CHAIRMAN PITTS: ISN'T THAT, IN PART, AS A MATTER
11 OF FACT, ONE OF THE REASONS THE LEAD PERSON SHOULD BE
12 THERE?

13 DR. WITSCHI: YES.

14 CHAIRMAN PITTS: WE HAVE A LEAD THERE TO ANSWER
15 SCIENTIFIC QUESTIONS THAT ARE RAISED BY WHOMEVER, THE
16 CHAIRMAN.

17 DR. SEIBER: WELL, I CAN KIND OF ECHO THAT
18 COMMENT. I HAD SPENT SEVERAL HOURS PREPARING FOR WHAT I
19 HAD THOUGHT MIGHT COME UP AT THIS BOARD MEETING, AND
20 UNFORTUNATELY, NONE OF THE THINGS I HAD PREPARED FOR WERE
21 THE ISSUES AT HAND, SO I WAS NOT PREPARED FOR THE ADDITION
22 OF A STATEMENT THAT FINALLY WAS THE OUTCOME.

23 SO, NO, I THINK -- RESPONDING TO DR. FROINES,
24 I AGREE THAT WE DON'T WANT TO GET PRESSURED. WE DON'T
25 WANT TO ADOPT A WHOLE NEW METHODOLOGY BECAUSE OF PRESSURE,
0103
01 BUT IF WE CAN SEPARATE ONCE THE LEAD THING IS TAKEN CARE
02 OF, I WOULD URGE THAT THE PANEL CONSIDER THIS ISSUE OF
03 PUBLIC TESTIMONY AS JUST A MATTER OF AN ADDITION, AN
04 ADJUTANT TO OUR PROCESS.

05 AND IN THE CASE OF THE OCTOBER 31ST AND LEAD
06 INDUSTRY COMMENTS, I GUESS AS I LOOK BACK ON IT NOW AND
07 CONSIDER THE TIME AND ENERGY THAT'S BEEN SPENT THE LAST
08 MONTH OR SO, WE WOULD HAVE BEEN BETTER SPENDING IT, THAT
09 TIME AND ENERGY, BACK IN OCTOBER, NOVEMBER AND DECEMBER
10 MAYBE AT A SPECIAL MEETING AND HAVE POSSIBLY AVOIDED, NOT
11 NECESSARILY, BUT AT LEAST GIVEN THAT ONE LAST ELEVENTH
12 HOUR DAY IN COURT. I DON'T KNOW. IT'S AN UNANSWERABLE
13 QUESTION.

14 DR. BYUS: LET ME AT LEAST SAY JUST SOMETHING
15 BRIEFLY. I AGREE WITH EVERYTHING YOU SAID QUITE
16 ELOQUENTLY. I MEAN, I THINK THE BOARD, IF IT WANTS TO
17 INSERT A PREFACE, SHOULD BE ALLOWED TO. THE QUESTION IS
18 IT ISN'T WHETHER THEY CAN INSERT ONE. IT'S WHAT DOES THE
19 PREFACE SAY. IF THE PREFACE THANKED ALL OF US FOR DOING A
20 WONDERFUL JOB ON THIS DOCUMENT AND SAYING THAT THEY
21 APPRECIATED WHAT A GOOD JOB WE DID AND MAYBE THAT WE ARE
22 ALL GOOD LOOKING OR SOMETHING LIKE THAT, NO ONE IS GOING
23 TO HAVE ANY PROBLEMS WITH IT.

24 THE PROBLEM WITH INSERTING THE PREFACE IS
25 THAT IT CHANGED THE WHOLE CONCLUSION OF THE DOCUMENT. IT
0104
01 CHANGED TOTALLY WHAT THE DOCUMENT SAID.

02 BY PUTTING IN THIS VERY GENERAL TERM THAT
03 THERE IS A DEGREE OF UNCERTAINTY OR SIGNIFICANT DEGREE OF
04 UNCERTAINTY THAT EXISTS IN THE BASIS -- THE SCIENTIFIC
05 BASIS FOR WHAT WE DID, ALL OF THE ESTIMATIONS OF THE RISK
06 ON IT, TOTALLY JUST CHANGED WHAT THE DOCUMENT SAID.

07 I MEAN, THERE IS UNCERTAINTY IN ALL OF THE
08 RISK DOCUMENTS WE LOOK AT. WHAT OUR JOB IS IS TO FIGURE
09 OUT WHAT THOSE UNCERTAINTIES ARE AND TO TRY AND WEIGH THEM
10 APPROPRIATELY AS SCIENTISTS. THAT'S WHAT WE DO.

11 AND TO PUT A PREFACE IN THE BEGINNING THAT
12 SORT OF SAYS, WELL, THE WHOLE DOCUMENT IS FILLED WITH
13 UNCERTAINTY, IMPLYING THAT, YOU KNOW, MAYBE IT SHOULDN'T
14 BE READ THAT CAREFULLY -- THIS IS WHAT I GET OUT OF

15 READING IT. AND THIS, TO ME, IS VERY BAD, EXTREMELY
16 BAD -- TO ME IT PUTS INTO QUESTION OUR WHOLE APPROVAL OF
17 THE DOCUMENT.

18 THE DOCUMENT NOW BECOMES A DIFFERENT DOCUMENT
19 THAN WE APPROVED. I THINK THAT'S CLEAR. WHAT WE APPROVED
20 IS DIFFERENT THAN WHAT EXISTS WITH THIS PREFACE IN FRONT
21 OF IT. AND IF THE BOARD WANTS TO BRING IN PEOPLE -- I
22 MEAN, BRING IN ANYBODY IT WANTS -- I MEAN, IT SHOULD BRING
23 IN ANYBODY IT WANTS. IT CAN DO WHATEVER IT WANTS TO AND
24 SHOULD DO WHAT IT WANTS TO DO. IT WOULD BE NICE IF IT
25 GAVE US AN OPPORTUNITY TO COMMENT ON IT, BUT IF IT WANTS

0105
01 TO DO THINGS DIFFERENTLY THAN WE THINK SHOULD BE DONE,
02 THEN I THINK IT HAS THAT RIGHT. IT JUST SHOULDN'T BE
03 MESSING AROUND WITH WHAT WE HAVE DONE.

04 I THOUGHT WE WENT THROUGH GREAT LENGTHS IN
05 THAT DOCUMENT TO VERY CAREFULLY DEFINE WHERE UNCERTAINTY
06 EXISTS AND WHERE IT DOESN'T EXIST. AND IN THE CASE OF THE
07 LEAD, THE ESTABLISHMENT OF THE DOSE RESPONSE RELATIONSHIP
08 BETWEEN I.Q. LEAD LEVELS AND BLOOD PRESSURE AND I.Q.
09 LEVELS, WE CONCLUDED THAT THERE WAS LESS UNCERTAINTY IN
10 THE ESTABLISHMENT OF THAT DOSE RESPONSE RELATIONSHIP THAN
11 IN MANY OTHER THINGS WE HAVE LOOKED AT. WE THOUGHT THAT
12 UNCERTAINTY WAS RELATIVELY MINIMAL OR MADE A VERY STRONG
13 CASE.

14 AND THAT'S THE KEY TO THE WHOLE RISK
15 ASSESSMENT WITH LEAD, IS THE ESTABLISHMENT OF THE DOSE
16 RESPONSE RELATIONSHIP BETWEEN LEAD LEVELS, BLOOD LEVELS
17 AND AIR LEVELS, AND THEN THE EFFECT ON I.Q. AND THE EFFECT
18 ON BLOOD PRESSURE. AND THAT WAS VERY CLEAR IN THE
19 DOCUMENT.

20 AND WE DID A VERY GOOD JOB, I THOUGHT. WE
21 WRESTLED WITH THAT ISSUE, AND WE ARE VERY CLEAR ABOUT
22 WHERE THE UNCERTAINTY EXISTS. AND THEN TO HAVE SOMETHING
23 AT THE BEGINNING SAYING, "WELL, THE WHOLE DOCUMENT HAS A
24 LOT OF UNCERTAINTY IN IT," YOU KNOW, IT JUST SITS REALLY
25 BADLY WITH ME.

0106
01 AND IN TERMS OF PUBLIC COMMENT, I MEAN, I
02 THINK THAT'S A SEPARATE ISSUE, WHETHER WE SHOULD HAVE IT
03 OR NOT. I MEAN, I GATHER THIS ISSUE OF TRANSPARENCY OF
04 THE PROCESS, THE WHOLE RISK ASSESSMENT PROCESS, IS BEING
05 REVISITED.

06 I DON'T HAVE ANY -- I'M NOT NECESSARILY
07 AGAINST PUBLIC COMMENT AT OUR MEETINGS, BUT I THINK NO
08 MATTER WHAT IT IS WE DO, I MEAN, ADVOCATES ARE GOING TO
09 PRESSURE AT EVERY SPOT, EVERY OPPORTUNITY. THAT'S WHAT
10 THEIR JOB IS. THAT'S HOW THEY VIEW THEIR JOB, AND THAT'S
11 WHAT THEY ARE GOING TO DO, AND THERE'S NOT MUCH WE CAN
12 REALLY DO ABOUT THAT.

13 BUT WE CAN, WHEN IT COMES TO THE WRITTEN WORD
14 WHICH IS WHAT SCIENTISTS REALLY PUT MOST OF THEIR EFFORT
15 INTO -- WE CAN CONTROL THAT PROCESS EXTREMELY WELL AND I
16 THINK BECAUSE, YOU KNOW, WE ARE PUTTING OUR OWN
17 REPUTATIONS AND WHATEVER IN THE WRITTEN WORD, AND THE
18 WRITTEN WORD IS REALLY WHAT IS VERY, VERY IMPORTANT TO ALL
19 OF US.

20 SO AS I SAID, I REALLY WAS QUITE UPSET BY THE
21 TONE. IT'S THE GENERALITY. IF EVEN THE PREFACE WAS MORE
22 SPECIFIC ABOUT WHERE THE UNCERTAINTY WAS AND WHERE AT
23 LEAST YOU COULD ARGUE WITH IT, WITH WHAT WAS SAID, BUT IT
24 WAS THE GENERALITY OF IT THAT MAKES IT SO.

25 THANK YOU.

0107

01 CHAIRMAN PITTS: COMMENTS?

02 DR. FROINES: YES, I HAVE A COUPLE.

03 BUT I HAVE A QUESTION FIRST. DO I NEED TO
04 READ MY LETTER FOR IT TO GO INTO THE RECORD?

05 MS. WALSH: NO. YOU CAN JUST MAKE YOUR LETTER A
06 PART OF THE RECORD IF YOU DON'T WANT TO READ IT IN.

07 (DR. FROINES' LETTER IS MARKED AS

08 EXHIBIT A AND IS ATTACHED HERETO.)

09 DR. FROINES: ALL THREE HAVE BEEN VERY ARTICULATE,
10 AND I AM NOT SURE I -- I'LL HIGHLIGHT A COUPLE THINGS.
11 BUT I WANTED TO SAY A COUPLE THINGS BESIDES MY LETTER.

12 FIRST IS I'VE BEEN THE LEAD AND I HAVE GONE
13 BEFORE THE BOARD FOUR TIMES SINCE 1983. I WENT BEFORE THE
14 BOARD ON BENZENE. I WENT BEFORE THE BOARD ON ETHYLENE
15 DICHLORIDE. I WENT BEFORE THE BOARD ON METHYLENE
16 CHLORIDE, AND I WENT BEFORE THE BOARD ON
17 PERCHLOROETHYLENE. AND I SHOULD SAY THAT THE LATTER
18 THREE WERE VERY CONTROVERSIAL.

19 AND THE ONE THING THAT HAPPENED AT THOSE
20 BOARD MEETINGS THAT I HAVE ALWAYS FELT VERY GOOD ABOUT AND
21 SUPPORTED MY CONTINUING ON THIS PANEL, WAS THE FACT THAT
22 THE CHAIR OF THE AIR RESOURCES BOARD RESPECTED -- SHOWED
23 ENORMOUS RESPECT FOR THIS SCIENTIFIC REVIEW PANEL. THAT
24 WOMAN WAS JANUARY SHARPLESS. SHE ALWAYS SHOWED -- SHE
25 ALWAYS BENT OVER BACKWARDS TO SUPPORT THE FINDINGS OF THIS

0108

01 PANEL.

02 NOW, WE DIDN'T HAVE A MEETING FOR TWO YEARS,
03 AND A COUPLE THINGS CHANGED: JOHN DUNLAP BECAME HEAD OF
04 THE A.R.B., AND NOW WE SEEM TO HAVE A DIFFERENT PROCESS.
05 AND WHAT I FEEL QUITE STRONGLY IS I THINK IF JOHN DUNLAP
06 IS THE HEAD OF THE A.R.B., HE CAN DO WHAT HE WANTS, BUT I
07 THINK IF HE IS GOING TO START A PROCESS WHERE AT A BOARD
08 MEETING HE DECIDES TO ESTABLISH A PANEL TO MAKE SCIENTIFIC
09 FINDINGS WITH THE REPRESENTATION OF THE AFFECTED INDUSTRY
10 AS PART OF THAT PANEL, THEN HE OUGHT TO TELL THIS PANEL
11 THAT HE IS GOING TO DO THAT, AND WE CAN DECIDE WHETHER WE
12 WANT TO BE IN THAT PROCESS OR NOT, BECAUSE I THINK HE
13 SHOULDN'T DO THAT.

14 I DON'T AGREE WITH THE OTHER THREE PEOPLE
15 THAT SAY THE BOARD CAN DO WHATEVER THEY WANT -- WELL, THE
16 BOARD CAN DO WHATEVER THEY WANT, BUT THERE'S ONE THING I
17 DON'T THINK THE BOARD SHOULD DO. I DON'T THINK THE BOARD
18 SHOULD MAKE SCIENTIFIC FINDINGS THAT RUN COUNTER TO THE
19 SCIENTIFIC REVIEW PANEL AND RUN COUNTER TO THE STAFF OF
20 THE A.R.B. AND TO THE O.E.H.H.A.

21 AND THAT'S WHAT THAT BOARD DID. THEY DIDN'T
22 SIMPLY MAKE A POLICY DECISION. THEY DIDN'T MAKE A
23 MANAGEMENT DECISION. THEY MADE SCIENTIFIC FINDINGS.

24 THEY ARE NOT QUALIFIED TO MAKE SCIENTIFIC

25 FINDINGS. DR. FRIEDMAN MAY BE, AND THERE ARE OTHER PEOPLE
0109

01 WHO HAVE SOME EXPERIENCE ON THE BOARD, BUT BY AND LARGE,
02 THE BOARD ISN'T CONSTITUTED AS A SCIENTIFIC REVIEW BOARD.
03 WE ARE. WE ARE. THAT'S OUR JOB.

04 THEIR DECISIONS ARE TO DEAL WITH RISK
05 MANAGEMENT, POLICY DECISIONS AND TO OPERATE AT A HIGHER
06 LEVEL IN SOME WAYS THAN WE ARE. AND I AM NOT SURE THAT
07 IT'S APPROPRIATE FOR THE AIR RESOURCES BOARD TO MAKE
08 SCIENTIFIC FINDINGS THAT RUN COUNTER TO THIS PANEL'S
09 FINDINGS. I DON'T THINK THAT THAT'S NECESSARILY CORRECT.

10 BECAUSE AS CRAIG SAID, HE WISHES -- HIS WORDS
11 WERE, HE WISHES THEY WOULD HAVE BEEN MORE SPECIFIC AND
12 ADDRESSED THE ISSUE OF WHERE ARE THE UNCERTAINTIES.

13 WELL, THE BOARD CAN'T BE MORE SPECIFIC,
14 BECAUSE THEY ARE NOT A SCIENTIFIC BOARD IN THE SENSE OF
15 DOING TOXICOLOGY AND PATHOLOGY AND EXPOSURE ASSESSMENT.

16 I'M NOT SAYING TAKE ANYTHING AWAY FROM THE
17 EXPERTISE OF THAT BOARD. I RESPECT THEM. I HAVE ALWAYS
18 RESPECTED THEM, AND I ALWAYS WILL RESPECT THEM, BUT WE
19 HAVE DIFFERENT JOBS. AND WE HAVE TO BE RESPONSIVE AND
20 RESPECT THOSE DIFFERENT JOBS, IT SEEMS TO ME, IN THAT
21 PROCESS.

22 I THINK THAT THIS IS A VERY, VERY DIFFICULT
23 DECISION AND A VERY DIFFICULT PROCESS THAT WE FIND
24 OURSELVES IN, BECAUSE I THINK THAT THE BOARD MADE A
25 DECISION, A SCIENTIFIC FINDING THAT IS NOT SUPPORTED BY

0110
01 THE EVIDENCE, BY THE SCIENTIFIC EVIDENCE.

02 SO, IN FACT, THE BOARD MADE AN INCORRECT
03 DECISION ABOUT THE SCIENCE, AND I THINK THAT'S A VERY
04 SERIOUS PROBLEM THAT HAS TO BE DEALT WITH.

05 YOU KNOW, IT WOULDN'T MATTER TO ME IF
06 IT HAD BEEN HERB NEEDLEMAN IN THAT COMMITTEE INSTEAD OF
07 TOM MC HENRY. I WOULD HAVE SUPPORTED HERB NEEDLEMAN AS A
08 SCIENTIST. BUT AS AN ADVOCATE, I WOULDN'T HAVE SUPPORTED
09 HIM. AND THAT'S THE PROBLEM. BUT WHEN YOU PUT ADVOCATES
10 IN SCIENTIFIC DECISION MAKING COMMITTEES, YOU DON'T GET
11 THE BEST SCIENCE. YOU GET THE REFLECTION OF THE BIAS OF
12 THE PEOPLE ON THE COMMITTEE.

13 SO I THINK WHAT'S HAPPENED WITH RESPECT TO
14 THIS PREFACE, IS IT RUNS ABSOLUTELY COUNTER TO WHY THE
15 LEGISLATURE ESTABLISHED A SCIENTIFIC REVIEW PANEL IN THE
16 FIRST PLACE. THEY ESTABLISHED THIS PANEL TO ASSURE
17 QUALITY CONTROL OVER THE SCIENCE. THEY THEN HAVE TO
18 RESPECT THAT PROCESS, IT SEEMS TO ME. AND IF THEY DON'T
19 RESPECT THAT PROCESS, THEN THAT RUNS COUNTER TO THE
20 LEGISLATION, AS FAR AS I'M CONCERNED.

21 I THINK AND I FEEL VERY STRONGLY ABOUT THIS,
22 AS I SAID IN MY LETTER, THAT THE CORRECT PROCEDURE --
23 WHETHER A.R.B. HAS DETERMINED THEIR UNRESOLVED SCIENTIFIC
24 ISSUES -- IS TO RETURN THE REPORT TO THE S.R.P. WHICH MAY
25 IN TURN REQUEST FURTHER INFORMATION FROM THE A.R.B.

0111
01 STAFF. BUT THE BOARD, IF THEY ARE WORRIED ABOUT THE
02 UNCERTAINTIES -- AND THEY SHOULD BE WORRIED. IF THEY ARE
03 WORRIED ABOUT UNCERTAINTIES, THAT'S GREAT. THAT MEANS

04 THEY ARE TAKING THEIR JOB SERIOUSLY.
05 BUT THEN WHAT THEY DO IS THEY DON'T CREATE A
06 COUNTER ARGUMENT TO WHAT WE TOLD THEM; THAT THEY THEN
07 RETURN THE DOCUMENT TO US FOR FURTHER CONSIDERATION.
08 THAT'S WHAT SHOULD HAPPEN. AND THEN WE CAN LOOK AT THOSE
09 ARGUMENTS. WE CAN LOOK AT MC HENRY'S ARGUMENTS AND LOOK
10 AT HIS EXPERTS, AND I THINK WE CAN GIVE HIM A VERY FAIR
11 READING.

12 AT THAT POINT, IF SOMEBODY WANTED TO HAVE
13 PUBLIC TESTIMONY, THE BOARD COULD ACTUALLY SPECIFICALLY
14 REQUEST THAT WE HAVE ORAL TESTIMONY. WE COULD BE
15 RESPONSIVE TO THE BOARD IN THAT RESPECT. THERE'S NOTHING
16 TO PREVENT US FROM DOING THAT, AND IT'S FINE.

17 BUT THEY HAVE TO SEND IT BACK TO US. THEY
18 CAN'T TELL US, YOU GUYS WERE WRONG, WE KNOW BETTER, WHICH
19 IS WHAT, IN EFFECT, THEY DID.

20 AND I THINK THAT I WON'T EVEN GO TO THE
21 QUESTION OF HAVING THE L.I. LAWYER ON THE COMMITTEE, WHICH
22 I HAVE ALREADY SORT OF ALLUDED TO THAT, BUT I THINK WE ARE
23 AT A PLACE IN HISTORY WHERE SCIENCE IS UNDER ATTACK AND
24 THE PUBLIC HEALTH IS GOING TO BE AFFECTED BY THOSE ATTACKS
25 IF WE ARE NOT CAREFUL. AND WE HAVE TO PRESERVE A PROCESS

0112
01 THAT ENSURES WE DO THE BEST JOB WE CAN TO PROTECT THE
02 PUBLIC'S HEALTH, AND THAT WAS NOT DONE IN THIS PARTICULAR
03 PROCESS.

04 CHAIRMAN PITTS: COMMENTS?

05 THEN LET ME CONCLUDE BY READING THE LETTER
06 TO ME FROM STANTON GLANTZ. DEAR JIM -- THIS IS DATED
07 MAY 5TH, AND I WILL PROVIDE YOU WITH A COPY.

08 "DEAR JIM: I WILL NOT BE ABLE TO
09 MAKE THE MAY 25 S.R.P. MEETING. I WANTED
10 TO GO ON RECORD BY EXPRESSING SERIOUS CONCERN
11 WITH THE ACTION BY THE AIR RESOURCES BOARD TO
12 ADD A PREFACE TO THE S.R.P. LEAD REPORT.

13 "I READ THE LENGTHY SUBMISSIONS THAT
14 WERE SUBMITTED BY THE LEAD INDUSTRY PRIOR TO
15 THE A.R.B. MEETING AND DID NOT FIND ANYTHING
16 PARTICULARLY NEW OR COMPELLING IN THOSE
17 SUBMISSIONS. INDEED, MANY OF THE ITEMS (SUCH
18 AS THE PRESENTATION OF ISSUES AROUND I.Q.)
19 SEEMED DESIGNED TO BE CONFUSING AND
20 PURPOSEFULLY IGNORED IMPORTANT DISTINCTIONS,
21 SUCH AS THE ABILITY TO MAKE INDIVIDUAL I.Q.
22 MEASUREMENTS VERSUS THE EFFECTS OF A SMALL
23 SHIFT IN THE OVERALL POPULATION DISTRIBUTION.

24 "IF THE AIR RESOURCES BOARD WAS NOT
25 SATISFIED WITH THE REPORT AS WE APPROVED IT,

0113
01 IT SEEMED TO ME THAT THEY COULD HAVE SENT IT
02 BACK TO THE S.R.P. FOR FURTHER DISCUSSION OF
03 THE ISSUES THAT WERE RAISED BY THE LEAD
04 INDUSTRY. AS I MENTIONED, I DON'T THINK THIS
05 WOULD HAVE CHANGED ANYTHING SINCE THE ISSUES
06 THAT THEY RAISED HAD BEEN THOROUGHLY AIRED
07 THROUGH THE VARIOUS WORKSHOPS AND WRITTEN
08 PUBLIC COMMENTS THAT HAD BEEN SUBMITTED AND

09 CONSIDERED BY THE S.R.P. I AM ALSO CONCERNED
10 THAT THE PREFACE IS IN SOME DISAGREEMENT WITH
11 THE SUBSTANCE OF THE REPORT. IN PARTICULAR,
12 THE PANEL REVIEWED THE EVIDENCE OF LEAD AS
13 HAVING A RELATIVELY LOW LEVEL OF UNCERTAINTY,
14 WHEREAS THE PREFACE INDICATES THAT MAY BE
15 HIGH.

16 "I BELIEVE THAT IT WOULD BE
17 APPROPRIATE FOR THE PANEL TO ASK THE A.R.B.
18 TO REVISIT THIS ISSUE AND REMOVE THE PREFACE
19 THAT THEY DECIDED TO PLACE IN THE LEAD
20 REPORT. I FEEL THAT THIS IS ONE MORE EXAMPLE
21 OF THE INTRUSION OF POLITICS AND RISK
22 MANAGEMENT CONSIDERATIONS INTO THE RISK
23 ASSESSMENT PROCESS."
24 ARE THERE ANY COMMENTS ANYONE WANTS TO

25 MAKE?

0114

01 OKAY. HAVING HEARD THIS, LET'S NOW TURN TO
02 THE A.R.B. AND FOR YOUR COMMENTS, IF YOU WOULD LIKE TO
03 MAKE ANY, IT'S YOUR TURN. AND WE APPRECIATE YOU BEING
04 HERE TO PRESENT THE SITUATION AS YOU SEE IT.

05 MR. SCHEIBLE: OKAY. CHAIRMAN PITTS, MEMBERS OF
06 THE PANEL, I'M MIKE SCHEIBLE, DEPUTY EXECUTIVE OFFICER.

07 OBVIOUSLY WE HAVE AN ISSUE HERE THAT, IN
08 RETROSPECT, I WISH AND THE PANEL WISHED WE HAD HANDLED
09 DIFFERENTLY. WHAT IN MY MIND THE BOARD DID, AND AS STAFF
10 BEING INTIMATE IN THAT PROCESS, WHAT STAFF RECOMMENDED TO
11 THE BOARD, WAS TO RATIFY THE S.R.P. FINDINGS, WAS TO MOVE
12 LEAD ALONG BY IDENTIFYING IT AS A TOXIC AIR CONTAMINANT,
13 SOMETHING THAT HAD TAKEN A VERY LONG TIME, AND THE PANEL
14 HAD EXPRESSED IT HAD TAKEN TOO LONG AND TO MOVE IT BEHIND
15 US, WAS TO RESPOND TO TESTIMONY THAT WAS PRESENTED TO IT.

16 AND BASICALLY WHAT THE BOARD DID IN THAT
17 TESTIMONY WAS IT HAD A PROPOSAL FROM AN INDUSTRY GROUP
18 THAT VERY CLEARLY -- AND THE BOARD IN THE TRANSCRIPT
19 RECOGNIZED IT TOTALLY UNDERMINED THE S.R.P. PROCESS, THE
20 STAFF SCIENTIFIC PROCESS, AND IT REJECTED IT.

21 IT DID ASK THE STAFF TO WORK WITH AFFECTED
22 PARTIES, WHICH IS SOMETHING WE DO TYPICALLY IN OUR
23 REGULATORY HEARINGS, TO SEE WHETHER OR NOT THERE WAS AN
24 ALTERNATIVE APPROACH THAT WOULD AT LEAST ADDRESS THE
25 CONCERNS OF THE INDUSTRY.

0115

01 WHEN I READ THE LANGUAGE THAT WE PUT
02 TOGETHER, WHAT WE SAID IS, WE RECOGNIZE THAT THERE IS
03 UNCERTAINTY AND WE RECOGNIZE THAT THERE IS NEW SCIENCE;
04 AND THAT AS WE PROCEED IN THE RISK MANAGEMENT PHASE, WHICH
05 IS THE NEXT PHASE OF THIS PROCESS, TO THE EXTENT THAT
06 UNCERTAINTY OUGHT TO TAKE AN ACCOUNT IN RISK MANAGEMENT,
07 OR AS NEW SCIENCE PRESENTS ITSELF AND IS MEANINGFUL, WE
08 TAKE THOSE INTO ACCOUNT. WE WERE NOT IN OUR MINDS, OR MY
09 MIND, CHANGING THE S.R.P. DOCUMENT.

10 AND I THINK THIS IS SOMETHING THAT CAN BE
11 FIXED RELATIVELY EASY ONCE WE KNOW ABOUT IT. THIS BROWN
12 DOCUMENT HERE IS THE ONE THAT THE S.R.P. APPROVED.
13 PERTINENT TO IT, IT SAYS "EXECUTIVE SUMMARY," AND THIS

14 REPRESENTS KIND OF A HYBRID DOCUMENT. IN THE BULK OF IT
15 IS AN EXECUTIVE SUMMARY IN PARTS A, B AND THEN C OF THE
16 REPORT THAT THE STAFF'S PUT TOGETHER THAT REVIEWS THE
17 SCIENCE AND THE RISK ASSESSMENT. AND THERE ARE QUESTIONS
18 IN HERE THAT TALK ABOUT THE BOARD'S ACTION AND WHAT
19 HAPPENS.

20 AFTER THAT WAS APPROVED BY THE S.R.P., WE
21 INCORPORATED THE CHANGES THE S.R.P. MADE IN THIS DOCUMENT,
22 AND WE ADDED SOME THINGS AND WE CREATED A NEW DOCUMENT,
23 WHICH IS A HYBRID EXECUTIVE SUMMARY STAFF REPORT, STAFF
24 REPORT EXECUTIVE SUMMARY, AND ITS NEW TITLE IS THAT OF
25 SAYING "INITIAL STATEMENT OF REASONS FOR RULEMAKING."

0116

01 WE CHANGED THE SCIENTIFIC REPORT THAT
02 PRESENTED THE RISK ASSESSMENT ON LEAD INTO A REGULATORY
03 DOCUMENT. WHEN THE BOARD WAS DISCUSSING MODIFICATIONS TO
04 THE DOCUMENT, IT WAS NOT DISCUSSING IN ITS MIND OR IN MY
05 MIND CHANGES TO THE S.R.P. REPORT, BUT TO THE STAFF'S
06 PRESENTATION OF AN INITIAL STATEMENT OF REASONS FOR THE
07 REPORT.

08 WHAT WE HAVE DONE IS WE TOOK ONE PROCESS
09 REVIEWED BY S.R.P. SUPERIMPOSED TRYING TO BE EFFICIENT,
10 AND I THINK WE MADE A MISTAKE.

11 I THINK WHAT WE SHOULD HAVE DONE, AND CAN DO
12 CLEARLY IN THE FUTURE, IS MAKE CRYSTAL CLEAR THIS IS THE
13 S.R.P. DOCUMENT; THIS IS THE EXECUTIVE SUMMARY. THEY
14 STAND ALONE, THEY NEVER GET CHANGED, THEY DON'T GET
15 AMENDED. AND THEN ON TOP OF THAT, WE CAN ADD A TOTALLY
16 NEW DOCUMENT THAT BECOMES THE A.R.B. STAFF REPORT.

17 CHAIRMAN PITTS: LET ME JUST ASK A QUESTION RIGHT
18 THERE. DID YOU MEAN TO SAY, AS I UNDERSTAND IT, FOR
19 EXAMPLE, I HAVE THE BENZOPYRENE DOCUMENT EXECUTIVE
20 SUMMARY, AND I UNDERSTAND THERE WAS A NEW SET OF GROUND
21 RULES WITH THE H.A.P.S., 189 H.A.P.S.; BUT PRIOR TO THAT,
22 AND FOR SOME TEN YEARS, THE DOCUMENT SAYS THE EXECUTIVE
23 SUMMARY, JULY 1994. AND THAT'S, I THINK, THE MOST RECENT
24 ONE, AS I RECALL, THAT WE HAVE ACTUALLY GONE THROUGH THE
25 PROCESS.

0117

01 MR. SCHEIBLE: I THINK --

02 CHAIRMAN PITTS: LET ME FINISH.

03 OKAY. SO WE HAVE THIS, AND THIS IS AN
04 EXECUTIVE SUMMARY AND IT STARTS OUT AND SAYS THAT "THIS
05 REPORT WAS DEVELOPED IN RESPONSE TO" -- AND WHAT DOES IT
06 CONTAIN, EMISSIONS AND SO FORTH. SO IT'S AN ACTUAL
07 EXECUTIVE SUMMARY OF PARTS A, B AND C OF THE RISK
08 ASSESSMENT DOCUMENT; RIGHT? SO IT'S THE EXECUTIVE
09 SUMMARY.

10 MR. SCHEIBLE: THAT'S ALL IT IS AND ALL IT WILL
11 EVER BE.

12 CHAIRMAN PITTS: RIGHT. AND THAT THEN GOES
13 TOGETHER, AND THAT'S HOW WE UNDERSTOOD. THIS ALL GOES
14 TOGETHER AS ONE. THAT'S WHAT WE APPROVED AND DEVELOPED
15 FINDINGS ON FOR THIS ENTIRE SET HERE.

16 NOW, DID I HEAR YOU RIGHT WHEN YOU SAID
17 THAT -- IT WAS NOT CLEAR TO ME, ARE YOU PROPOSING THAT
18 THERE BE ANOTHER EXECUTIVE SUMMARY? WHAT DID I HEAR YOU

19 SAY?

20 MR. SCHEIBLE: NO. AND WE HAD TWO SUBSTANCES,
21 BENZOPYRENE AND ACIDALDEHYDE THAT WERE GOING THROUGH THE
22 S.R.P. REVIEW PROCESS ON A TRACK TO BE FORMALLY IDENTIFIED
23 AS T.A.C.'S BY THE A.R.B. WHILE THEY WERE GOING THROUGH
24 THE PROCESS, STATE LAW CHANGED AND SAID ANYTHING THAT'S A
25 FEDERAL HAZARDOUS AIR POLLUTANT BY LAW IN CALIFORNIA SHALL
0118

01 BE DESIGNATED AS A T.A.C.

02 WE TOOK THOSE TWO SUBSTANCES TO THEIR
03 CONCLUSION AT THE S.R.P. TO GET THE RISK ASSESSMENT. WE
04 STOPPED IT THERE. THEY NEVER WENT TO THE A.R.B. WE NEVER
05 WERE CONFRONTED WITH THIS, HAVING TO CREATE A STAFF REPORT
06 INITIAL STATEMENT OF REASONS.

07 IF YOU GO BACK TO FORMALDEHYDE, WHICH WAS IN
08 JULY 1992, YOU WILL SEE THAT WE WENT THROUGH THE SAME
09 PROCESS, STAFF REPORT EXECUTIVE SUMMARY.

10 CHAIRMAN PITTS: IF YOU GO BACK PRIOR TO THAT FOR
11 ABOUT 18 OTHER DOCUMENTS -- YOU HAVE GOT THE 18 OTHERS --
12 DID THEY SAY "STAFF REPORT EXECUTIVE SUMMARY" ON THE COVER
13 OF THOSE STARTING WITH BENZENE AND GOING ON? AS I RECALL,
14 I'M NOT SURE THAT THOSE -- THEY DIDN'T HAVE STAFF REPORT
15 EXECUTIVE SUMMARIES ON THEM.

16 MR. SCHEIBLE: DR. PITTS, I CANNOT FOR CERTAIN SAY
17 WHAT THE DOCUMENT HAS ON IT. I KNOW FOR CERTAIN WE HAD TO
18 DO AN INITIAL STATEMENT OF REASONS AND A STAFF REPORT AND
19 WE HAD TO HAVE A DOCUMENT WE CALLED THAT FOR THOSE
20 DOCUMENTS, BECAUSE THAT WAS PART OF THE RULE-MAKING
21 PROCESS.

22 DR. FROINES: I'M CONFUSED ABOUT SOMETHING. ARE
23 YOU SAYING THAT YOU ARE NOW GOING TO TAKE THIS DOCUMENT
24 AND ADD THIS LANGUAGE TO IT SO IT BECOMES -- THIS IS THE
25 STAFF REPORT EXECUTIVE SUMMARY.
0119

01 CHAIRMAN PITTS: WHICH ONE NOW?

02 DR. FROINES: IT'S THE SAME ONE. IT JUST DOESN'T
03 HAVE THE RED COVER.

04 ARE YOU SAYING THAT THIS DOCUMENT WILL NOW
05 CONTAIN THIS PREFACE THAT WE HAVE BEEN TALKING ABOUT AND
06 THAT IT IS NOT REALLY A RENUNCIATION OF THE S.R.P.
07 FINDINGS, BUT IT'S A NEW DOCUMENT WHICH IS GOING TO GO
08 FORWARD FOR THE RISK MANAGEMENT? IS THAT WHAT YOU ARE
09 SAYING? OTHERWISE, I'M CONFUSED.

10 MR. SCHEIBLE: THIS DOCUMENT IS A HYBRID DOCUMENT
11 THAT REPRESENTS THE STAFF REPORT THAT WE MADE TO THE AIR
12 RESOURCES BOARD. IT CONTAINS MANY ELEMENTS OF THE
13 EXECUTIVE SUMMARY.

14 DR. FROINES: BUT IT DOESN'T CONTAIN THAT PREFACE.

15 MR. SCHEIBLE: IT CONTAINS A PREFACE THAT WOULD BE
16 WHAT WE PROPOSED TO THE BOARD WOULD BE MODIFIED TO INCLUDE
17 THE NOW INFAMOUS PREFACE.

18 DR. FROINES: THAT'S WHAT YOU ARE SAYING?

19 MR. SCHEIBLE: THAT'S CORRECT. THAT'S THE ACTION
20 THAT WE SAW THE BOARD TAKE. AND THAT ACTION, AT LEAST IN
21 MY MIND, AND I THINK IN THE MIND OF THE BOARD, WAS NOT ONE
22 REFUTING WHAT THE S.R.P. DID, DETRACTING FROM WHAT THE
23 S.R.P. DID OR CHANGING WHAT THE S.R.P. DID, IT WAS

24 EXPRESSING THE BOARD'S RECOGNITION THAT WHEN IT APPROVES
25 THIS THING IN A REGULATORY SENSE, IT RECOGNIZED THAT THERE
0120

01 WAS UNCERTAINTY AND IT RECOGNIZED THAT THERE WAS NEW
02 SCIENCE --

03 DR. FROINES: BUT YOU SEE, THERE'S A PROBLEM,
04 BECAUSE THERE IS NO NEW SCIENCE. NOW THERE ARE THOUSANDS
05 OF PAPERS BEING PUBLISHED ON LEAD, BUT IF I PUT GEORGE UP
06 HERE -- AND I DON'T WANT TO PUT HIM IN THAT POSITION --
07 AND SAID, "GEORGE, DO YOU THINK, IN THE LAST YEAR, THERE'S
08 AN ENORMOUS AMOUNT OF NEW SCIENCE THAT FUNDAMENTALLY
09 CHANGES OUR VIEW OF LEAD?" HE WOULD SAY, "NO." AND ANY
10 OTHER GOOD SCIENTIST IN THIS ROOM WOULD SAY "NO," BECAUSE
11 THERE HASN'T BEEN NEW SCIENCE THAT CHANGES OUR PERCEPTION
12 OF THE WAY WE LOOK AT LEAD.

13 SO IF THIS BOARD IS SAYING THERE'S NEW
14 SCIENCE, THEN THEY OUGHT TO GO BACK TO THEIR SCIENTISTS
15 AND ASK THEM WHETHER THERE IS OR NOT. AND THEY DIDN'T DO
16 THAT. AND, THEREFORE, THEY HAVE MADE AN INCORRECT
17 CONCLUSION. IT ISN'T RIGHT TO SAY THAT THERE IS -- FOR
18 YOU TO SIT THERE AND TELL ME THAT THERE'S NEW SCIENCE WHEN
19 YOU DON'T KNOW THIS SUBJECT AREA.

20 MR. SCHEIBLE: MAY I READ WHAT THE BOARD
21 CONCLUDED? IT SAYS:

22 "AS RISK MANAGEMENT GUIDELINES
23 ARE DEVELOPED, THE UNCERTAINTIES WILL
24 BE TAKEN INTO ACCOUNT AND THE SCIENCE
25 UPDATED AS APPROPRIATE."

0121
01 DR. FROINES: OF COURSE. BUT YOU SAT HERE AND YOU
02 SAID AT LEAST THREE TIMES -- I SAT HERE AND I AM REACTING
03 TO IT -- THAT THERE IS NEW SCIENCE, THAT THE BOARD FOUND
04 THERE WAS NEW SCIENCE. THOSE ARE YOUR WORDS, NOT MINE.

05 MR. SCHEIBLE: I'M SORRY IF I WAS IMPRECISE.

06 DR. FROINES: CRAIG BYUS IS EXACTLY RIGHT WHEN HE
07 SAYS, WHEN YOU LOOK AT THE WORD "UNCERTAINTY" BEING PUT
08 BEFORE US AT THE FRONT OF THIS DOCUMENT, IT THROWS INTO
09 QUESTION EVERYTHING ELSE THAT FOLLOWS. AND EVERYBODY
10 KNOWS THAT. EVERYBODY KNOWS THAT.

11 SOME MAY DENY IT, BUT WE ALL KNOW WHEN YOU
12 PUT A DOCUMENT LIKE THIS IN THE FRONT OF THE WHOLE THING,
13 WHAT YOU ARE SAYING IS THAT THIS SCIENCE IS UNCERTAIN AND
14 WE CAN'T USE IT FOR REGULATORY PROPOSES. THAT'S THE
15 INTENT. WE ALL KNOW THAT.

16 SO THAT WHAT YOU ARE DOING, YOU MAY SAY THERE
17 NOW -- WE MAY DANCE AROUND AND SAY THIS IS NOW A STAFF
18 REPORT EXECUTIVE SUMMARY DOCUMENT AND IT'S REALLY NOT THE
19 S.R.P. FINDINGS, BUT IT STILL RUNS COUNTER TO THE FINDINGS
20 OF THE SCIENTIFIC REVIEW PANEL, HOWEVER YOU DEAL WITH IT.
21 IT IS CONTRADICTORY, AND THAT'S THE PROBLEM WE HAVE TO
22 DEAL WITH.

23 YOU CAN'T DEAL WITH IT BY TELLING US THAT
24 THERE IS A NEW VERSION. YOU HAVE TO DEAL WITH THE ISSUE
25 BEFORE US. THE ISSUE IS THAT YOU COUNTERED OUR DOCUMENT.

0122
01 MR. SCHEIBLE: DR. FROINES, MAY I RESPOND BRIEFLY
02 IN DEFENSE OF THE BOARD, AND I THINK THE STAFF?

03 THE BOARD AND THE TESTIMONY -- AND I HAVE
04 GONE THROUGH THE TRANSCRIPT -- SUPPORTS THAT THERE'S
05 CLEARLY A MATTER OF HOW DO YOU INTERPRET THIS, AND IT'S
06 NOT A CLEAR CERTAIN INTERPRETATION. BUT IF YOU GO TO
07 PAGE 12 OF THE EXECUTIVE SUMMARY --

08 DR. FROINES: WAIT. THIS SAYS -- LET ME JUST QUOTE
09 THIS, BECAUSE BEFORE YOU GET YOURSELF BOXED UP IN THIS,
10 THE BOARD ACKNOWLEDGES AND AGREES WITH THE S.R.P.
11 BLAH-BLAH-BLAH THAT UNCERTAINTY EXISTS. THE BOARD IS
12 DRAWING A CONCLUSION FOR THE S.R.P. IN THIS PREFACE THAT
13 WE DO NOT SUPPORT.

14 CHAIRMAN PITTS: THAT'S RIGHT. WE DON'T AGREE WITH
15 THAT.

16 MR. SCHEIBLE: OKAY. WELL, THE LANGUAGE OF THE
17 REPORT AS APPROVED BY THE S.R.P. ON PAGE 12, THE FOURTH
18 PARAGRAPH DOWN, IT TALKS ABOUT UNCERTAIN.

19 IT SAYS:

20 "ALTHOUGH BASED UPON THE BEST
21 AVAILABLE SCIENTIFIC DATA, THE CALCULATIONS
22 ARE DERIVED FROM MODELS WHICH CONTAIN MANY
23 ASSUMPTIONS AND UNCERTAINTIES. UNCERTAINTY
24 IS INHERENT IN THE APPLICATION OF RELATIVELY
25 SMALL CHANGES IN THE BLOOD LEAD LEVELS AND

0123

01 ASSOCIATED PHYSIOLOGICAL OR NEUROLOGICAL
02 EFFECTS TO LARGE POPULATIONS ASSUMED TO BE
03 EXPOSED ON AVERAGE TO THE CALIFORNIA'S
04 AVERAGE AMBIENT AIR LEAD LEVEL."

05 I MEAN, THERE'S EVIDENCE IN THE WRITTEN
06 WORDS IN THE WRITTEN REPORTS THAT SAYS THERE'S UNCERTAINTY
07 THAT THE BOARD CLEARLY COULD DRAW UPON AND SAY, YES,
08 THERE'S UNCERTAINTY, WE RECOGNIZE IT. THE UNCERTAINTY
09 ISN'T SO GREAT THAT THE BOARD SAID LEAD AT HIGHER LEVELS
10 DOESN'T -- IT CLEARLY CAUSES PROBLEMS. IT OUGHT TO BE A
11 TOXIC AIR CONTAMINANT.

12 YOU CAN CLEARLY TAKE THIS IN THE WHOLE
13 CONTEXT OF WHAT LOW LEAD LEVELS WE WERE TALKING ABOUT,
14 0.2 TO 0.6 MICROGRAMS AVERAGE AMBIENT LEVELS THAT ARE OUT
15 THERE. SO THERE ARE A LOT OF THINGS IN TERMS OF THE
16 SPECIFIC ASSOCIATION, BUT I DON'T THINK THE BOARD UNDERCUT
17 IN ANY WAY THE S.R.P. FINDINGS.

18 IT EXPRESSED ITS OPINION. HOW IT DOES
19 THAT -- AND WE DON'T WANT TO DO IT IN A WAY THAT CONFUSES
20 THE PUBLIC OR IN ANY WAY BRINGS ABOUT THE CONSTERNATION OF
21 THE S.R.P. AND I THINK IN THE FUTURE, THERE'S A CLEAR WAY
22 TO DO IT, WHICH IS TO GET THE BOARD'S ACTION IN A
23 COMPLETELY SEPARATE DOCUMENT FROM WHAT THE S.R.P. HAS
24 APPROVED.

25 DR. FROINES: I THINK THE S.R.P. HAS TO DECIDE IF

0124

01 THEY WANT TO BE REALLY COMPLICIT WITH A PROCESS THAT AT
02 THE A.R.B. HEARING THE INDUSTRY REPRESENTATIVE WHO MAKES
03 AN ARGUMENT AND THEN DUNLAP TURNS AROUND AND SAYS, "OH,
04 WELL, TOM, IS THAT OKAY WITH YOU IF WE PUT TOGETHER THIS
05 COMMITTEE THAT CAN WORK OUT SOME SORT OF COMPROMISE?"
06 THAT'S WHAT THIS TRANSCRIPT SAYS. THAT'S WHAT THIS
07 TRANSCRIPT SAYS.

08 IT DOESN'T SAY WHAT YOU HAVE JUST SAID. WHAT
09 THIS TRANSCRIPT SAYS IS QUITE DIFFERENT THAN THAT. THE
10 TONE, THE EMPHASIS AND THE INTENT IS DIFFERENT. IT IS IN
11 FRONT OF A WHOLE BODY OF PEOPLE. IT IS A NEGOTIATED RULE
12 MAKING.

13 WELL, RISK ASSESSMENT IS NOT ABOUT NEGOTIATED
14 RULE MAKING. RISK ASSESSMENT IS ABOUT DOING THE BEST
15 SCIENCE YOU CAN. AND THAT'S WHAT OFFENDED ME THE MOST.
16 IT'S ONE THING IF THIS WAS A RISK MANAGEMENT DISCUSSION.
17 I'M ALL IN FAVOR OF NEGOTIATED RULE MAKING. I THINK IT'S
18 THE BEST WAY TO GO, BECAUSE I THINK LOTS OF THINGS TAKE
19 TOO LONG.

20 BUT THE FACT OF THE MATTER IS THIS ISN'T A
21 NEGOTIATED RULE MAKING. IT IS NOT A REGULATORY PROCESS.
22 IT IS NOT A LEGAL PROCESS. IT'S A RISK ASSESSMENT
23 PROCESS, AND THAT PROCESS HAS BEEN DEFEATED BY THE WAY
24 THIS WAS HANDLED.

25 YOU CAN SIT HERE AND TELL US, NO, THAT'S NOT
0125 WHAT WAS GOING ON, BUT ANYBODY CAN READ.

02 CHAIRMAN PITTS: LET ME ASK A CLARIFICATION, IF I
03 CAN. IT'S STILL NOT CLEAR TO ME WHAT YOU ARE PROPOSING.

04 LET ME SAY, HISTORICALLY, INCLUDING AFTER
05 189, ALL THE WAY THROUGH, WE HAVE A PART "A," A PART "B"
06 AND A PART "C." PART "C" BEING PUBLIC COMMENT PART "A"
07 BEING EXPOSURE ASSESSMENT, PART "B" BEING HEALTH
08 ASSESSMENT AND PART "C" PUBLIC COMMENTS.

09 NOW, TRADITIONALLY -- AND THIS IS
10 TRADITIONALLY -- WE HAVE ALWAYS HAD -- THE STAFF HAS
11 PREPARED -- AS THEY PREPARE THESE PARTS "A," "B" AND
12 RESPONDED IN PART "C," THEY HAVE ACTUALLY THEN PREPARED,
13 AND THEN WE HAVE GONE OVER AND AS A PANEL PREPARED AN
14 EXECUTIVE SUMMARY. NOW, THAT EXECUTIVE SUMMARY -- AND WE
15 HAVE ALWAYS THEN HAD FOUR PIECES; RIGHT? THIS PART OF THE
16 THING IS DIVIDED INTO FOUR PARTS. AND ALL OF THOSE ARE
17 SCIENTIFIC RISK ASSESSMENT CONSIDERATIONS, THE MOST
18 IMPORTANT OF WHICH IS THE EXECUTIVE SUMMARY.

19 AND THE IDEA THAT ONE CAN COMBINE A STAFF
20 REPORT AND CONCLUSIONS DEVELOPED AT AN A.R.B. MEETING AND
21 PUT THAT INTO THE EXECUTIVE SUMMARY, WHICH WILL BE
22 INTERPRETED, AS JOHN HAS POINTED OUT, BY ANYBODY WHO READS
23 IT -- I MEAN, WHENEVER YOU READ SOMETHING LIKE THIS THAT'S
24 AT LEAST THIS THICK, YOU READ IN ABSTRACT; AND THEN IF IT
25 LOOKS INTERESTING, THEN FIVE PERCENT OF THE PEOPLE READ

0126 THE SUMMARY, MAKING IT TEN PERCENT, AND THEN THE ONE
02 PERCENT READ THE WHOLE DOGGONE THING.

03 WHEN YOU PUT SOMETHING IN HERE -- I THINK
04 THIS IS WHAT JOHN WAS SAYING. HE'S RIGHT. I THINK,
05 CRAIG, THAT'S WHAT YOU ARE ALSO SAYING, AND PETER. AND I
06 DON'T KNOW HOW YOU FEEL ABOUT THIS, JIM, BUT YOU ARE
07 SAYING THAT STATEMENT INVALIDATES THE ENTIRE DOCUMENT;
08 BECAUSE 90 PERCENT OF THE PEOPLE READING IT, THEY WILL
09 LOOK AT THAT STATEMENT AND WITHOUT THE BACKGROUND THAT
10 WENT INTO THE STATEMENT WHEN IT WAS PART OF THE ACTUAL
11 SUMMARY, BECAUSE THERE'S A JUSTIFICATION FOR THAT
12 STATEMENT BACK IN PARTS A AND B.

13 SO WERE YOU SAYING THAT IN THE FUTURE YOU
14 WOULD ABANDON THE IDEA OF A SIT-ALONE SCIENTIFIC EXECUTIVE
15 SUMMARY THAT SUMMARIZES "A," "B" AND "C" AND PUTS
16 SOMETHING ELSE IN THERE AS A STAFF REPORT?

17 MR. SCHEIBLE: NO, SIR.

18 CHAIRMAN PITTS: OKAY. DO MY PANEL MEMBERS
19 UNDERSTAND MY CONCERN IN THIS?

20 SO LET'S GET VERY CLEAR WHAT WE ARE SAYING
21 HERE.

22 MR. SCHEIBLE: WHAT I WAS PROPOSING IS, RATHER THAN
23 CREATE AN EXECUTIVE SUMMARY THAT WE ALSO WROTE TO BE A
24 STAFF REPORT, WE'D CREATE A DOCUMENT THAT IS SOLELY AN
25 EXECUTIVE SUMMARY OF PART "A," "B" AND "C."

0127

01 CHAIRMAN PITTS: THANK YOU.

02 MR. SCHEIBLE: THE SIMPLEST WAY TO STATE IT IS,
03 THERE ARE QUESTIONS IN HERE, SUCH AS, WHAT ARE THE
04 ECONOMIC EFFECTS? HAS STAFF CONDUCTED AN ASSESSMENT OF
05 THE ECONOMIC IMPACTS? THAT'S THE DESIGNATION OF LEAD AS A
06 T.A.C. THAT'S NOT PART OF THE RISK ASSESSMENT, WE HAVE TO
07 DO THAT AS PART OF OUR REGULATORY.

08 SO HOW MAY RISK MANAGERS USE THIS
09 INFORMATION? AGAIN, THAT'S GETTING INTO RISK MANAGEMENT.
10 AND THAT WOULD GET US OUT OF THE APPEARANCE OF MODIFYING,
11 BECAUSE THIS IS A HYBRID DOCUMENT. IT IS VERY DIFFICULT
12 FOR THE PUBLIC TO FIGURE OUT, "WELL, WHAT PART DID THE
13 A.R.B. DEAL WITH WHEN IT WENT TO ITS DELIBERATIONS?"

14 AND PROCEDURALLY, WE CAN FIX THAT. NOW, IF
15 YOU HAVE GOT PROBLEMS WITH THE LANGUAGE IN THE RESOLUTION
16 AND HOW THAT'S GOING TO BE INTERPRETED AND WHAT THAT DOES
17 TO THE LEAD DOCUMENT, WE NEED TO HEAR WHAT THOSE ARE.

18 DR. SEIBER: WELL, DR. PITTS, A MINUTE AGO YOU
19 TURNED TO ME AND ASKED IF I WAS IN AGREEMENT WITH THE
20 OTHER PANELISTS, AND I WOULD STILL LIKE TO GO BACK WITH MY
21 PREVIOUS STATEMENT. THERE ARE TWO ISSUES: ONE ARE THE
22 WORDS IN THIS PARAGRAPH, AND THE SECOND IS HOW THE
23 PARAGRAPH WILL BE PLACED AND USED.

24 I'VE ALREADY STATED THAT WORDINGWISE, I THINK
25 MR. SCHEIBLE IS CORRECT. THEY TOOK "UNCERTAINTY," WHICH IS

0128

01 THROUGHOUT THE DOCUMENT, AND BROUGHT IT UP FRONT. AND IN
02 THAT REGARD, I DON'T DISAGREE WITH THE BOARD POINTING OUT
03 THAT THERE'S UNCERTAINTY. THAT'S OBVIOUS TO ME. THERE'S
04 UNCERTAINTY. PEOPLE NEED TO KNOW THAT. BRIGHT LINES ARE
05 GONE. WE ARE DEALING WITH, YOU KNOW, CONDITIONS OF
06 UNCERTAINTY.

07 BUT SECONDLY, THE PART THAT I DO AGREE WITH
08 THE OTHER PANELISTS ON IS THE USE OF THE PARAGRAPH AS A
09 DISCLAIMER, SO TO SPEAK, THAT INVALIDATES OR SOMEHOW
10 COLORS. AND I THINK THAT'S IN ADDITION TO AN S.R.P.
11 DOCUMENT, AND THAT'S WHAT I DISAGREE WITH.

12 SO I JUST WANT TO MAKE IT CLEAR THAT I DON'T
13 NECESSARILY DISAGREE WITH THE WORDS IN THAT PARAGRAPH, IF
14 THE BOARD USES THEM IN A WAY THAT KEEPS IT SEPARATE FROM
15 OUR PART OF THE DOCUMENT.

16 DR. BYUS: I HAVE TO DISAGREE. I MEAN, I THINK
17 THE TONE OF IT, WHEN I READ IT, WHEN I READ IT THE FIRST

18 TIME, I GET A DISTINCT IMPRESSION, AND THE IMPRESSION IS
19 THAT IT UNDERCUTS WHAT WE'VE SAID. I MEAN, IT'S THE
20 ENGLISH LANGUAGE. THAT'S HOW I FEEL. THAT'S WHAT IT
21 MEANS TO ME.

22 I MEAN, WE ARE VERY SPECIFIC ABOUT
23 UNCERTAINTY. BY THIS GENERAL TERM OF "UNCERTAINTY," IT
24 SORT OF IMPLIES THAT THE WHOLE DOCUMENT IS UNCERTAIN. WE
25 GO TO GREAT LENGTHS. YOU JUST CAN'T SAY THE DOCUMENT HAS
0129

01 A LOT OF UNCERTAINTY IN IT. IF YOU SAY THAT, THE AVERAGE
02 PERSON THAT READS IT IS GOING TO SAY, "WHY BOTHER READING
03 IT? THERE'S A LOT OF UNCERTAINTY IN IT."

04 THE BOARD KNOWS THERE'S A LOT OF UNCERTAINTY
05 IN EVERYTHING. WHY DOES IT NEED TO INSERT IT IN THIS
06 DOCUMENT? THERE'S UNCERTAINTY IN EVERY RISK ASSESSMENT.
07 IT'S ALL FILLED WITH IT. THE KEY IS, IS WHAT DOES THE
08 WORD "UNCERTAINTY" MEAN AND HOW UNCERTAIN IS IT IN EACH
09 POINT, EACH SCIENTIFIC POINT? AND THAT'S WHAT WE DO. WE
10 TRY AND QUANTIFY THE DEGREES OF UNCERTAINTY AND PUT THEM
11 IN A CONTEXT SO THAT YOU CAN EVALUATE THE ENTIRE LARGE
12 PICTURE.

13 AND, I MEAN, YOU REMEMBER HOW WE WENT OVER
14 THE DOCUMENT AGAIN AND CHANGED ALL OF THE WORDS BACK TO
15 THE WAY WE HAD ORIGINALLY WORDED IT. I FORGET. THIS WAS
16 THE FAMOUS HALLOWEEN MEETING WE DID THAT. WE WERE SO
17 SPECIFIC TO DO THAT BECAUSE IT WAS A CLEAR REFLECTION OF
18 THE DEGREE OF UNCERTAINTY THAT EXISTS ALL THROUGH THE
19 DOCUMENT. THAT'S WHY WE SPENT ALL AFTERNOON WITH STAN
20 GOING OVER EACH SINGLE WORD. WHY? BECAUSE EACH SINGLE
21 WORD IN THERE REFLECTED OUR FEELING OF THE DEGREE OF
22 UNCERTAINTY.

23 SO WHEN WE ARE ALL DONE, TO SAY THAT THE
24 WHOLE DOCUMENT HAS UNCERTAINTY IN IT, IS WITHOUT -- THAT'S
25 WHY I AM SAYING, WITHOUT A DETAILED DESCRIPTION OF WHAT

0130
01 THOSE UNCERTAINTIES ARE, WHAT YOU THINK THOSE
02 UNCERTAINTIES ARE -- IF YOU SAID, WELL, YOU KNOW,
03 SOMETHING ABOUT THE DOSE RESPONSE OR THE ESTABLISHMENT OF
04 THE SERUM LEAD LEVELS FROM BREATHING AIR, THOSE
05 CALCULATIONS ARE INCORRECT, THAT WE HAVE ASSUMPTIONS WE
06 MADE AND DISCUSSIONS TO LEAD TO A SERUM LEAD VALUE OR
07 CORRELATE THE VARIOUS DATA, AT LEAST WE'D HAVE SOMETHING
08 TO RESPOND TO OR SOMETHING TO SAY. YOU COULD THEN GO BACK
09 INTO THAT DOCUMENT AND FIND WHAT WE SAID ABOUT IT.

10 BUT REALLY, TO ME, IT JUST -- YOU KNOW, IT
11 JUST LEAVES A VERY UNCOMFORTABLE FEELING WITH ME. AND YOU
12 ARE RIGHT, THE BOARD IS CERTAINLY LEGALLY ENTITLED TO DO
13 WHAT THEY WANT, BUT I THINK YOU ARE CORRECT. I MEAN, IF
14 THIS WAS GOING TO BE A CONTINUING PROCESS WHEREBY WE GO
15 THROUGH THIS, PREPARE OUR DOCUMENTS AND THEN YOU -- I
16 MEAN, THERE MAY BE A POINT WHERE WE WOULDN'T WANT TO
17 CONTINUE IN THIS KIND OF RELATIONSHIP. WE HAVE TO DEVELOP
18 SOME KIND OF RELATIONSHIP WHERE WE TRUST EACH OTHER AND
19 WORK TOGETHER, WHICH WE HAVE HISTORICALLY.

20 I'VE BEEN INCREDIBLY IMPRESSED. IT'S BEEN
21 TREMENDOUS HOW WE HAVE BEEN ABLE TO DO THIS. WHATEVER THE
22 INTENT WAS -- I MEAN, IT'S HARD TO GET WHAT INTENT IS.

23 YOU CAN READ THE TRANSCRIPTS. WE HAVE ONE FEELING.
24 THE BOTTOM LINE IS, WHO CARES WHAT THE INTENT
25 IS RIGHT NOW. I MEAN, I THINK THE PROBLEM IS, WHAT ARE WE
0131

01 GOING TO DO WITH IT? THAT'S THE POINT.

02 IN MY OPINION, IF IT'S ASSOCIATED WITH OUR
03 DOCUMENT OR UNDERCUTS OUR DOCUMENT SOMEHOW, THEN I THINK
04 WE SHOULD WITHDRAW OUR APPROVAL OF THE DOCUMENT, BECAUSE I
05 THINK IT WOULD THEN BE SERIOUSLY DEFICIENT, IN MY MIND.
06 WITH THIS PREFACE IN FRONT OF OUR DOCUMENT, THE DOCUMENT
07 IS SERIOUSLY DEFICIENT, IN MY OPINION, BECAUSE IT DOESN'T
08 GIVE THE APPROPRIATE WEIGHT TO THE LEVELS OF UNCERTAINTY
09 THAT EXIST.

10 DR. FROINES: I'VE ALREADY SAID MUCH MORE THAN I
11 WANTED TO OR SHOULD HAVE, BUT I JUST WANT TO MAKE ONE
12 FINAL COMMENT, BECAUSE I AGREE 100 PERCENT WITH WHAT HE
13 SAID. I BASICALLY AGREE WITH SEIBER ON THIS IN SOME WAYS,
14 ALTHOUGH DISAGREEING SLIGHTLY.

15 DR. SEIBER: NO. YOU SAID "BASICALLY AGREE."

16 DR. FROINES: I THINK IF YOU ASK YOURSELF NOT WHAT
17 IS THE TRUTH OF WHAT HAPPENED, BUT WHAT IS THE PERCEPTION
18 OF WHAT HAPPENED, I THINK THE ANSWER IS VERY CLEAR. THE
19 PERCEPTION OF WHAT HAPPENED IS THAT THE DOCUMENT PUT
20 FORWARD BY THE S.R.P. WAS ESSENTIALLY MODIFIED TO
21 OVEREXPRESS THE NOTION OF UNCERTAINTY AND TOOK IT OUT OF
22 ITS -- AND TOOK THE CONCEPT OF UNCERTAINTY OUT OF THE
23 CONTEXT IN WHICH IT WAS USED IN THE DOCUMENT.

24 DR. BYUS: CORRECT.

25 DR. FROINES: THE USE OF "UNCERTAINTY" IN THE
0132

01 DOCUMENT WAS SPECIFIC AND IT HAD A CONTEXT. WHEN IT GETS
02 PUT INTO A PREFACE LIKE THIS, IT LOSES THAT CONTEXT, AND
03 THEN THE PERCEPTION IS IT HAS BEEN ALTERED IN AN UNSEEMLY
04 WAY.

05 AND I THINK THAT THIS PANEL HAS TO BE
06 CONCERNED ABOUT HOW PEOPLE PERCEIVE OUR ACTIONS. AND
07 THAT'S WHAT WE ARE SO UPSET ABOUT.

08 DR. BYUS: THAT'S RIGHT. SAID VERY ELOQUENTLY.

09 MR. SCHEIBLE: YOU ARE CLEARLY EXPERTS ON HOW YOU
10 PERCEIVE IT, AND YOU ARE VERY GOOD GAUGES OF HOW OTHERS IN
11 THE COMMUNITY WILL PERCEIVE IT.

12 I'D LIKE TO JUST SAY, NOT SO MUCH IT WILL
13 CHANGE YOUR MINDS, BUT JUST TO LET YOU KNOW HOW WE
14 PERCEIVED IT. WE PERCEIVED THE PREFACE TO THIS
15 DOCUMENT -- AND AGAIN, WHAT WE ARE TALKING ABOUT NOW IS WE
16 ARE TALKING ABOUT THE STAFF REPORT, NOT THE S.R.P.
17 APPROVAL. THIS IS KIND OF THE BRIDGE THAT TELLS PEOPLE,
18 WHEN THEY START TO READ IT, THIS PASSED THE A.R.B., WENT
19 FROM THE RISK ASSESSMENT SIDE TO THE RISK MANAGEMENT
20 SIDE.

21 THERE'S SOME GIVENS IN RISK MANAGEMENT FOR
22 TOXINS, WHICH IS THERE'S A LOT OF UNCERTAINTY, AND
23 THERE'S OCCASIONALLY SCIENCE THAT IS UPDATED THAT NEEDS TO
24 BE TAKEN INTO ACCOUNT, AND THE PROCESS HASN'T RULED THAT
25 OUT. AND, YES, IF YOU HAVE THOSE POINTS, AND

0133
01 YOU WANT, WE ARE READY TO HEAR ABOUT THEM IN THE NEXT

02 PHASE OF THINGS, BECAUSE WE DO BOTH, THE RISK ASSESSMENT
03 AT THE BOARD, AND SWITCH IMMEDIATELY INTO THE RISK
04 MANAGEMENT. THAT WAS OUR LOGIC. IT DOESN'T SOUND LIKE IT
05 WORKED TERRIBLY WELL THE WAY IT WAS EXECUTED, BUT WE DID
06 NOT INTEND TO GET INTO THE PICKLE THAT WE ARE IN.

07 AND SO I'LL JUST STOP THERE.

08 CHAIRMAN PITTS: JIM, MR. SEIBER?

09 DR. SEIBER: IN THE INTEREST OF MOVING THIS
10 FORWARD, I WOULD LIKE TO MOVE US INTO THE NEXT PHASE,
11 WHICH IS WHAT DO WE DO WITH IT.

12 AND I THINK WE CAN GO REHASH THE TRANSCRIPTS
13 AND WHAT WE ALL PERCEIVE, BUT LET'S GET INTO A MODE WHERE
14 WE TAKE SOME ACTION.

15 IS THAT HELPFUL?

16 CHAIRMAN PITTS: THERE HAVE BEEN SOME DISCUSSIONS.
17 THERE ARE VARIOUS PATHWAYS, AND I WOULD LIKE TO HEAR THE
18 PANEL'S OPINION ON THIS, EACH OF YOU MEMBERS. WE CAN
19 EXPRESS THESE OPINIONS IN A DETAILED LETTER TO THE
20 CHAIRMAN AS HAS BEEN SUGGESTED BY DR. SEIBER. WE
21 DISCUSSED IT INFORMALLY.

22 DR. SEIBER: WE DISCUSSED THAT INFORMALLY, SO I
23 WILL SIMPLY STATE IT FOR THE RECORD, THAT ONE POSSIBILITY
24 IS A LETTER THAT WE CAN AGREE UPON AS A PANEL THAT WILL BE
25 SENT BY THE PANEL TO THE CHAIR OF THE AIR RESOURCES

0134

01 BOARD.

02 CHAIRMAN PITTS: ANOTHER POSSIBILITY THAT WOULD BE
03 IN VIEW OF DISCUSSION WOULD BE TO DEVELOP FINDINGS,
04 ESSENTIALLY FINDINGS THAT WOULD ACTUALLY STATE BASICALLY
05 THE ELEMENTS, THE KEY ELEMENTS OF WHAT MUCH OF THE
06 DISCUSSION HAS CENTERED AROUND. IN A SENSE, THEY ARE NOT
07 REALLY RESOLUTIONS. THEY ARE CALLED FINDINGS, BUT THEY
08 ARE EQUIVALENT TO RESOLUTION.

09 HOW DOES THE PANEL FEEL ABOUT THAT?

10 JOHN?

11 SOME RESOLUTIONS OF THE TYPE THAT MIGHT BE
12 INTERESTING ARE AVAILABLE. BUT HOW DO YOU FEEL, CRAIG?
13 JOHN? WHAT'S YOUR FEELINGS?

14 DR. FROINES: I HAVE NOT UNDERSTOOD THIS
15 DISTINCTION BETWEEN HAVING THE RESOLUTION OF OUR OWN THAT
16 SPEAKS TO THE ISSUE. AND DOESN'T IT THEN GO TO DUNLAP?

17 CHAIRMAN PITTS: SURE, IT WOULD BE TRANSMITTED TO
18 THEM. BUT THEY WOULD BE CLEAR AND CONCISE STATEMENTS THAT
19 SAY BOOM, BOOM, BOOM. IT WILL BE AN ACTION.

20 DR. FROINES: WELL, I AGREE WITH THAT.

21 CHAIRMAN PITTS: HOW ABOUT YOU, CRAIG?

22 DR. BYUS: YEAH, ABSOLUTELY. I THINK WE SHOULD
23 SAY SOMETHING.

24 CHAIRMAN PITTS: LET'S DISCUSS SOME POSSIBLE
25 FINDINGS THAT HAVE BEEN DEVELOPED. I CAN PUT THESE ON THE

0135

01 OVERHEAD.

02 DO YOU WANT TO SEE THESE?

03 OKAY. WE CAN JUST TAKE A LOOK AT SOME OF
04 THESE. NOW, THESE ARE JUST OPEN FOR DISCUSSION AS
05 POSSIBILITIES, POSSIBLY A LETTER. I'LL JUST OPEN IT UP TO
06 THE PANEL.

07 NOW, SOME OF THE LEGALESE MAY BE CONFUSED,
08 LIKE THE "WHEREAS" AND THE "THEREFORE." BUT, YOU KNOW,
09 ACADEMICS AND RESEARCHERS, THERE WE HAVE SOME CONFUSION,
10 BUT ACADEMICS SENATE MEETINGS TAKE CARE OF THIS THING.

11 QUESTION?

12 DR. SEIBER: WELL, THE PLACE WE REALLY WANT TO BE
13 SPECIFIC HERE IS --

14 CHAIRMAN PITTS: THIS IS THE FIRST. THERE'S MORE
15 COMING.

16 DR. SEIBER: OKAY. LET'S DEAL WITH THIS ONE.

17 CHAIRMAN PITTS: ALL RIGHT.

18 DR. SEIBER: WHERE IT SAYS "SCIENTIFIC RISK
19 ASSESSMENT DOCUMENT FOR LEAD" -- AND I THINK IT SAYS THAT
20 TWICE -- IS THAT SPECIFIC ENOUGH? PERSONALLY I'M STILL
21 CONFUSED OVER THE USE OF TITLES FOR VARIOUS SUBPARTS TO
22 THE REPORT.

23 IS THAT THIS RED DOCUMENT THAT WE HAVE?

24 CHAIRMAN PITTS: THAT'S THE BLUE DOCUMENT.

25 DR. SEIBER: BECAUSE THAT'S NOT WHAT IT IS CALLED.

0136

01 CHAIRMAN PITTS: IT'S THE BLUE DOCUMENT. IT'S THE
02 ONE THAT WAS PRESENTED TO THE BOARD.

03 DR. SEIBER: WELL, AGAIN, THE QUESTION IS, IS IT
04 THIS PARTICULAR DOCUMENT? IS THAT THE ONE YOU MEAN NOT TO
05 HAVE THE PREFACE ADDED TO?

06 AND I AM NOT TRYING TO BE ARGUMENTATIVE. I
07 CLEARLY JUST WANT TO UNDERSTAND.

08 DR. FROINES: MAYBE IT SHOULD SAY, JIM, ADDING A
09 PREFACE TO THE STAFF REPORT EXECUTIVE SUMMARY FOR LEAD.

10 CHAIRMAN PITTS: TO THIS (INDICATING), THAT'S THIS
11 STAFF REPORT EXECUTIVE SUMMARY.

12 NOW, THE CONFUSING PART IS, IN THE DOCUMENT
13 WE ACTUALLY REVIEWED ON OCTOBER 31ST, THAT WAS THE
14 SEPTEMBER 1996 DOCUMENT. AND THAT DOCUMENT JUST SAID
15 "EXECUTIVE SUMMARY" OUT HERE. AND THAT'S THE DOCUMENT
16 THAT WE CLARIFIED -- WE DISCUSSED AND CLARIFIED AT THE
17 MEETING.

18 AND MY UNDERSTANDING -- YOU CAN CORRECT ME --
19 WITH THOSE CLARIFICATIONS, THAT WAS PASSED ON AND THEN
20 BECAME THIS DOCUMENT. (INDICATING)

21 DR. FROINES: BUT IS THIS WHAT WENT TO THE BOARD?

22 MS. WALSH: YES.

23 MR. SCHEIBLE: THIS IS WHAT WENT TO THE BOARD.

24 (INDICATING)

25 DR. FROINES: WITH THIS TITLE?

0137

01 MR. SCHEIBLE: WITH THIS TITLE. AND IT HAS THIS
02 TITLE IN ORDER TO MEET THE REGULATORY REQUIREMENTS,
03 BECAUSE, AGAIN, WE GO INTO THIS REGULATORY PROCESS. AND
04 THERE ARE SEVERAL CHANGES IN HERE, ADDITIONAL QUESTIONS
05 THAT WERE NOT REVIEWED BY THE S.R.P. THAT WE PUT IN
06 BECAUSE IT'S REQUIRED AS PART OF THE REGULATORY PROCESS.

07 DR. FROINES: WELL, WHY DID YOU DO THAT?

08 MR. SCHEIBLE: BECAUSE, AGAIN, WHEN WE TAKE IT
09 THROUGH THE REGULATORY PROCESS, WE GO INTO THIS HYBRID
10 MODE WHERE WE ARE DEALING WITH THE SCIENCE AND THE RISK
11 ASSESSMENT REVIEWED BY THE S.R.P.

12 DR. FROINES: BUT YOU CAN'T TAKE IT TO THE
13 REGULATORY PROCESS UNTIL THE RISK ASSESSMENT PROCESS IS
14 COMPLETE.

15 MR. SCHEIBLE: THAT'S CORRECT.

16 DR. FROINES: SO THEN WHY PUT THE RISK MANAGEMENT
17 ISSUES INTO WHAT IS ESSENTIALLY THE RISK ASSESSMENT
18 DOCUMENT BEING BROUGHT FORWARD? IT'S CHANGED.

19 MR. SCHEIBLE: IT'S NOT CHANGED FROM PAST
20 PRACTICE. I THINK THIS TIME IT GOT US INTO TROUBLE;
21 WHEREAS, BEFORE, IT HADN'T PRODUCED AN ISSUE. BUT IT HAS
22 NOT CHANGED FROM PAST PRACTICE.

23 BUT IF YOU CROSS THE STREET 20 TIMES AND NOT
24 GET HIT, THAT DOESN'T MEAN THE 21ST YOU WON'T.

25 DR. FROINES: WELL, LET'S JUST SAY, THE PROCESS IN
0138

01 WHICH YOU WENT THROUGH THE OTHER TIMES DIDN'T EXACTLY
02 FOLLOW -- WAS NOT FOLLOWED THIS TIME.

03 DR. BYUS: EXACTLY. DIFFERENT STREETS, SLIGHTLY
04 DIFFERENT.

05 CHAIRMAN PITTS: ONE WAY.

06 MR. SCHEIBLE: THAT'S WHY I WAS MAKING MY
07 RECOMMENDATION THAT AS WE GO THROUGH THIS AGAIN, WE CAN
08 CHANGE THIS SO WE ELIMINATE THE POSSIBILITY OF THIS
09 HAPPENING.

10 DR. FROINES: WELL, YOU HAVE A RIGHT TO MAKE ANY
11 KIND OF DOCUMENT YOU DAMN WELL PLEASE, OF COURSE, SO WE
12 SHOULDN'T QUARREL WITH THAT.

13 BUT THE FACT OF THE MATTER IS, THIS IS THE
14 DOCUMENT THAT WENT TO THE BOARD, SO THIS IS THE DOCUMENT
15 THAT SHOULDN'T HAVE THE PREFACE.

16 CHAIRMAN PITTS: THAT'S RIGHT. WHAT WOULD YOU
17 LIKE? IF YOU WOULD LIKE TO MODIFY THAT, WE COULD MODIFY
18 IT NOW OR SEE THE WHOLE THING.

19 I GATHER THAT AS IT WAS PUT TOGETHER -- LET'S
20 JUST GO TO THE NEXT ONE. AND THE POINT OF THAT IS PRETTY
21 CLEAR ANYWAY; ISN'T IT, JIM?

22 DR. SEIBER: OH, YEAH. I JUST WANT TO MAKE SURE WE
23 CALL IT THE RIGHT DOCUMENT.

24 DR. WITSCHI: THIS MAY BE A VERY NAIVE QUESTION,
25 BUT THE ONLY WAY THIS DOCUMENT IS BEING IDENTIFIED IS FROM
0139

01 HERE. DOES IT HAVE A DOCUMENT NUMBER OR SOMETHING? YOU
02 TEND TO NUMBER EVERYTHING.

03 MR. SCHEIBLE: IN THIS CASE, IT HAS TITLE AND A
04 DATE.

05 DR. WITSCHI: THAT'S ALL?

06 MR. SCHEIBLE: THAT'S ALL.

07 DR. WITSCHI: WELL, THEN, WE SHOULD READ THE WHOLE
08 THING INTO THE RECORD TO BE ABSOLUTELY SURE.

09 CHAIRMAN PITTS: SO THE RESOLUTION IS, "THE A.R.B.
10 SHOULD TAKE ACTION TO REMOVE ITS PREFACE,
11 ADOPTED DURING THE APRIL 24, 1997 BOARD
12 MEETING FROM THE OCTOBER 31, 1996
13 S.R.P.-APPROVED SCIENTIFIC LEAD RISK
14 ASSESSMENT" --

15 DR. BYUS: LET ME ASK A QUESTION.
16 ARE THERE PREFACES OR STATEMENTS LIKE THIS IN

17 THE OTHER EXECUTIVE SUMMARIES THAT WE MADE? I MEAN, THIS
18 RIGHT UP IN THE FRONT, WHERE I GUESS THIS IS GOING TO GO,
19 HAS THIS HAPPENED BEFORE? YOU SAID WE HAVE CROSSED THE
20 STREET. IS THERE A PREFACE LIKE THIS AT THE BEGINNING OF
21 ALL OF THE OTHER ONES?

22 MR. SCHEIBLE: THERE'S A PREFACE IN THE
23 FORMALDEHYDE REPORT, BUT I'D SAY THIS WAS A PRECEDENT IN
24 TERMS OF REFLECTING BOARD RESPONSE TO TESTIMONY IT
25 RECEIVED USING THE PREFACE AS OPPOSED TO USING IT AS A
0140 "HERE'S A DOCUMENT" AND "HERE'S WHAT HAPPENS NEXT." FROM
01 OUR POINT OF VIEW, IF THE BOARD WAS GOING TO CHANGE
02 ANYTHING, THIS WAS THE PORTION OF THE DOCUMENT THAT WAS
03 LEAST EMINENT TO THE DOCUMENT AND DIDN'T CHANGE WHAT WAS
04 IN THE DOCUMENT, BUT EXPRESSED AN OPINION AND GAVE
05 INFORMATION ABOUT WHAT HAPPENED NEXT.

06 THE TROUBLE IS, WHEN IT BECOMES A PREFACE,
07 SOME PEOPLE WILL INTERPRET IT AS BEING A SUMMARY OR THE
08 MOST IMPORTANT INFORMATION SINCE IT COMES FIRST.

09 CHAIRMAN PITTS: OKAY. CONTINUING, "AND IF THE
10 A.R.B. DECIDES TO KEEP THE PREFACE IN THE
11 LEAD RISK ASSESSMENT DOCUMENT WHICH WAS
12 ORIGINALLY APPROVED AND SENT TO THE BOARD
13 BY THE S.R.P., THE S.R.P. FINDS THAT THIS
14 A.R.B.-MODIFIED DOCUMENT FOR LEAD BECOMES
15 SERIOUSLY DEFICIENT AND WITHDRAWS ITS
16 PREVIOUS APPROVAL."

17 DR. SEIBER: JIM, AGAIN, TO BE AS SPECIFIC AS WE
18 CAN, I THINK WHAT WE WANT TO DO IS REMOVE THE PREFACE FROM
19 A DOCUMENT THAT CONTAINS THE S.R.P. FINDINGS, BECAUSE
20 THAT'S INCORRECT. WE ARE NOT PROPOSING TO HAVE THE
21 PREFACE TO WHAT WE SENT THEM IN OCTOBER. THAT'S NOT WHAT
22 THEY ARE USING AT ALL.

23 THEY ARE USING THEIR OWN HYBRID VERSION,
24 WHICH IS QUITE DIFFERENT. IT DOES HAVE IN THE BACK OF IT
0141 THE S.R.P. FINDINGS. THAT'S THE VERY LAST FEW PAGES OF
01 IT.

02 SO I THINK WHAT WE MIGHT WANT TO SAY -- AND I
03 DON'T HAVE THE EXACT LANGUAGE, BUT WE WOULDN'T LIKE TO SEE
04 THE PREFACE IN A DOCUMENT THAT CONTAINS THE S.R.P.
05 FINDINGS, SOMETHING TO EFFECT, BECAUSE RIGHT NOW, IT'S
06 JUST NOT CORRECT. THAT'S NOT WHAT HAPPENED, AND WE ARE
07 OBJECTING TO THE WRONG THING, IT APPEARS.

08 CHAIRMAN PITTS: WELL, I DON'T THINK I UNDERSTAND
09 THE OBJECTION.

10 DO OTHER MEMBERS SEE WHAT THE PROBLEM IS? AS
11 I READ THE TRANSCRIPT, THERE WAS A RESOLUTION GENERATED,
12 AND THEN AT THE END IT SAYS THAT IT WILL GO NOT ONLY INTO
13 THE STAFF REPORT, THAT WE DON'T CONFUSE STAFF REPORT AS
14 BEING THE STAFF REPORT EXECUTIVE SUMMARY, WHICH WAS THE
15 SCIENCE.

16 THEY WERE INVOLVED WITH THE SCIENCE
17 PRODUCING. THEY WROTE THE EXECUTIVE SUMMARY, AND THEN
18 THAT WAS EVALUATED AND DISCUSSED BY THE S.R.P. THAT'S
19 NEVER BEEN WRITTEN IN ADVANCE THAT THAT WAS THE STAFF
20 REPORT.

22 SO WHAT WE HAVE IS, THE PROPOSAL WAS THAT
23 THIS DOCUMENT, THAT THIS PREFACE BE ADDED TO THIS. BUT IT
24 HAS ALSO BEEN CONSIDERED PREVIOUSLY AND TREATED IN THE
25 OCTOBER 31ST MEETING AS AN EXECUTIVE SUMMARY.

0142

01 NOW, TO ANSWER YOUR QUESTION, CRAIG, ABOUT
02 THE NUMBER OF STREETS ONE HAD TO CROSS, TO THE BEST OF MY
03 KNOWLEDGE, I DO KNOW THAT THE FORMALDEHYDE DOCUMENT HAD A
04 PREFACE, AND THE PREFACE WAS ONE SMALL PARAGRAPH SAYING
05 THAT AFTER DISCUSSION BY THE BOARD -- AND I HAVE IT
06 SOMEWHERE -- AFTER DISCUSSION BY THE BOARD, AND I GUESS
07 THE BOARD RECOMMENDED THAT IT ACTUALLY GO BACK.

08 SO THERE'S A CASE WHERE THEY RECOMMENDED IT
09 GO BACK AND HAVE CONSULTATIONS BETWEEN THE A.R.B. STAFF
10 AND I THINK O.E.H.H.A., BUT I CAN'T BE SURE. AND WHAT
11 RESULTED FROM THAT WAS A TABLE OF EMISSION FACTORS,
12 BECAUSE THERE WAS NEW INFORMATION ON THOSE EMISSION
13 FACTORS.

14 I THINK MOST OF US FEEL THAT IT SHOULD HAVE
15 ALSO SAID -- AND WHAT SHOULD HAVE HAPPENED AT THE TIME
16 THIS MAY HAVE FALLEN THROUGH THE CRACKS -- THAT WHAT
17 SHOULD HAVE HAPPENED WAS IT SHOULD HAVE GONE BACK TO THE
18 S.R.P. WHO THEN CONSULTED WITH THE STAFFS OF A.R.B. AND
19 O.E.H.H.A., DECIDED IF IT WAS NEW USEFUL INFORMATION, AND
20 THEN INCLUDED IT AND GONE BACK TO THE BOARD AND SAID, YES,
21 HERE IT IS.

22 DR. FROINES: GEORGE CAN MAYBE REMEMBER. I CAN'T
23 REMEMBER EXACTLY. I THINK, GEORGE, IT WAS
24 PERCHLOROETHYLENE, BUT IT COULD HAVE BEEN METHYLENE
25 CHLORIDE. BUT THE BOARD TOLD US, THAT IS THE STAFF AND

0143

01 THE S.R.P., TO HOLD A WORKSHOP. THEY APPROVED THE
02 DOCUMENT, AND THEN THEY TOLD US TO HOLD A WORKSHOP. AND
03 IT WAS PERCHLOROETHYLENE, BECAUSE IT WAS VERY GOOD.

04 BUT THAT DIDN'T GO AS A PREFACE IN FRONT OF
05 THE DOCUMENT. IT WAS JUST AN ORDER THAT THEY GAVE US TO
06 DO. AND I THINK IT'S A GOOD EXAMPLE, BECAUSE IT SHOWS YOU
07 THE PROBLEM BETWEEN TELLING US TO DO SOMETHING, WHICH WE
08 DID; AND SECONDLY, PUTTING A PREFACE AT THE FRONT OF THE
09 DOCUMENT. IT CONVEYS VERY DIFFERENT KINDS OF
10 IMPRESSIONS. AND SO THERE WERE A COUPLE OF THINGS LIKE
11 THAT.

12 DR. SEIBER: JIM, I DIDN'T MEAN TO UNTRACK YOU. I
13 THINK WE ARE ON THE RIGHT TRACK HERE. I JUST WANT TO MAKE
14 SURE WE USE THE RIGHT LANGUAGE IN THE DOCUMENT.

15 CHAIRMAN PITTS: ABSOLUTELY.

16 DR. SEIBER: WHY DON'T YOU KEEP GOING WITH THESE
17 RESOLUTIONS.

18 CHAIRMAN PITTS: YOU MAY WANT TO WORK ON SOME OF
19 THE COPIES.

20 DO YOU WANT TO TAKE A VERY BRIEF BREAK?

21 DR. SEIBER: I SAW THEM EARLIER, BUT I CAN'T SEEM
22 TO FIND THEM ALL.

23 DR. FROINES: MAYBE GEORGE AND GENEVIEVE AND JIM
24 CAN MEET.

25 CHAIRMAN PITTS: HE SAID YOU HAVE THEM.

0144

01 DR. SEIBER: I KNOW I HAVE THEM, BUT I JUST CAN'T
02 FIND THEM.

03 MR. SCHEIBLE: GIVEN WHAT HAPPENED THE LAST TIME
04 THEY TRIED THIS, I'M NOT SO SURE A.R.B. STAFF SHOULD PUT
05 THIS TOGETHER, JUST TO ADD A LITTLE HUMOR HERE.

06 DR. BYUS: STILL, IT IS THE MATTER OF PERCEPTION.
07 GIVEN THIS RATHER UNUSUAL HISTORY OF THIS DOCUMENT AND THE
08 FACT THAT WE DID HAVE THIS INCREDIBLY LONG LENGTHY
09 CONVERSATION ABOUT THE VERY SPECIFIC WORDING WHICH WERE
10 DESCRIBING THE LEVELS OF UNCERTAINTY, THAT'S WHAT THOSE
11 WORDS ALL WERE; AND THEN TO PUT SOMETHING LIKE THIS IN THE
12 FRONT BLANKETLY SAYING THERE'S A LOT OF UNCERTAINTY THAT
13 EXISTS -- NOW, IF YOU ARE TELLING ME YOU MEANT THIS AS A
14 REAL VANILLA STATEMENT, WHY DIDN'T YOU PUT SOMETHING LIKE
15 THIS IN ALL OF THE DOCUMENTS THAT WENT OUT?

16 YOU ARE SAYING THIS STATEMENT DOESN'T REALLY
17 MEAN ANYTHING, BECAUSE THERE'S UNCERTAINTY IN EVERYTHING.
18 WHY DIDN'T YOU PUT THIS SAME TYPE OF STATEMENT IN EVERY
19 SINGLE CHEMICAL THAT WENT OUT?

20 DR. FROINES: ACTUALLY, THEY DO. THEY HAVE THIS
21 LINE THEY PUT IN FOR YEARS WHERE THEY SAY IT'S GOING TO
22 CAUSE "THIS" MANY CASES OF CANCER, BUT ONE PERSON OUT OF
23 FOUR GETS CANCER, SO THIS MAY NOT BE ACCURATE. AND --

24 DR. BYUS: MAYBE HAD THIS DOCUMENT NOT BEEN SO
25 CONTROVERSIAL AND NOT TAKEN SO LONG TO GET THROUGH THE

0145
01 PROCESS AND NOT ESSENTIALLY HAD BEEN CHANGED BACK AND
02 FORTH WITH VERY SPECIFIC WORDING PROBLEMS, I MAYBE
03 WOULDN'T HAVE HAD A PROBLEM WITH IT.

04 BUT AFTER GOING THROUGH ALL OF THIS AND THEN
05 SEEING THIS, THIS IS THE DISTINCT IMPRESSION I'M LEFT
06 WITH. AND IT'S HARD FOR ME TO, YOU KNOW, GET AWAY FROM
07 THAT POINT.

08 MR. SCHEIBLE: AND THE BOARD DOES HAVE A
09 GIVE-AND-TAKE PROCESS THAT OCCURS WHEN IT RECEIVES
10 TESTIMONY. IN GENERAL, WE TRY TO REFLECT THE CONCERNS OF
11 THE WITNESSES.

12 AND IN THIS CASE, THEY CARRIED OVER INTO THE
13 RISK MANAGEMENT PHASE. AND TO THE EXTENT THAT THAT PROVES
14 TO BE A LEGITIMATE ISSUE, IT'S CONSIDERED THERE.

15 DR. BYUS: LET ME ASK YOU THIS: DO YOU THINK
16 THERE IS A SIGNIFICANT DEGREE OF UNCERTAINTY IN THE
17 DOCUMENT? TELL ME WHAT YOU THINK. I MEAN, WHAT DO YOU
18 MEAN BY THAT?

19 MR. SCHEIBLE; I'M GOING TO PUT ON MY RISK
20 MANAGEMENT HAT. THERE IS A LARGE AMOUNT OF UNCERTAINTY IN
21 EVERY RISK MANAGEMENT DECISION WE REACH WITH TOXICS. THE
22 DOCUMENT WAS CLEAR IN TERMS OF CARCINOGENS WITH ANIMALS TO
23 HUMANS, BECAUSE YOU DON'T KNOW FOR SURE ABOUT WHAT'S GOING
24 TO HAPPEN. SO THE RISK IS RELATIVELY SMALL.

25 WHEN WE DEAL WITH THE ASSESSMENT OF RISK FOR
0146
01 PEOPLE THAT ARE EXPOSED TO RELATIVELY HIGH LEVELS OF LEAD
02 AND THE FACT THAT A SMALL AMOUNT OF AIRBORNE LEAD IS
03 INCREASING AN ALREADY VERY SIGNIFICANT, VERY ADVERSE
04 EFFECT, THERE'S VERY LITTLE UNCERTAINTY.

05 WHEN YOU ARE DOWN TO SAYING IF THE LEVEL IS

06 .02 MICROGRAMS PER METER, FOR A LARGE POPULATION, DO YOU
07 NEED TO TAKE ADDITIONAL ACTION AT THAT LEVEL; AND ARE YOU
08 SURE IF YOU TAKE ACTION, YOU ARE GOING TO GET SIGNIFICANT
09 RISK REDUCTION? OR IF A VERY SMALL CHANGE IN AVERAGE I.Q.
10 IS SIGNIFICANT, THEN I'D SAY THERE'S FAR MORE UNCERTAINTY
11 IN THAT THAN THERE ARE IN THE OTHER QUESTIONS. AND IF
12 YOU READ THE WHOLE TRANSCRIPT, YOU'D SEE THAT DEBATE GO ON
13 AND THAT RECOGNITION.

14 SO THERE'S A LOT OF UNCERTAINTY RELATIVE TO
15 SOME OTHER COMPOUNDS WE HAVE CONSIDERED. AND LEAD,
16 DEPENDING ON THE EFFECT THERE IS -- I MEAN, THAT STATEMENT
17 DOESN'T TAKE AWAY ALL OF THE DETAIL THAT'S IN THE REPORT
18 THAT WE WILL HAVE TO DEAL WITH WHEN WE SAY, WELL, WHAT DO
19 WE NEED TO DO FROM A RISK MANAGEMENT STANDPOINT? WHO'S AT
20 RISK? WHAT RISK DO WE HAVE, AND WHAT DO WE NEED TO DO TO
21 REDUCE THAT RISK?

22 DR. WITSCHI: I'M SOMEWHAT SURPRISED AND
23 DISAPPOINTED WITH WHAT YOU JUST SAID, BECAUSE FROM A RISK
24 MANAGEMENT STANDPOINT, AT THE PRESENT CURRENT LEVELS, I
25 THINK PEOPLE WILL AGREE THE RISK ISN'T THAT BIG.

0147

01 BUT THE ISSUE IS NOT WHAT WOULD HAPPEN IF IT
02 WOULD GO UP A BIT OR SO. THE ISSUE IS WE CAN REACH THOSE
03 LEVELS, AND WE SHOULD TREAT THEM. THERE'S ABSOLUTELY NO
04 REASON TO ADD MORE LEAD TO THE ENVIRONMENT, AND THAT'S
05 THE --

06 DR. BYUS: FIRST, THERE'S NO UNCERTAINTY IN THAT
07 STATEMENT. THERE'S NO UNCERTAINTY IN WHAT YOU JUST SAID
08 IN THAT STATEMENT.

09 DR. WITSCHI: YES.

10 MR. SCHEIBLE: WELL, I'M TAKING IT AS A GIVEN THAT
11 NONE OF THE CONTROLS THAT HAVE BROUGHT US TO WHERE WE ARE
12 TODAY AND THE CONSCIENTIOUSNESS IS GOING TO BE CHANGED.

13 THE ONLY ACTIONS WE'D CONSIDER OUT OF THIS
14 ARE THINGS THAT WOULD SAY THERE'S A NEED TO REMOVE MORE
15 LEAD FROM THE ENVIRONMENT, NOT THAT THERE'S AN ABILITY OR
16 A SENSE THAT IT ISN'T SO DANGEROUS SO WE CAN RELAX THE
17 DILIGENCE OF OUR CURRENT RISK MANAGEMENT ACTIVITIES.

18 DR. WITSCHI: RELAX TO SOME EXTENT, BECAUSE THE
19 CURRENT STANDARD IS SO MUCH HIGHER THAN WHAT'S REALLY
20 AROUND THAT THERE'S A DANGER THAT SOME PEOPLE ARE GOING TO
21 POINT OUT THAT THERE WOULD BE NO HARM, ACCORDING TO THE
22 CURRENT STANDARD, WHICH I THINK IS ABSOLUTELY WRONG.

23 MR. SCHEIBLE: THAT'S WHY I THINK WE TOOK THIS
24 THROUGH THE PROCESS, SO THE CURRENT STANDARD WOULDN'T BE
25 THE THING WE USE TO JUDGE AN INSTANCE LIKE THAT.

0148

01 DR. FROINES: BUT PETER IS RIGHT. ONE OF THE
02 THINGS WE DISAGREED THE MOST STRONGLY WITH THE ORIGINAL
03 DOCUMENTS WAS THAT THE ORIGINAL R.E.L.'S ALLOWED BLOOD
04 LEADS TO INCREASE, AND WE OBJECTED TO THAT. AND WE GOT IT
05 TO A POINT WHERE WE DIDN'T WANT TO SAY YOU CAN INCREASE
06 THE AMOUNT OF LEAD IN THE BODY. THAT'S WHAT THIS PANEL
07 DID.

08 THIS PANEL DID A GREAT THING ON LEAD. IT
09 SAID, YOU CAN'T MAKE MATTERS WORSE. AND THE DOCUMENT THAT
10 CAME IN FROM L.I.A. SAID THAT THE 1.5 MICROGRAM PER CUBIC

11 METER STANDARD IS JUST FINE. IT'S NO PROBLEM.

12 WELL, THAT ALLOWS YOU TO MAKE -- ALLOWS LEAD
13 TO GO WAY UP, AND SO IT'S SCIENTIFICALLY WRONG. AND
14 THAT'S WHAT HE IS SAYING, 1.5 IS NOT GOOD, NO MATTER WHAT
15 THE ADVOCATE SAYS.

16 MR. SCHEIBLE: WELL, I DON'T THINK ANYTHING THE
17 BOARD DID OR THE STAFF IS CONSIDERING EVEN CONTEMPLATES
18 THAT OPTION, THAT THERE'S GOING TO BE SOME CHANGE IN OUR
19 POLICIES THAT WOULD ALLOW ADDITIONAL LEVELS OF LEAD TO GO
20 INTO THE AIR IN TERMS OF A LESS STRINGENT REGULATION THAN
21 WE CURRENTLY HAVE.

22 DR. FROINES: WHY DO YOU THINK THE LEAD PEOPLE CAME
23 TO TRY AND GET YOU TO ADOPT THOSE STATEMENTS? BECAUSE
24 THEY ARE CONCERNED ABOUT FUTURE REGULATORY ACTION. THAT'S
25 THE REASON PEOPLE DO THINGS, AND IT'S WHAT THEY GET PAID
0149
01 TO WORRY ABOUT. I MEAN, THEY ARE DOING THEIR JOB PROPERLY
02 AND CORRECTLY.

03 BUT THAT DOESN'T MEAN THAT WE HAVE TO ADOPT
04 IT, BECAUSE THEY ARE TRYING TO -- THEY ARE CONCERNED ABOUT
05 FUTURE REGULATORY ACTIONS IF A TIGHTER STANDARD GETS
06 DEVELOPED. SO THAT ALL PETER AND I AND EVERYBODY ELSE IS
07 SAYING IS WE SHOULDN'T ALLOW BLOOD LEADS TO GO UP IN THIS
08 SOCIETY ANY FURTHER.

09 DR. BYUS: AND, AGAIN, THERE IS NO UNCERTAINTY IN
10 THAT STATEMENT. THAT STATEMENT HAS VIRTUALLY NO
11 UNCERTAINTY; CORRECT?

12 CHAIRMAN PITTS: CORRECT.

13 DR. BYUS: I MEAN, THAT'S WHAT WE CLEARLY WANT
14 EVERYONE TO BUY INTO.

15 AND THE PREFACE DIMINISHES THAT STATEMENT, IN
16 MY OPINION. THAT'S HOW I VIEW IT.

17 CHAIRMAN PITTS: I SEE NODDING OF HEADS HERE, BUT
18 WHAT ACTION WOULD YOU LIKE TO TAKE, GENTLEMEN? I AM
19 CHAIRING THIS, AND IT'S OPEN TO YOU.

20 DR. SEIBER: WELL, I THINK WE SHOULD -- I THINK YOU
21 HAD A REASONABLE SUGGESTION EARLIER, THAT MAYBE WE TAKE A
22 BREAK AND A FEW PEOPLE CAN GO TO THE WRITTEN DOCUMENTS AND
23 SEE IF WE CAN -- IF THE LANGUAGE REFLECTS WHAT WE ARE
24 TRYING TO SAY. THAT'S ONE SUGGESTION.

25 CHAIRMAN PITTS: THIS IS LEGALLY CORRECT, KATHY?

0150
01 CAN WE TAKE A BREAK, CONSIDER THIS AND THEN COME BACK AND
02 RECONVENE?

03 MS. WALSH: WELL, IF THE PANEL IS GOING TO CONSIDER
04 THE LANGUAGE, YOU NEED TO DO IT HERE IN OPEN SESSION. YOU
05 CANNOT MEET OUTSIDE THIS PUBLIC FORUM.

06 CHAIRMAN PITTS: WELL, WE CAN --

07 DR. FROINES: BUT A SMALL GROUP, LIKE CRAIG AND
08 JIM --

09 CHAIRMAN PITTS: -- AND JOHN, I CAN APPOINT THEM,
10 JUST LIKE JOHN DUNLAP DID?

11 MS. WALSH: TWO. YOU CAN HAVE A COMMITTEE OF TWO
12 MEETING WITHOUT RUNNING AFOUL OF THE OPEN MEETING ACT
13 REQUIREMENTS.

14 CHAIRMAN PITTS: TWO OR THREE?

15 DR. FROINES: I WOULD LIKE TO NOT BE ON IT, BECAUSE

16 I'VE BEEN VERY OUTSPOKEN.
17 CHAIRMAN PITTS: JIM, DO YOU WANT TO BE ON THIS?
18 JIM?
19 DR. SEIBER: I THINK PETER HAS BEEN FAIRLY CLOSELY
20 ATTACHED. HE'S NODDING HIS HEAD THE WRONG DIRECTION.
21 I'LL BE VERY HAPPY TO YIELD TO PETER.
22 AND QUITE FRANKLY, THE PROBLEM I HAVE IS, IT
23 ISN'T WHAT WE ARE TRYING TO DO; IT'S GETTING THE RIGHT
24 WORDS, BECAUSE I DON'T KNOW THE NAMES. EVEN AT THIS
25 POINT, I DON'T KNOW WHAT DOCUMENT WE ARE TALKING ABOUT.
0151
01 CHAIRMAN PITTS: OKAY. WELL, THEN, WHY DON'T I
02 APPOINT, THEN, CRAIG AND PETER, YOU TWO. YOU WERE AT THE
03 MEETING. YOU HAVE WHAT'S BEFORE YOU, AND WE WILL ADJOURN
04 UNTIL YOU COME UP WITH SOME STATEMENTS.
05 (RECESS)
06 CHAIRMAN PITTS: THE MEETING WILL RECONVENE NOW.
07 I'D LIKE TO -- CRAIG, YOU WERE ONE OF THE PARTIES THAT
08 DEVELOPED THESE.
09 WOULD YOU LIKE TO COMMENT AS THEY ARE PUT ON
10 THE SCREEN, THE TWO OF YOU?
11 DR. BYUS: HE DID ACTUALLY MOST OF THE WORK.
12 CHAIRMAN PITTS: FOR THE RECORD, PROFESSOR BYUS HAS
13 JUST SAID PROFESSOR WITSCHI DID MOST OF THE WORK, WITH A
14 BIG SMILE ON HIS FACE.
15 GO AHEAD. SHOOT.
16 DR. WITSCHI: WELL, ACTUALLY, THERE WERE TWO
17 DOCUMENTS, ONE WAS THE EXECUTIVE SUMMARY DATED
18 SEPTEMBER 1996, WHICH WAS APPROVED BY THE S.R.P. MEETING
19 ON OCTOBER 1, 1996, AND THEN FORWARDED TO THE A.R.P. THE
20 A.R.P. THEN PREPARED A STAFF REPORT EXECUTIVE SUMMARY
21 DATED MARCH 1997. AND IT'S TO THIS REPORT THAT THE
22 PREFACE IS INTENDED TO BE ADDED.
23 BUT IN READING THROUGH THIS RESOLUTION, WE
24 REALLY HAVE TO BE CLEAR ABOUT HOW THOSE DOCUMENTS MOVED.
25 THE S.R.P. DEALT WITH AND APPROVED THE ONE WITH THE BROWN
0152
01 COVER. AND THE RED ONE, THE ONE WITH THE RED COVER, IS
02 WHAT WAS SENT TO THE A.R.P. TO WHICH THE PREFACE HAS BEEN
03 ADDED. AND THAT IS TO BE CHANGED BY IDENTIFYING EXACTLY
04 HOW THOSE TWO DOCUMENTS CAME UP.
05 CHAIRMAN PITTS: OKAY. THE NEXT ONE?
06 DR. WITSCHI: I MADE MY REMARKS FOR THE WHOLE
07 THING.
08 CHAIRMAN PITTS: LET'S BE SURE EVERYBODY REREADS
09 THIS.
10 DR. SEIBER: ARE YOU READY FOR COMMENT?
11 CHAIRMAN PITTS: YES. GO AHEAD.
12 AND I WANT TO HEAR COMMENTS FROM THE A.R.B.
13 ALSO.
14 BUT GO AHEAD, DR. SEIBER.
15 DR. SEIBER: WELL, MY COMMENT IS THE LAST PHRASE IN
16 ITEM 2, IT SAYS "BECOMES 'SERIOUSLY DEFICIENT' AND
17 WITHDRAWS ITS PREVIOUS APPROVAL." I'M TRYING TO FIGURE
18 OUT WHAT THAT MEANS, "AND WITHDRAWS ITS PREVIOUS
19 APPROVAL."
20 WHAT DID WE APPROVE OF THAT WE ARE

21 WITHDRAWING AT THIS POINT? BECAUSE WE DID NOT APPROVE TO
22 BEGIN USING COLORS, THE RED DOCUMENT, I DON'T THINK WE
23 DID. SO I QUESTION -- THE QUESTION IS, WHAT DO WE MEAN BY
24 WITHDRAWING OUR PREVIOUS APPROVAL? BECAUSE ONE COULD
25 INTERPRET THAT TO MEAN OUR ENTIRE FINDINGS DOCUMENT, THAT

0153

01 WE ARE WITHDRAWING OUR APPROVAL OF THAT.

02 MS. SHIROMA: DR. PITTS, I THINK MY COMMENT MAY
03 RESPOND TO DR. SEIBER'S QUESTION.

04 CHAIRMAN PITTS: WOULD YOU MIND COMING UP?

05 MS. SHIROMA: WHAT THE PANEL DOES WHEN THEY REVIEW
06 THE REPORT IS TO FIND IT NOT SERIOUSLY DEFICIENT AND THEN
07 APPROVE FINDINGS WHICH GO TO THE BOARD.

08 AND I THINK IN THE USE OF THE TERMS "PREVIOUS
09 APPROVAL," THAT THE REFERENCE IS TO THAT DETERMINATION
10 THAT THE REPORT IS NOT SERIOUSLY DEFICIENT.

11 BUT I THINK I'D LIKE TO MAKE A POINT OF
12 CLARIFICATION, WHICH IS THAT THIS ACTION BY THE PANEL,
13 WHILE IT EXPRESSES YOUR SENTIMENT WITH RESPECT TO THE
14 REPORT WITH THE PREFACE THAT WAS ADDED BY THE BOARD,
15 SHOULD NOT BE SEEN AS UNDERMINING THE BOARD'S ACTION TO
16 IDENTIFY LEAD AS A TOXIC AIR CONTAMINANT AND WOULD NOT
17 UNDO THAT PROCESS.

18 CHAIRMAN PITTS: CRAIG, WHAT ARE YOUR COMMENTS?

19 DR. BYUS: I'M NOT SO SURE I -- I DON'T
20 NECESSARILY SUPPORT THIS ALTERNATIVE. BUT, I MEAN,
21 CLEARLY I THINK WE'D BE ENTITLED TO DO THAT IF WE THOUGHT
22 A STATEMENT WAS ADDED TO A DOCUMENT LATER THAT BASICALLY
23 DIDN'T REFLECT WHAT WE FOUND IN THE ORIGINAL DOCUMENT. IF
24 YOU ADDED A PREFACE THAT MADE THE DOCUMENT SERIOUSLY
25 DEFICIENT, I MEAN, THAT'S CLEAR. IF IT WEIGHTED THE

0154

01 UNCERTAINTIES INCORRECTLY, MADE STATEMENTS THAT WERE WAY
02 OUT OF LINE SCIENTIFICALLY, WE'D DECLARE IT SERIOUSLY
03 DEFICIENT. I THINK WE CAN DO THAT.

04 I DON'T KNOW IF LEGALLY WE COULD DO THAT, BUT
05 SCIENTIFICALLY IT'S A POSSIBILITY.

06 MS. SHIROMA: RIGHT. AND I AM SUGGESTING THAT YOUR
07 EXPRESSION OF THAT SENTIMENT IS NOT INAPPROPRIATE.

08 BUT LEGALLY, UNDER A.B. 1807, THE BOARD IS
09 REQUIRED TO CONSIDER THE REPORT THAT WAS PREPARED BY THE
10 A.R.B. WITH EXISTENCE WITH O.E.H.H.A., REVIEWED BY THE
11 S.R.P. AND FOUND NOT TO BE SERIOUSLY DEFICIENT; AND IN
12 CONJUNCTION WITH CONSIDERING THAT REPORT, CONSIDER THE
13 FINDINGS OF THE S.R.P. IN MAKING A DETERMINATION WHETHER
14 TO IDENTIFY THE COMPOUND AS A T.A.C.

15 AND THAT, IN FACT, IS WHAT HAPPENED HERE WHEN
16 THE BOARD TOOK ITS ACTIONS ON APRIL 24TH.

17 DR. SEIBER: WELL, IF I WAS WRITING ITEM 2, I WOULD
18 END IT AT THE WORDS "SERIOUSLY DEFICIENT," BECAUSE I'M NOT
19 SURE WHAT'S THAT'S GOING TO MEAN, "WITHDRAWS ITS PREVIOUS
20 APPROVAL." THAT SEEMS TO KIND OF UNDERMINE THE WHOLE
21 IDENTIFICATION OF LEAD AS A TOXIC AIR CONTAINMENT.

22 DR. FROINES: I DON'T HAVE ANY PROBLEM WITH THAT,
23 BECAUSE I THINK THAT THEY ARE PROBABLY SAYING THE SAME
24 THING TWICE. BUT I THINK LEAD IS A TOXIC AIR CONTAINMENT
25 ACCORDING TO -- AS A H.A.P., ISN'T IT?

0155

01 DR. SEIBER: GIVE US THE INTERPRETATION. THIS IS
02 REALLY DETAILED.

03 CHAIRMAN PITTS: I THINK IN THE H.A.P.S., THEY ARE
04 LISTED BY LEAD COMPOUNDS. AND IN THIS ONE, THEY SPECIFY
05 LEAD, AND THERE WAS A DIFFERENCE IN THE SPECIFICATIONS.

06 THAT'S EXACTLY RIGHT. THE H.A.P.S. IS A
07 SUBSET OF THE INORGANIC LEAD.

08 DR. WITSCHI: JIM, DO YOU FEEL THAT THIS A.R.P.
09 REPLACED MODIFIED DOCUMENT OF LEAD NO LONGER REFLECTS THE
10 SCIENTIFIC DOCUMENT OF THE PANEL -- NO LONGER REFLECTS AND
11 SUPPORTS THE SCIENTIFIC JUDGEMENT OF THE PANEL?

12 CHAIRMAN PITTS: IS THAT WHAT YOU MEANT BY
13 "SERIOUSLY DEFICIENT"?

14 DR. BYUS: THAT'S WHAT I MEANT.

15 CHAIRMAN PITTS: HOW DOES THE PANEL FEEL ABOUT
16 SIMPLY WITHDRAWING THE STATEMENT "AND WITHDRAWS ITS
17 PREVIOUS APPROVAL"?

18 WOULD THAT BE CONSISTENT WITH YOUR THOUGHTS?

19 DR. WITSCHI: YES.

20 DR. SEIBER: I CAN LIVE WITH THAT. I CAN LIVE WITH
21 THAT, BECAUSE THAT SENDS A MESSAGE WITHOUT ACTUALLY
22 GETTING US INTO A CONFRONTATIONAL BIND, YOU KNOW.

23 CHAIRMAN PITTS: OKAY. THAT BEING THE CASE, WE
24 WILL --

25 DR. FROINES: BUT IF IT IS SERIOUSLY DEFICIENT, I

0156

01 THINK THAT THE IMPLICATIONS ARE THE SAME.

02 CHAIRMAN PITTS: YES. AND I THINK THAT'S --

03 DR. FROINES: AND I THINK THAT ON THE RECORD OF
04 THIS MEETING, THAT WE SHOULD SAY THAT AS FAR AS WE ARE
05 CONCERNED, TO TAKE OUT "AND WITHDRAWS ITS PREVIOUS
06 APPROVAL" MEANS THAT WE ARE, IN ESSENCE, SAYING THAT THE
07 DOCUMENT NO LONGER HAS THE APPROVAL OF THIS PANEL AS IT
08 NOW IS CONSTITUTED. I THINK THAT'S WHAT "SERIOUSLY
09 DEFICIENT" MEANS.

10 DR. PITTS: THAT WILL BE IN THE TRANSCRIPT.

11 DR. FROINES: SO THERE'S NO DISAGREEMENT WITH THE
12 INTERPRETATION?

13 CHAIRMAN PITTS: DOES THE PANEL AGREE WITH THE
14 STATEMENT BY DR. FROINES?

15 DR. WITSCHI: YES.

16 CHAIRMAN PITTS: OKAY. SO THAT WILL BE IN THE
17 TRANSCRIPT.

18 LET'S GO TO ITEM 2, THEN.

19 DR. FROINES: MY VIEW OF THIS IS THAT THIS IS AN
20 EXTREMELY IMPORTANT STATEMENT, BECAUSE I THINK IT
21 BASICALLY SUPPORTS THE INTEGRITY OF THE PROCESS. AND I
22 THINK THAT'S REALLY IMPORTANT.

23 "REALLY IMPORTANT." IT SOUNDS LIKE I'M
24 TALKING TO MY 13 YEAR OLD. I THINK IT'S VERY IMPORTANT.

25 DR. SEIBER: I LIKE THE MESSAGE. I THINK WE HAVE

0157

01 GOT A DISCONNECT, THOUGH. THE FIRST PART TALKS ABOUT
02 T.A.C. IN GENERAL, AND THEN AT THE BOTTOM WE GET BACK INTO
03 THE INORGANIC LEAD DOCUMENT; SO ARE WE TRYING TO SEND A
04 GENERIC MESSAGE HERE, OR ARE WE TRYING TO SEND A MESSAGE

05 ON THE LEAD DOCUMENT? I THINK WE MIGHT BE MIXING TWO
06 THINGS HERE.

07 DR. WITSCHI: IT'S A GENERIC MESSAGE WE WANTED TO
08 SEND.

09 DR. SEIBER: WELL, THEN, I DON'T THINK WE SHOULD
10 LEAVE OUT THIS -- WE SHOULD LEAVE OUT THIS PART ABOUT
11 INORGANIC LEAD. WE MIGHT JUST SAY PARTS "A," "B" AND "C"
12 OF THE PROPOSED IDENTIFICATION OF THE CANDIDATE T.A.C.,
13 AND JUST LEAVE LEAD OUT OF IT.

14 AREN'T WE TALKING HERE ABOUT FUTURE PROCESS?
15 CHAIRMAN PITTS: I WAS WONDERING THE SAME THING.
16 WOULD IT NOT --

17 DR. FROINES: COULDN'T YOU BREAK IT INTO TWO PARTS
18 AND SAY A FOLLOW-UP TO -- SAY SOMETHING ABOUT SHOULD THE
19 AIR BE DETERMINED -- I MEAN, NO -- THAT THE PANEL
20 RESPECTFULLY REQUESTS THAT THE EXECUTIVE SUMMARY AND PARTS
21 A, B, C OF THE PROPOSED IDENTIFICATION OF LEAD BE SENT
22 BACK TO THE S.R.P. AND THEN HAVE A FOURTH WHICH STATES
23 THAT IT IS A GENERIC ISSUE.

24 CHAIRMAN PITTS: DO YOU WANT TO WRITE THAT OUT? WE
25 CAN GET THAT DONE.

0158

01 GO AHEAD. WRITE IT OUT SO WE HAVE A
02 STATEMENT. THAT WOULD BE NUMBER 3; IS THAT WHAT YOU ARE
03 SAYING?

04 DR. FROINES: WELL, PETER WANTED TO MAKE A GENERAL
05 STATEMENT AS WELL AS DEAL WITH THE SPECIFIC.

06 CHAIRMAN PITTS: SURE. MAKE THE SPECIFIC ONE WITH
07 REGARD TO LEAD, AND THEN COME BACK AND MAKE A GENERAL
08 STATEMENT REGARDING FUTURE CONSIDERATION.

09 IS THAT WHAT YOU ARE SAYING?

10 DR. WITSCHI: YES.

11 DR. FROINES: LET'S JUST SAY THE S.R.P. RECOGNIZES
12 THAT -- THE S.R.P. RECOGNIZES THAT ISSUES OF NEW
13 SCIENTIFIC FINDINGS AND UNCERTAINTY WERE RAISED AT THE
14 A.R.B. HEARING. THE S.R.P. RESPECTFULLY REQUESTS THE LEAD
15 DOCUMENT BE RETURNED FOR ADDITIONAL CONSIDERATION TO
16 RESOLVE THOSE QUESTIONS.

17 CHAIRMAN PITTS: WE HAVE SAID, 1, SUGGEST THEY TAKE
18 ACTION.

19 3 WOULD BE THAT GIVEN THE ABOVE, WHAT YOU
20 SAID EARLIER.

21 DR. FROINES: WELL, MAYBE WE SHOULD -- I CAN'T
22 WRITE IT WHILE WE ARE IN THE MIDDLE OF A MEETING.

23 DR. WITSCHI: SOMETHING ALONG THE LINES, IN 3, WE
24 JUST REPLACE SCIENTIFIC METHOD FOR LEAD, AND THEN GO ON.

25 AND THEN 4, THE S.R.P. RESPECTFULLY ASKS THAT

0159

01 THE CIVIL PROCESS BE FOLLOWED WHENEVER A SIMILAR PROBLEM
02 ARISES IN THE FUTURE.

03 DR. SEIBER: EXACTLY.

04 CHAIRMAN PITTS: NOW, DO YOU HAVE THAT WRITTEN DOWN
05 SO YOU CAN SUBMIT IT TO THE SECRETARY?

06 DR. WITSCHI: WELL, I HAVE IT WRITTEN DOWN, BUT
07 NOBODY CAN READ IT.

08 CHAIRMAN PITTS: ARE WE IN AGREEMENT ON THAT
09 STATEMENT? I'D LIKE YOU TO READ IT AGAIN. AND THEN THAT

10 WILL TAKE THE PLACE OF 3; IS THAT WHAT WE ARE SAYING?
11 DR. WITSCHI: NO, THAT'S 4.
12 CHAIRMAN PITTS: 4. ALL RIGHT. FINE.
13 DR. WITSCHI: OKAY. THE S.R.P. RESPECTFULLY ASKS
14 THAT A SIMILAR PROCESS BE FOLLOWED WHENEVER A SIMILAR
15 PROBLEM ARISES IN THE FUTURE -- AND THAT THE SAME PROCESS
16 BE FOLLOWED WHENEVER A SIMILAR PROBLEM ARISES IN THE
17 FUTURE.
18 CHAIRMAN PITTS: YOU MEAN, THE PROCESS DESCRIBED
19 IN 3?
20 DR. WITSCHI: YES.
21 CHAIRMAN PITTS: SO THE PROCESS DESCRIBED IN 3,
22 THEN, TO BE SPECIFIC.
23 DR. WITSCHI: YES.
24 DR. SEIBER: I THINK I WOULD SAY, IN FUTURE T.A.C.
25 IDENTIFICATION ACTIONS, OR SOMETHING LIKE THAT.
0160
01 DR. FROINES: DON'T SAY WHENEVER A PROBLEM ARISES.
02 DR. WITSCHI: WHENEVER WHAT?
03 DR. FROINES: IN FUTURE T.A.C. DETERMINATIONS OR
04 ACTIONS.
05 DR. WITSCHI: OKAY.
06 DR. SEIBER: FUTURE T.A.C. ACTIONS.
07 CHAIRMAN PITTS: CRAIG, ARE YOU HAPPY WITH THAT?
08 DR. BYUS: YES, VERY HAPPY.
09 DR. WITSCHI: THE S.R.P. RESPECTFULLY ASKS THAT THE
10 PROCESS DESCRIBED IN 3 BE FOLLOWED IN FUTURE T.A.C.
11 ACTIONS.
12 DR. SEIBER: T.A.C. IDENTIFICATION ACTIONS.
13 CHAIRMAN PITTS: YES, FOLLOWED BY THE BOARD.
14 DR. SEIBER: FOLLOWED BY THE BOARD.
15 CHAIRMAN PITTS: FOLLOWED BY THE BOARD IN FUTURE
16 T.A.C. IDENTIFICATION ACTIONS.
17 CHAIRMAN PITTS: AS I RECALL NUMBER 1, WE DELETED
18 "AND WITHDRAWS ITS PREVIOUS APPROVAL." SO -- THAT WAS 2.
19 SORRY, THAT WAS 2. AND 1 REMAINED THE SAME.
20 ARE YOU OKAY ON THAT?
21 ALL RIGHT. WELL, THEN, GENTLEMEN, DO I HEAR
22 A MOTION FROM THE PANEL MEMBERS CONCERNING THESE
23 RESOLUTIONS?
24 IS THERE A MOTION?
25 DR. SEIBER: I MOVE THAT THE MOTION -- IS THAT THE
0161
01 CORRECT TERM -- PREPARED BY DR. WITSCHI AND BYUS AS
02 MODIFIED BY THE PANEL INPUT BE ACCEPTED.
03 CHAIRMAN PITTS: IS THERE A SECOND TO THAT MOTION?
04 DR. BYUS: SECONDED.
05 CHAIRMAN PITTS: MOVED AND SECONDED THAT THIS BE
06 APPROVED.
07 ALL IN FAVOR?
08 DR. WITSCHI: AYE.
09 DR. SEIBER: AYE.
10 CHAIRMAN PITTS: ALL OPPOSED?
11 THAT WILL BE RECORDED THAT A UNANIMOUS VOTE
12 WAS "YES."
13 OKAY. THANK YOU.
14 CHAIRMAN PITTS: ALL RIGHT.

15 FOR THE LAST TOPIC, UPDATE ON E.T.S. REPORT
16 AND O.E.H.H.A.'S ASSOCIATED APRIL 17TH, 1997 -- SORRY.
17 THAT'S WRONG.

18 HERE WE GO. LEGAL REQUIREMENTS AND PROCESS
19 OF A.B. 1807 LEGISLATIVE MANDATE PERTAINING TO
20 PESTICIDES.

21 AND THIS IS ANOTHER IMPORTANT DISCUSSION. IT
22 ALL FITS. WE HAVE 19 H.A.P.S., SOME OF WHICH ARE
23 PESTICIDES. SO IT'S IMPORTANT FOR THE PANEL TO GAIN
24 PERSPECTIVE ON THESE VARIOUS ACTUALLY LAWS AND
25 REQUIREMENTS AND STATUTES, AS WELL AS THEN GOING ACROSS A
0162

01 PARTICULAR SET OF INDIVIDUAL TOXICS AS WE MIGHT KNOW THE
02 ENZYME, FOR EXAMPLE, AND KEEP TIED INTO THE PESTICIDE
03 SCENE.

04 AND WE VERY MUCH APPRECIATE DR. JOHN SANDERS
05 FROM D.P.R. WHO'S HERE TO GIVE US SOME INPUT ON THIS.
06 THIS IS BASICALLY HOW WE ARE MOVING ALONG, BASICALLY THE
07 STATE OF THE PROCESS, VERY MUCH LIKE WE HAD FROM
08 GENEVIEVE, THAT PROGRAM WE HAD ON RISK ASSESSMENT. IT'S A
09 STATUS REPORT, A PROGRESS REPORT, AND WE APPRECIATE YOU
10 BEING HERE.

11 AND YOU ARE GOING TO BE SPEAKING, TOO?

12 DR. SANDERS: THIS IS DR. KEITH PFEIFER,
13 REPRESENTING OUR MEDICAL TOXICOLOGY BRANCH.

14 CHAIRMAN PITTS: OKAY. WELL, WE WELCOME YOU BOTH.

15 DR. SANDERS: THANK YOU, CHAIRMAN PITTS AND MEMBERS
16 OF THE PANEL. I'M JOHN SANDERS, CHIEF OF THE
17 ENVIRONMENTAL MONITORING AND PESTICIDE BRANCH.

18 UNFORTUNATELY, NEITHER OUR CHIEF DEPUTY NOR
19 PAUL GOZLIN (PHONETIC) CAN BE HERE FOR THIS MEETING. THEY
20 ASKED ME TO GIVE A PRESENTATION TO AGAIN ADDRESS A COUPLE
21 ISSUES THAT WERE RAISED AT THE LAST MEETING.

22 AND LET ME -- I HAVE KIND OF A LIST BEFORE I
23 GO THROUGH MY OVERHEADS HERE. FIRST OF ALL, ONE ISSUE
24 THAT CAME UP WAS THE AVAILABILITY OF HEALTH STUDIES THAT
25 THE RESTAURANTS SUBMIT TO US, AS WELL AS U.S. E.P.A.

0163
01 THOSE ARE AVAILABLE AT OUR HEADQUARTERS. WE HAVE A
02 LIBRARY WITH ALL THE REPORTS THAT COME IN.

03 ANYONE CAN COME IN AND LOOK AT THOSE IF YOU
04 SIGN A STATEMENT OF CONFIDENTIALITY IN THE SENSE THAT SOME
05 OF THESE STUDIES CAN CONTAIN CONFIDENTIAL BUSINESS
06 INFORMATION, AND WE ARE REQUIRED TO MAINTAIN THAT
07 CONFIDENTIALITY. SO ANYONE CAN LOOK AT IT, AS LONG AS
08 THEY SIGN A FORM SAYING THEY WILL MAINTAIN THAT
09 CONFIDENTIALITY.

10 UNFORTUNATELY, THESE STUDIES ARE THOUSANDS OF
11 PAGES LONG FOR EACH OF THESE ACTIVE INGREDIENTS, SO IT'S
12 KIND OF HARD TO BRING A COPY AND SHOW YOU, BUT THAT'S
13 SOMETHING WE COULD DO IF THAT'S WHAT YOU WANT TO DO. THAT
14 WAS ONE ISSUE THAT WAS RAISED BEFORE.

15 THE OTHER COUPLE OF ISSUES I WANT TO GO
16 THROUGH, THE ISSUE THAT WAS RAISED WAS THE FACT THAT WE
17 CONSIDER EXPOSURE AS WELL AS TOXICOLOGY OF THE COMPOUNDS.
18 AND I HAVE KIND OF HIT THE HIGHLIGHTS HERE.

19 WE THINK THE LAW REQUIRES US TO CONSIDER

20 EXPOSURE, AND I WON'T GO THROUGH ALL THE OVERHEADS I HAD.
21 I JUST WANT TO HIT THAT. AND THEN THE REGULATION THAT WE
22 HAVE IN PLACE ALSO REQUIRES US TO CONSIDER EXPOSURE. AND
23 SECTION 14022(E) DEFINES THE CRITERIA.

24 CHAIRMAN PITTS: EXCUSE ME ONE SECOND. WOULD YOU
25 BE PREPARED, THEN -- WOULD YOU PROVIDE COPIES OF THESE
0164 OVERHEADS?

02 DR. SANDERS: YES.

03 CHAIRMAN PITTS: MAIL THEM LATER ON SOMETIME. THE
04 PANEL WOULD APPRECIATE THAT.

05 DR. SANDERS: OKAY.

06 CHAIRMAN PITTS: THANK YOU.

07 DR. SANDERS: THIS IS THE CRITERIA THAT THE
08 DIRECTOR'S SUPPOSED TO USE TO EVALUATE THESE PESTICIDES.
09 THE FIRST ONE IS RECOGNIZING OF HARM TO PUBLIC HEALTH; THE
10 SECOND IS AMOUNT OR POTENTIAL AMOUNT OF EMISSIONS, MANNER
11 OF USAGE, PERSISTENCE IN THE ATMOSPHERE, AND AMBIENT
12 CONCENTRATIONS IN THE COMMUNITY. AND WE THINK WE NEED TO
13 LOOK AT EXPOSURE AS WELL AS TOXICOLOGY, THE AMBIENT
14 CONCENTRATION IN THE COMMUNITY.

15 BUT THERE'S ONE OTHER AREA I WANT TO POINT
16 OUT, AND IN SECTION 14023(A), IT SPECIFIES THE SCOPE OF
17 THIS EVALUATION. AND QUOTING FROM THE LAW -- AND WE HAVE
18 LEFT SOME OUT IN THE FRONT THERE -- "THE DIRECTOR
19 SHALL PREPARE A REPORT ON THE HEALTH
20 EFFECTS OF THE PESTICIDE WHICH MAY BE
21 DETERMINED TO BE A TOXIC AIR CONTAMINANT
22 WHICH POSES A PRESENT OR POTENTIAL HAZARD
23 TO HUMAN HEALTH DUE TO AIRBORNE EMISSIONS
24 FROM ITS USE."

25 THIS IS ANOTHER PLACE IN THE LAW WHERE WE
0165

01 THINK WE NEED TO TAKE INTO ACCOUNT EXPOSURE AS WELL AS
02 TOXICOLOGY IN ITS IDENTIFICATION TO IDENTIFY PESTICIDES AS
03 T.A.C.'S.

04 NOW, I MENTIONED THE REGULATION HERE. I'LL
05 GO THROUGH THAT BRIEFLY. SECTION 6890 WAS ADDED TO THE
06 CALIFORNIA CODE OF REGULATIONS IN 1991, WHICH BASICALLY
07 TALKS ABOUT FOLLOWING A REVIEW AND APPROVAL OF THE HEALTH
08 EFFECTS REPORTS BY THE S.R.P. AND THEN THIS REGULATION
09 GIVES THE DIRECTOR CRITERIA TO IDENTIFY WHETHER IT'S A
10 T.A.C. OR NOT.

11 AND THERE'S TWO CRITERIA, DEPENDING ON
12 WHETHER OR NOT THERE'S THRESHOLDS FOR ADVERSE HEALTH
13 EFFECTS OR NOT. ONE CRITERIA IS FOR PESTICIDES WITH
14 THRESHOLDS, AND THE OTHER CRITERIA IS FOR PESTICIDES
15 WITHOUT THRESHOLDS.

16 DR. SEIBER: COULD I SEE THAT AGAIN?

17 TWO CRITERIA. OKAY.

18 DR. SANDERS: THERE'S THE DEFINITION AND THE
19 REGULATION.

20 A THRESHOLD IS THAT DOSE OF A CHEMICAL BELOW
21 WHICH NO ADVERSE EFFECTS ARE LIKELY TO OCCUR. PROCEEDING
22 FROM THERE, WHEN THRESHOLDS EXISTS, THRESHOLD FOR ADVERSE
23 EFFECTS, THE HUMAN EXPOSURE THRESHOLD CONCENTRATIONS ARE
24 DETERMINED DURING THE RISK CHARACTERIZATION PROCESS AND

25 ARE REPORTED IN THE HEALTH EFFECTS DOCUMENT. AND THAT'S

0166

01 WHAT YOU SEE. THIS IS SOME OF THE INFORMATION THAT YOU
02 SEE.

03 WHEN THRESHOLDS DO NOT EXIST, HUMAN EXPOSURE
04 CONCENTRATIONS REPRESENTING NEGLIGIBLE RISK ARE REPORTED.
05 AND YOU ALSO SEE THAT IN THE DOCUMENT.

06 DR. FROINES: WHAT DOES THAT MEAN? WHAT'S
07 "NEGLIGIBLE RISK"?

08 DR. SANDERS: KEITH, CAN YOU HELP ME ON THAT ONE?

09 DR. PFEIFER: I THINK UNDER -- I'M GOING TO HAVE TO
10 TRY AND REFRESH MY MEMORY ON 1807.

11 NEGLIGIBLE RISK FOR OUR OTHER RISK
12 ASSESSMENTS IS ONE ADDITIONAL. THESE ARE FOR POTENTIAL
13 CARCINOGENS WHERE WE ASSUME NO THRESHOLD EXISTS, IT IS ONE
14 ADDITIONAL.

15 NOW, UNDER 1807, I'M NOT SURE IF THERE'S
16 ANOTHER TENFOLD APPLIED.

17 DR. FROINES: THERE IS NO NUMBER WHATSOEVER
18 APPLIED?

19 DR. SANDERS: RIGHT. IN THE LAW, THERE'S NOTHING
20 LIKE THAT. THIS REGULATION ESTABLISHES THAT FOR OUR
21 PROCESS.

22 ANY OTHER QUESTIONS ON THAT?

23 SO TO GIVE YOU AN EXAMPLE --

24 DR. WITSCHI: SORRY. I HAD A QUESTION. I WAS OUT
25 OF THE ROOM. I APOLOGIZE. THIS DEALS WITH PESTICIDES;

0167

01 RIGHT?

02 DR. SANDERS: YES.

03 DR. WITSCHI: THE QUESTION OF THRESHOLD, COULDN'T
04 YOU BE MORE SPECIFIC WHEN IT COMES TO PESTICIDES? BECAUSE
05 THRESHOLD IS QUESTIONABLE TO MEASURING. THRESHOLDS ARE
06 DEFINED BY NO METHOD OF MEASUREMENT.

07 DR. PFEIFER: WELL, IT'S DETERMINED ON THE TYPE OF
08 ENDPOINT.

09 DR. WITSCHI: THAT'S WHAT I MEANT.

10 DR. PFEIFER: AND WE ASSUME, AS O.E.H.H.A. DOES AND
11 ALL OTHER GROUPS DOING RISK ASSESSMENT IN THE STATE, THAT
12 FOR CARCINOGENS, NO THRESHOLD EXISTS.

13 DR. WITSCHI: WELL, NOT FOR ALL, BUT THAT'S A
14 DIFFERENT STORY.

15 DR. PFEIFER: WELL, AGAIN, U.S. E.P.A. IS COMING UP
16 WITH A MODIFICATION OF THE 1986 CANCER GUIDELINES, AND THE
17 WAY WE EVALUATE CARCINOGENS MAY CHANGE IN THE NOT TOO
18 DISTANT FUTURE, BUT THEY HAVEN'T RESOLVED ALL THE ISSUES
19 ON THAT YET.

20 SO WE ARE STILL UNDER THAT ASSUMPTION THAT IF
21 WE IDENTIFY IN THE HAZARD IDENTIFICATION PROCESS -- IF WE
22 IDENTIFY A CHEMICAL THAT WE FEEL HAS CARCINOGENIC
23 ENDPOINTS, WE ASSUME THAT NO THRESHOLD EXISTS, AND WE USE
24 THE LITERIAL MULTISTAGE MODEL TO COME UP WITH A POTENCY.

25 DR. SANDERS: DOES THAT ANSWER YOUR QUESTION?

0168

01 DR. WITSCHI: THANK YOU.

02 CHAIRMAN PITTS: EXCUSE ME. LET ME JUST BE SURE.

03 COULD YOU, AGAIN, DEFINE FOR AN ATMOSPHERIC

04 CHEMIST WHAT YOU MEAN BY "THRESHOLD"? YOU'VE USED AN
05 EXAMPLE OF A THRESHOLD BEING 100 P.P.M., WHICH STRIKES ME
06 AS A REAL BIG NUMBER. I KNOW IT'S JUST FOR AN EXAMPLE,
07 BUT HOW DO YOU DEFINE THAT THRESHOLD MEDICALLY? WHAT IS
08 THAT DEFINED AS?

09 I'M THINKING OF, SAY, LET'S TAKE
10 METHYLBROMIDE, HOW WOULD YOU DEFINE THE THRESHOLD?
11 PUT THAT IN THE EXAMPLE.

12 DR. PFEIFER: I DON'T KNOW ABOUT THIS EXAMPLE,
13 DOCTOR, BUT I CAN GIVE YOU MY DEFINITION OF WHAT A
14 THRESHOLD IS.

15 CHAIRMAN PITTS: SURE.

16 DR. PFEIFER: FOR A NONCARCINOGENIC ENDPOINT, IT
17 CAN BE DUE TO ORGANOPHOSPHATES OR ARETHROIDS (PHONETIC),
18 AND IT CAN BE BIRTH DEFECTS, WHATEVER. GENERALLY YOU HAVE
19 THREE DOSES AND A CONTROL. AND IF YOU SEE A STATISTICALLY
20 SIGNIFICANT EFFECT ON ONE OF THE DOSES AND THAT'S JUDGED
21 TO BE THE LOW EFFECT LEVEL, THEN THE NEXT DOSE BELOW THAT
22 WILL BE THE NO EFFECT LEVEL FROM THE STUDY.

23 CHAIRMAN PITTS: TYPICALLY, HOW MANY DOSES WOULD
24 BE -- OVER WHAT RANGE WOULD YOU GO IN ESTABLISHING THIS
25 DOSE RESPONSE? DO YOU SORT OF DRAW A LINE THROUGH IT? IT
0169

01 DEPENDS ON THE EXPERIMENT.

02 DR. PFEIFER: THAT'S GETTING INTO ANOTHER AREA,
03 WHICH, AGAIN, IS PROBABLY ON THE HORIZON FOR DETERMINING
04 WHETHER A THRESHOLD IS CALLED THE BENCHMARK DOSE. BUT
05 GENERALLY, AT THE PRESENT TIME, WE JUST USE THE EMPIRICAL
06 DATA.

07 DR. SANDERS: ARE THERE GUIDELINES FOR HOW MANY
08 DOSES TO INCLUDE?

09 DR. PFEIFER: THERE'S USUALLY A CONTROL, MEDIUM AND
10 HIGH; AND IN SOME CASES WHERE, LET'S SAY, WE DETERMINE
11 THAT THE LOW DOSE IS PRODUCING WHAT WE CONSIDER AN EFFECT
12 OF SIGNIFICANCE. IT MAY NOT BE STATISTICALLY, BUT WE SEE
13 THIS EFFECT OCCURRING DOWN THE DOSE RESPONSE CURVE;
14 THEREFORE, THE LOW DOSE WOULD BE THE LOW-EFFECT LEVEL.

15 WE WOULD DIVIDE THAT BY AN UNCERTAINTY FACTOR
16 OF TEN TO ARRIVE AT THE NO-EFFECT LEVEL, WHICH IS IN
17 KEEPING WITH GENERAL TYPE OF RISK ASSESSMENT PROCEDURES.

18 DR. SANDERS: DOES THAT ANSWER YOUR QUESTION ABOUT
19 THRESHOLD?

20 CHAIRMAN PITTS: WELL --

21 DR. SANDERS: NOT REALLY?

22 CHAIRMAN PITTS: I GUESS. IT BECOMES A BROADER
23 QUESTION, SO PERHAPS I'LL LET YOU GO ALONG. LET'S GO
24 ALONG WITH THE DISCUSSION, BUT I'D LIKE TO GO BACK --

25 DR. FROINES: BUT WHY TEN? THAT'S NOT APPROPRIATE,
0170

01 NECESSARILY.

02 DR. SANDERS: WHAT'S THAT?

03 DR. FROINES: UNCERTAINTY FACTORS CAN BE ANYWHERE
04 FROM 10 TO 100 TO 10,000.

05 WHY TEN?

06 DR. PFEIFER: THAT'S JUST THE GENERAL RULE OF THUMB
07 THAT YOU USE, WHEN YOU HAVE A LOW "L" AT THE BOTTOM DOSE,
08 YOU DIVIDE THAT BY TEN.

09 DR. WITSCHI: LET ME ASK YOU --
10 DR. PFEIFER: THERE'S NO SCIENTIFIC BASIS FOR THAT.
11 DR. FROINES: WELL, I UNDERSTAND HOW PEOPLE DO
12 NONCARCINOGEN RISK ASSESSMENTS VERY WELL.
13 DR. WITSCHI: WELL, ARE WE TALKING ABOUT EFFECT
14 FOUND IN PEOPLE OR ANIMALS, BECAUSE IF IT'S IN ANIMALS,
15 THEN THE FACTOR WOULD BE 100.
16 DR. PFEIFER: NO. YOU ARE THINKING OF THE
17 VARIABILITY BETWEEN ANIMALS AND HUMANS AND THE HUMAN
18 VARIABILITY, WHICH IS ASSUMED TO BE TENFOLD.
19 WHEN WE CALCULATE A MARGIN OF EXPOSURE, WE
20 TYPICALLY WANT ONE THAT'S 100 TO ACCOUNT FOR THAT
21 VARIABILITY, AND THE ASSUMPTION THAT HUMANS ARE GOING TO
22 BE TENFOLD MORE SENSITIVE.
23 THIS IS A DIFFERENT ASPECT WHERE IT IS JUST A
24 DEFAULT GOING, BECAUSE WE DON'T HAVE A DOSE BELOW WHAT WAS
25 USED IN THE SCIENTIFIC STUDY. IT MAY BE A HUMAN STUDY
0171
01 ALSO.
02 DR. FROINES: ARE WE TALKING ABOUT THE
03 DETERMINATION OF THE THRESHOLD HERE?
04 DR. SANDERS: THAT'S WHAT DR. PITTS' ORIGINAL
05 QUESTION WAS.
06 DR. PFEIFER: I THINK DR. PITTS MAY HAVE BEEN
07 TALKING ABOUT HIM BEING --
08 CHAIRMAN PITTS: I'M TALKING ABOUT MY HEALTH
09 EFFECT.
10 DR. PFEIFER: THAT'S WHAT I AM ADDRESSING.
11 CHAIRMAN PITTS: NOW, IF I GOT THIS RIGHT -- LET'S
12 TAKE METHYLBROMIDE. THAT'S ONE OF INTEREST; RIGHT? YOU
13 ARE SAYING THAT SHOULD THERE BE -- AND I DON'T KNOW -- YOU
14 USED THREE POINTS TO DETERMINE, AND THEN HIGH, MEDIUM AND
15 LOW.
16 DR. PFEIFER: NO. YOU ARE NOT DOING ANY GRAPHING.
17 YOU ARE JUST TAKING THE DOSE. LET'S SAY THE DOSES WERE 1,
18 10 AND 100 AND YOU SAW A STATISTICALLY SIGNIFICANT EFFECT
19 AT 100, YOU SAW A STATISTICALLY SIGNIFICANT EFFECT AT 10,
20 AND YOU DIDN'T AT 1. THE LOWEST OBSERVED EFFECT LEVEL,
21 THE LOW "L," WOULD BE 10. AND THEN THE NEXT DOSE DOWN
22 WOULD BE THE NO "L," AND WE DON'T DISTINGUISH IN OUR RISK
23 ASSESSMENTS A NO OBSERVED ADVERSE EFFECT LEVEL FROM A NO
24 "L." ALL THE NO L'S THAT WE PRESENT ARE CONSIDERED
25 ADVERSE.
0172
01 CHAIRMAN PITTS: BUT THAT ASSUMES SOME SORT OF
02 LINEARITY TO THIS WHOLE THING. WHATEVER HAPPENED AT 10
03 COULDN'T THAT HAPPEN AT 2 AND SORT OF --
04 DR. PFEIFER: YOU ARE CERTAINLY RIGHT. IT DEPENDS
05 ON HOW THE SCIENTIFIC STUDY WAS SET UP WHERE THE RANGE IS
06 BETWEEN THE DOSES.
07 YOU KNOW IT'S BETWEEN 1 AND 10, BUT BECAUSE
08 YOU DON'T HAVE THAT INFORMATION IN THIS SENSE OF THE WAY
09 WE ARE DOING IT, YOU ASSUME IT'S AT 1, BUT IT COULD BE AT
10 9. IT COULD BE AT 8.
11 DR. SEIBER: SO IF I UNDERSTOOD IT RIGHT, IN USING
12 YOUR EXAMPLE, 1 WAS A NO OBSERVED EFFECT LEVEL, AND 10 WAS
13 THE LOWEST OBSERVED EFFECT LEVEL.

14 DR. PFEIFER: EXACTLY.
15 DR. SEIBER: SO YOU WOULD TAKE 1 AND BACK IT OFF A
16 FACTOR OF 10, OR WOULD YOU TAKE 10 AND BACK IT OFF A
17 FACTOR OF 10 TO THE BOTTOM PART?
18 DR. FROINES: NO, WE HAVEN'T GOT TO THAT YET.
19 DR. PFEIFER: THIS IS DIFFERENT, DR. SEIBER.
20 DR. FROINES: WE ARE STILL ON JIM'S QUESTION.
21 DR. SEIBER: OKAY.
22 DR. PFEIFER: THIS IS THE CRITERIA, I THINK, FOR
23 T.A.C.
24 DR. SANDERS: THE QUESTION WAS SEPARATE FROM THIS
25 EXAMPLE.

0173
01 DR. SEIBER: WE ARE NOT USING FACTORS YET.
02 DR. FROINES: WELL, WE ARE ABOUT TO GET TO
03 FACTORS.
04 DR. PFEIFER: LET ME ANSWER DR. FROINES' QUESTION
05 ABOUT USING 10. AGAIN, THAT'S ARBITRARY. IN OTHER WORDS,
06 IN MY EXAMPLE, IF 1 WERE THE LOW "L," THEN WE'D DIVIDE
07 THAT BY 10 TO GET TO WHAT WE CALL ESTIMATED NO "L," WHICH
08 WOULD BE .1.
09 DR. FROINES: BUT WHY 10?
10 UNDER PROP 65, REPRODUCTIVE TOXINS, YOU USE
11 AN UNCERTAINTY FACTOR OF A THOUSAND.
12 DR. PFEIFER: YOU ARE FIXING IT UP. IN OTHER
13 WORDS, WHAT YOU WANT UNDER PROP 65 IS A MARGIN OF EXPOSURE
14 OF A THOUSAND. THAT'S ANOTHER ISSUE.
15 THIS IS JUST A DEFAULT TO GET TO A NO EFFECT
16 LEVEL. LET'S SAY THERE WERE A PROP 65 CHEMICAL.
17 DR. FROINES: THEY ARE AN E.P.A. NONCARCINOGEN
18 DETERMINATION. IT DOESN'T MATTER. THEY ARE THE SAME.
19 DR. PFEIFER: LET'S SAY THIS. WE ARE A
20 REPRODUCTIVE TOXIGEN. WE'D HAVE A NO "L," SAY, OF 1, AND
21 THEN YOU WOULD DIVIDE THAT BY YOUR ESTIMATED HUMAN
22 EXPOSURE. AND THAT WOULD, UNDER PROP 65, HAVE TO BE A
23 THOUSAND RATHER THAN 100 UNDER THE USUAL CONVENTIONAL WAY
24 OF DOING IT TO TAKE INTO ACCOUNT THAT ADDITIONAL TENFOLD.
25 DR. FROINES: FOR E.P.A. TO COME UP WITH A

0174
01 REFERENCE LEVEL, YOU TAKE THE NO "L" AND DIVIDE IT BY THE
02 UNCERTAINTY FACTOR?
03 DR. PFEIFER: RIGHT. AND WE ARE NOT COMING UP WITH
04 THE REFERENCE LEVEL. WE ARE COMING UP WITH THE DIFFERENCE
05 BETWEEN WHERE THE NO EFFECT WAS ON THE ANIMAL OR HUMAN,
06 GENERALLY ANIMAL, AND DIVIDING THAT BY AN ESTIMATE OF WHAT
07 DOSE THE HUMAN MAY BE EXPOSED TO.
08 IF WE WERE GOING TO DO A REFERENCE DOSE, WE
09 WOULD DO IT THE WAY YOU ARE SUGGESTING. YOU TAKE THE
10 NO "L," DIVIDE IT BY 100, OR FOR A REPRODUCTIVE TOXICANT,
11 DIVIDE IT BY A THOUSAND.
12 DR. SANDERS: OKAY. SO IN THIS EXAMPLE OF HOW
13 BASICALLY THE REGULATION IS SET OUT TO GIVE US AN EXTRA
14 TENFOLD SAFETY FACTOR -- SO IN THIS EXAMPLE, IF THE
15 THRESHOLD CONCENTRATION FOR PESTICIDE X WAS 100 P.P.M.,
16 THEN THE REGULATION WOULD BE, IN TURN, TO SAY IF THE AIR
17 CONCENTRATION -- IN OTHER WORDS, AMBIENT MONITORING DATA
18 SHOWED THAT THE CONCENTRATION OF PESTICIDE X IN THE AIR

19 WERE GREATER OR EQUAL TO TEN PARTS PER MILLION, THEN THE
20 DIRECTOR WOULD IDENTIFY THE T.A.C. IF THE AIR MONITORING
21 DATA SHOWED THAT IT WAS LESS THAN TEN P.P.M., THEN THE
22 DIRECTOR WOULD NOT IDENTIFY AS A T.A.C.

23 DR. FROINES: WHAT DOES CONCENTRATION MEAN?

24 DR. SANDERS: CONCENTRATION IN THE AIR, MILLIGRAMS
25 PER VOLUME, WEIGHT PER VOLUME.

0175

01 DR. FROINES: IS IT AN AVERAGE YOU ARE TAKING? IS
02 IT A 95-PERCENT VALUE?

03 CONCENTRATION CAN MEAN A LOT OF DIFFERENT
04 THINGS. WHEN YOU LOOK AT DISTRIBUTIONS OF EXPOSURE
05 MEASUREMENTS, ARE YOU TAKING A GEOMETRIC MEANS OR
06 ARITHMETIC AVERAGE OR AN UPPER VALUE? WHAT'S THE
07 CRITERIA?

08 DR. SANDERS: I DON'T KNOW. I'LL HAVE TO FIND OUT
09 AND COME BACK TO YOU.

10 DR. FROINES: BECAUSE IT MAKES A HELL OF A LOT OF
11 DIFFERENCE. IF IT'S AN AVERAGE, THEN THAT DOESN'T LOOK
12 VERY PROTECTIVE.

13 DR. SANDERS: I'LL FIND OUT FOR YOU AND COME BACK.

14 DR. SEIBER: THE OTHER QUESTION ALONG THAT SAME
15 LINE IS, WHERE IS THE CONCENTRATION MEASURED? IS IT NEXT
16 TO THE FIELD OR NEAREST RESIDENCE?

17 DR. SANDERS: THIS WOULD BE BASED ON THE DATA THAT
18 A.R.B.'S COLLECTED, AND I BELIEVE IT WOULD BE THE AMBIENT
19 MONITORING DATA.

20 DR. SEIBER: SO THIS WOULD BE KIND OF AMBIENT, NOT
21 RIGHT-TO-THE-FIELD-TYPE DATA?

22 DR. SANDERS: WE BELIEVE IN THE LAW THAT THE
23 AMBIENT MEANS IT'S AWAY FROM THE ACTUAL SITE.

24 DR. FROINES: YEAH. BUT THIS IS WHY THIS COMMITTEE
25 HAS ALWAYS OPPOSED THIS APPROACH.

0176

01 DR. SANDERS: YES, AND I UNDERSTAND THAT.

02 DR. FROINES: BECAUSE WHAT THE EXPOSURE MEANS, YOU
03 KNOW, YOU CAN PUT AN EXPOSURE MONITORING DEVICE 100 MILES
04 AWAY AND IT HAS NO RELEVANCE TO THE QUESTION. YOU CAN PUT
05 IT VERY CLOSE TO THE FIELD, AND IT MAY HAVE A LOT OF
06 RELEVANCE. AND SO THIS COMMITTEE HAS ALWAYS SAID THAT
07 ONCE YOU DECIDE TO DO THINGS ON THE BASIS OF AIR
08 CONCENTRATION, YOU CAN GET ANY NUMBER YOU WANT.

09 DR. SANDERS: ONE THING I'VE GOT IS A COUPLE OF
10 REPORTS HERE THAT PAUL SAID HE PROMISED TO GIVE YOU.

11 A COUPLE ARE MONITORING REPORTS THAT A.R.B.
12 DOES, SO YOU CAN TAKE A LOOK AT THOSE. AND I CAN MAKE A
13 PRESENTATION AT THE NEXT MEETING ON HOW MONITORING IS DONE
14 TO TRY AND ANSWER SOME OF THOSE QUESTIONS.

15 CHAIRMAN PITTS: I THINK THAT WE SHOULD DO THAT AT
16 THE NEXT MEETING. I THINK YOU'VE GOT A PRETTY GOOD
17 FEELING FOR WHAT OUR QUESTIONS ARE IN THIS, AND SO SORT
18 OF --

19 YES, JIM.

20 DR. SEIBER: I THINK MAYBE THE SAME POINT THAT WAS
21 MADE EARLIER WITH THE HOT SPOTS, IF WE COULD WALK THROUGH
22 AN EXAMPLE, WE MIGHT UNDERSTAND BETTER; BECAUSE THERE IS A
23 LOT OF DATA, THERE'S A LOT OF STUDY THAT GOES INTO THESE

24 THINGS, AND I DON'T KNOW THAT WE CAN REALLY CAPTURE THEM
25 WITH THE FEW SLIDES HERE. I THINK IT MAY TAKE LONGER.

0177

01 CHAIRMAN PITTS: LET ME SUGGEST, METHYLBROMIDE IS
02 AN INTEREST AND CONCERN TO ALL OF US HERE. HOW ABOUT
03 TAKING ONE METHYLBROMIDE THROUGH, AND MAYBE IT HAS AN
04 ALTERNATIVE THAT'S USED FOR FUMIGATION OF HOMES. VIKANE,
05 WHY DON'T YOU TAKE VIKANE, WHICH IS LESS AS KNOWN. IT'S
06 A VERY IMPORTANT ISSUE. PEOPLE'S HOMES ARE FUMIGATED,
07 JIM, BY VIKANE.

08 DR. SEIBER: BUT THAT'S NOT OUTDOOR EXPOSURE.

09 CHAIRMAN PITTS: BUT IT'S EXPOSURE. WHEN YOU DO A
10 RISK ASSESSMENT, YOU HAVE INDOOR AND OUTDOOR EXPOSURES;
11 RIGHT? RIGHT? AND IF YOU FUMIGATE A HOME WITH VIKANE,
12 YOU HAVE AN INDOOR EXPOSURE. WELL, SURE YOU DO. IN ANY
13 CASE -- AND IF YOU FUMIGATE A HOME WITH METHYLBROMIDE YOU
14 HAVE INDOOR AND OUTDOOR EXPOSURE.

15 I'D JUST LIKE TO SEE HOW THRESHOLDS IN TERMS
16 OF HEALTH EFFECTS ARE DERIVED FROM THESE. AND I WOULD
17 LIKE TO USE THOSE TWO SPECIFIC EXAMPLES AND ANY OTHER
18 EXAMPLES YOU WANT, BECAUSE PEOPLE ARE EXPOSED TO THESE,
19 NOT JUST FARMS OR CULTURAL AREAS. THE GENERAL POPULATION
20 IS EXPOSED TO FUMIGATION OF HOMES.

21 I THINK, JIM, YOU HAD A GOOD SUGGESTION.
22 LET'S WALK THROUGH THOSE AND ANY OTHERS, JIM, YOU MIGHT
23 SUGGEST AS BEING EXAMPLES.

24 DR. SEIBER: I'D LIKE TO SEE, TO GO ALONG WITH THE
25 HOME FUMIGATION WHICH I CONSIDER TO BE KIND OF A TYPICAL

0178

01 AND ISOLABLE OCCURRENCE -- I'D LIKE TO GO THROUGH A FIELD
02 SITUATION.

03 CHAIRMAN PITTS: EVERYBODY WHO HAS HAD A HOME
04 FUMIGATED AND SOMEONE ELSE TELLS THEM TO COME INTO THAT
05 HOME BECAUSE IT'S SAFE, WHO MAKES THE DECISION THAT IT'S
06 SAFE TO GO INTO THAT HOME, ON WHAT ANALYTICAL BASIS,
07 WHAT'S THE HEALTH STANDARD, WHAT'S THE THRESHOLD FOR
08 VIKANE. I THINK THEY ARE JUST AS APPROPRIATE AS FOR AN
09 OUTDOOR FUMIGATION, FRANKLY. SO I WOULD LIKE TO HAVE AN
10 UNDERSTANDING OF WHERE WE ARE ON THIS.

11 DR. FROINES: I HAVE A DIFFERENT QUESTION. YOU
12 GUYS WILL HAVE TO ARGUE THAT ONE OUT AND FIGURE OUT HOW
13 YOU WANT TO DO IT.

14 BUT I THINK WHAT SHOULD HAPPEN IS THAT THERE
15 NEEDS TO BE ESTABLISHED SOME CRITERIA FOR DETERMINING
16 CONCENTRATION, AIRBORNE CONCENTRATION, AND THAT PEOPLE
17 FOLLOW THAT CRITERIA SO THAT IT IS NOT -- YOU SEE, IN THIS
18 ONE, I THINK IT MAY BE THAT YOU CAN, QUOTE, TAKE US
19 THROUGH AN EXAMPLE, AND THAT'S FINE. BUT I WANT TO KNOW,
20 FOR EVERY PESTICIDE EVER USED IN THE STATE OF CALIFORNIA
21 THAT MAYBE A T.A.C., WHAT'S THE CRITERIA FOR SAMPLING THAT
22 WILL ENABLE US TO DETERMINE WHAT THE EXPOSURE
23 CONCENTRATION IS.

24 CHAIRMAN PITTS: EXACTLY.

25 DR. FROINES: I MEAN, IT CAN'T BE AD HOC, BECAUSE

0179

01 THEN IT WILL HAVE ALL THE OBVIOUS PROBLEMS. AND SO THE
02 QUESTION IS, HOW DO WE COME TO A POINT WHERE YOU SAY ON

03 WHAT PERIOD OF TIME, WHAT DISTANCE, SO ON AND SO FORTH,
04 HOW DO YOU DETERMINE?

05 AND SO WHAT YOU NEED TO DO IS CREATE A
06 CRITERIA SO THEN SOMEBODY CAN MONITOR TO DETERMINE ARE THE
07 CRITERIA BEING MET, SO THAT ONE CAN ACTUALLY VALIDATE A
08 DETERMINATION.

09 DR. SEIBER: WELL, THERE IS A METHODOLOGY THAT'S
10 INVOLVED, AND I SEE LYNN BAKER FROM THE AIR RESOURCES
11 BOARD SITTING BACK IN THE ROOM. I DON'T KNOW WHETHER YOU
12 WANT TO GO INTO IT NOW, BUT THERE'S A METHODOLOGY THAT'S
13 EVOLVED, AND, YOU KNOW, WHETHER YOU AGREE WITH IT OR NOT,
14 IT'S SOMETHING THAT WE NEED TO HEAR AND UNDERSTAND.

15 CHAIRMAN PITTS: SURE.

16 WELL, I THINK IT'S GETTING LATE ENOUGH TO
17 WHAT WE'D DO IS, SIMPLY FOR THE RECORD, THESE ARE
18 QUESTIONS THAT ARE BEING RAISED BY THE PANEL.

19 DR. SANDERS: YES.

20 CHAIRMAN PITTS: THEY ARE WORTHY OF CONSIDERATION.

21 DR. SANDERS: SURE.

22 CHAIRMAN PITTS: AND THEY WILL BE I'M SURE RAISED
23 WHEN YOU GET INTO DETAILS. SO WHY NOT THEN CARRY THIS
24 MESSAGE BACK. THESE ARE QUESTIONS, AND WE WILL TALK ABOUT
25 THEM IN DETAIL. AND WE WILL BE PLEASED TO INTERACT WITH
0180

01 YOU JUST INFORMALLY BETWEEN NOW AND THE NEXT TIME YOU MAKE
02 THE PRESENTATIONS. WE ARE THINKING ABOUT GETTING TOGETHER
03 MORE FORMALLY. SO THAT'S BASICALLY THE THRUST OF THESE.

04 DR. SANDERS: I CAN SEE PROBABLY THESE TWO ISSUES
05 ARE SEPARATE ISSUES AND PROBABLY YOU WANT TO DO AT TWO
06 SEPARATE MEETINGS.

07 CHAIRMAN PITTS: AND, DR. FROINES, THAT ISSUE WAS
08 VERY IMPORTANT.

09 DR. SANDERS: I THINK THAT'S DIFFERENT FROM THE ONE
10 YOU RAISED.

11 CHAIRMAN PITTS: THE THIRD ISSUE, 3 WAS WE RAN INTO
12 THIS, AND REMEMBER, JIM, IN THE -- WHAT IS IT, MILLIGRAMS
13 PER KILOGRAM OF BODY WEIGHT? REMEMBER THE LEVEL WE HAD IN
14 THE DEATH REPORT? THE UNITS WERE VERY INTERESTING, AND
15 APPARENTLY IT'S WIDELY USED UNITS. IT RELATES TO AMBIENT
16 CONCENTRATION DIVIDED BY PER KILOGRAM OF BODY WEIGHT, OR
17 SOMETHING. OR IS IT MICROGRAMS?

18 DR. PFEIFER: YOU TAKE THE AIR CONCENTRATION AND
19 THEN ASSUME BREATHING RATE AND ASSUME CERTAIN ABSORPTION
20 TO GET TO A DOSE, AN INTERNAL DOSE.

21 CHAIRMAN PITTS: BUT THE UNITS BECOME --

22 DR. PFEIFER: AND IT COMES IN THE MILLIGRAMS OR
23 MICROGRAMS.

24 CHAIRMAN PITTS: MILLIGRAM PER CUBIC METER OF THE
25 PESTICIDE; RIGHT?

0181

01 DR. SANDERS: AND THEN YOUR VENTILATION RATE. AND
02 THEN IF WE FEEL THAT INFANTS OR SMALL CHILDREN ARE GOING
03 TO BE EXPOSED, THEN WE TAKE INTO ACCOUNT THEIR BREATHING
04 RATE.

05 DR. PFEIFER: AND THE BODY WEIGHT.

06 DR. SANDERS: AND YOU COME UP WITH AN INTERNAL
07 DOSE. AND THE REASON FOR DOING THAT IS TO COMPARE THAT TO

08 THE DOSE FROM GENERALLY THE ANIMAL STUDY. GETTING BACK TO
09 MY CALCULATIONS, SAY, PER A THRESHOLD CHEMICAL, THE MARGIN
10 OF EXPOSURE WOULD THEN BE THE NO EFFECT LEVEL AND
11 MILLIGRAMS PER KILOGRAM OVER THE INTERNAL HUMAN DOSE IN
12 MILLIGRAMS PER KILOGRAM.

13 CHAIRMAN PITTS: OKAY. I THINK GETTING BACK TO
14 WHAT CAME WITH THE DEATH CASE, IN ALL THE TOXIC AIR
15 CONTAMINANTS WE DEAL WITH IN 1807, TYPICALLY WE SEPARATE
16 THE AMBIENT MEASUREMENTS. AND YOU TALK ABOUT MICROGRAM
17 PER CUBIC METER OF A PARTICLE OR PARTS PER BILLION, AND WE
18 DEVELOP -- WE HAVE MEASUREMENTS IN THOSE TERMS AND THEN
19 YOU HAVE UNITS THAT RELATE -- THAT IS HEALTH-RELATED UNITS
20 RELATE TO THOSE CONCENTRATIONS. AND YOU SORT OF SEPARATE
21 AMBIENT CONCENTRATIONS. AND THAT'S FROM THE ACTUAL OTHER
22 UNIT OF BODY WEIGHT OR THE OTHER PROCESS THAT'S INVOLVED
23 WITH DETERMINING THESE NUMBERS.

24 JOHN, I WAS JUST SAYING I THINK IT WAS YOU
25 THAT WAS GETTING BACK TO, INSTEAD OF HAVING MILLIGRAMS PER
0182

01 CUBIC METER DIVIDED BY KILOGRAMS PER BODY WEIGHT, WHICH IS
02 THE WAY WE HEARD IT FOR DEATH -- WE WERE SAYING WE NEED TO
03 HAVE A SET OF UNITS -- WE HAVE TO TALK ABOUT TOXICITIES IN
04 TERMS OF THAT CAN BE USED WHERE WE CAN MAKE AN ACTUAL
05 AMBIENT MEASUREMENTS IN P.P.B.'S, THAT'S ONE UNIT YOU
06 MEASURE. THE OTHER UNIT WOULD BE THEN YOU CAN PUT IN, IF
07 YOU CARE TO, KILOGRAMS OR BODY WEIGHT. I THINK THAT WAS
08 THE OTHER UNIT THAT I RECALL.

09 ARE YOU WITH ME? YOU SEPARATE THE TWO
10 PROCESSES.

11 DR. PFEIFER: DR. PITTS, THE REASON THAT WE GO
12 FROM, SAY, MICROGRAMS PER CUBIC METER OR P.P.B. INTO THE
13 INTERNAL DOSE IS TO ADJUST FOR VENTILATION RATE FOR
14 DIFFERENT BODY SIZES FOR CHILDREN.

15 CHAIRMAN PITTS: OKAY.

16 DR. PFEIFER: WE WANTED TO COME TO A UNIFORM UNIT,
17 AND THEN FOR A NONCARCINOGEN, THEN YOUR MARGIN OF EXPOSURE
18 OR UNIT, I GUESS IT WAS MENTIONED YOU'D BE DIVIDING YOUR
19 NO "L" IN MILLIGRAMS OR KILOGRAMS BY YOUR INTERNAL HUMAN
20 DOSAGE BY MILLIGRAMS OR KILOGRAM.

21 CHAIRMAN PITTS: I APPRECIATE YOU ARE TAKING INTO
22 THE IDEA OF CHILDREN. WE ALL DO THAT.

23 IN DOING THE ETHYLPARATHIAN DOCUMENT IN '88,
24 WE ACTUALLY ASSERTED A SECTION REGARDING THE IMPACTS ON
25 CHILDREN BE DISCUSSED.

0183
01 OKAY. GO AHEAD AND CONTINUE.

02 YOU ARE GETTING AN IDEA OF WHAT WE ARE
03 INTERESTED IN?

04 DR. SANDERS: YES. AND THANK YOU VERY MUCH FOR
05 THAT.

06 THE OTHER ISSUE IS STREAMLINING THE PROCESS
07 SO WE CAN GET MORE DOCUMENTS TO YOU. ONE OF THE THOUGHTS
08 THAT WE HAD WAS GIVING YOU ONE OF THE VOLUMES, BEING THE
09 RISK CHARACTERIZATION DOCUMENT THAT WE NOW DO AS A RESULT
10 OF S.B. 950.

11 AND I HAVE A COUPLE OF EXAMPLES HERE I WANT
12 TO LEAVE WITH YOU. AND IN OTHER WORDS, IN THE DEATH

13 DOCUMENT, WE WROTE A SPECIFIC VOLUME ON THE HEALTH
14 EFFECTS, SPECIFIC FORMAT AND EVERYTHING. BUT IN ORDER TO
15 BEST USE OUR RESOURCES, WE'D LIKE TO SUGGEST THAT THE RISK
16 CHARACTERIZATION DOCUMENT THAT WE ARE PUTTING TOGETHER AS
17 A RESULT OF S.B. 950 BE THAT VOLUME C, THE HEALTH
18 ASSESSMENT.

19 SO WE NEED TO HAVE YOU LOOK AT THAT, GIVE US
20 FEEDBACK ON THAT AND WHAT YOU THINK ABOUT THAT.

21 I ALSO HAVE A.R.B. MONITORING STUDIES FOR
22 EACH OF THOSE YOU CAN LOOK AT, TOO. THAT MIGHT ANSWER
23 SOME OF YOUR QUESTIONS OR AT LEAST RAISE OTHER QUESTIONS
24 YOU WOULD ASK US ABOUT WHETHER WE ARE CHARACTERIZING IT
25 PROPERLY.

0184

01 SO THAT HITS THE HIGH POINTS.

02 DR. PFEIFER: CAN I JUST ADD SOMETHING? YOU ARE
03 ALL PROBABLY FAMILIAR WITH TELONE AS A POTENTIAL TOXIC AIR
04 CONTAMINANT. MOLINATE PROBABLY WAS NOT SO OBVIOUS. WE
05 STARTED OUT DOING OUR MOLINATE RISK ASSESSMENT A FEW YEARS
06 AGO BASED PRIMARILY ON WORKERS.

07 SUBSEQUENT MONITORING UP IN THE NORTHERN
08 SACRAMENTO VALLEY INDICATED THAT THERE WERE MOLINATE
09 AMBIENT AIR CONCENTRATIONS THAT WE FELT WE SHOULD
10 EVALUATE. SO MOLINATE IS PROBABLY A GOOD EXAMPLE OF THE
11 COMPREHENSIVE WORK THAT WE DO AS FAR AS CONSIDERING
12 DIFFERENT COMBINED EXPOSURES.

13 AND BY THAT, I MEAN, WE HAVE ADDRESSED
14 OCCUPATIONAL IN THIS DOCUMENT. WE HAVE ADDRESSED AMBIENT
15 AIR. WE HAVE ADDRESSED DIETARY, ASSUMING SOME OF THE
16 FALSE ASSUMPTIONS THAT MOLINATE COULD APPEAR ON RISE,
17 WHICH IS VERY UNLIKELY AFTER YOU KNOW A LITTLE BIT ABOUT
18 HOW MOLINATE IS APPLIED.

19 AND THEN ALSO, BECAUSE MOLINATE IS RELEASED
20 INTENTIONALLY INTO THE SACRAMENTO RIVER DRAINS, WE
21 CONSIDER DRINKING WATER EXPOSURE TO THE COMMUNITY OF
22 WEST SACRAMENTO.

23 SO AGAIN, I THINK THIS DOCUMENT WILL
24 ILLUSTRATE HOW WE DEAL WITH SOME OF THE COMBINED
25 EXPOSURES, WHICH THOSE OF YOU WHO ARE FAMILIAR WITH THE

0185

01 FOOD QUALITY PROTECTION ACT WILL PROBABLY SEE A LOT MORE
02 OF THIS COMING OUT OF THE FEDERAL AGENCIES.

03 I ALSO BROUGHT WITH ME SOME HANDOUTS THAT
04 COMPARE THE OUTLINE OF WHAT WE CALL OUR S.B. 950 RISK
05 CHARACTERIZATION DOCUMENT AND THE HEALTH EFFECTS SECTION
06 DOCUMENT UNDER 1807. SO I CAN LEAVE THAT WITH YOU.

07 THERE WERE A COUPLE OTHERS. THERE WAS ALSO,
08 I BELIEVE, A QUESTION THAT AROSE AT THE MEETING IN MARCH
09 ABOUT THE PROCESS OF HOW REGISTRANT STUDIES ARE EVALUATED,
10 REVIEWED, ET CETERA, ET CETERA, IN OUR BRANCH. AND SO I
11 BROUGHT AN OUTLINE DEALING WITH THAT.

12 AND THERE WAS ALSO SOME QUESTION ABOUT
13 F.I.F.R.A. AND THE REQUIREMENTS FOR TESTING UNDER
14 F.I.F.R.A. AND GOOD LABORATORY PRACTICE REQUIREMENTS, AND
15 I BROUGHT A BRIEF OUTLINE SHOWING SOME OF THAT
16 INFORMATION.

17 SO IF YOU WOULD LIKE, I CAN LEAVE THOSE

18 HANDOUTS WITH YOU. AND THEN AT SUBSEQUENT MEETINGS, IF WE
19 NEED TO GO FURTHER INTO THAT, WE CAN.

20 DR. SEIBER: WELL, I THINK LEAVING THE HANDOUTS
21 WILL BE HELPFUL, BUT AT SOME POINT, WE ARE GOING TO HAVE
22 TO SPEND SOME TIME AS A COMMITTEE, AS A PANEL BEING WALKED
23 THROUGH AND HAVE A CHANCE TO INTERACT AND ASK QUESTIONS.
24 SO I THINK WE ARE SETTING UP FOR A LONGER PERIOD OF TIME
25 IF WE ARE REALLY GOING TO UNDERSTAND THE LAW, WHAT IT

0186

01 REQUIRES, WHAT 1807 REQUIRES FOR PESTICIDES, HOW A.R.B.
02 AND D.P.R. COOPERATE ON THE MONITORING ASPECTS AND THE
03 HEALTH RISK ASSESSMENT.

04 THIS IS FAIRLY COMPLICATED. I DON'T THINK WE
05 CAN, YOU KNOW, TAKE A FEW REPORTS -- AT LEAST I CAN'T --
06 AND REACH A JUDGEMENT. I NEED TO SPEND MORE TIME ON IT.

07 CHAIRMAN PITTS: I DON'T PROPOSE WE DO THIS BETWEEN
08 NOW AND FLIGHT TIME.

09 WE APPRECIATE THE REPORTS AS BACKGROUND. I
10 THINK WE ARE MOVING ALONG NOW IN A LONG-TERM PROCESS.
11 AND, SURE, I THINK THIS IS FINE. I APPRECIATE YOUR
12 COMING.

13 AND BEFORE BRINGING THIS KIND OF INFORMATION
14 TO US, YOU HAVE INPUT AND SOME IDEAS AS TO SOME OF THE
15 QUESTIONS WE HAVE, AND THEY WILL SERVE AS A BASIS FOR MORE
16 DETAILED CONSULTATIONS AND MOVING DOWN A PATHWAY TO WHAT
17 WE ALL WILL CONSIDER TO BE AN IMPROVEMENT; OR AT LEAST SEE
18 WHERE WE ARE IN THE GAME AND WHAT POSSIBLE IMPROVEMENTS
19 MIGHT BE MADE, OR EXPANSION OF IDEAS IS FINE.

20 DR. SEIBER: LET ME ASK A QUESTION HERE. IS THE
21 REASON WE ARE GOING TO SPEND THIS TIME, WHICH I HOPE WE
22 WILL, SO THAT WE CAN GET TO THE PRIORITIZATION SCHEME THAT
23 D.P.R. HAD PROPOSED PREVIOUSLY FOR HANDLING PESTICIDES?

24 CHAIRMAN PITTS: THAT'S ONE OF THE REASONS I THINK
25 WE WANT TO DO THIS CAREFULLY, IS TO BE SURE WE HAVE AN

0187

01 UNDERSTANDING OF WHAT'S INVOLVED IN THE SETTING OF HEALTH
02 STANDARDS FOR PESTICIDES, WHAT ANALYTICAL TECHNIQUES DO
03 THEY DEPEND UPON, WHAT KIND OF AIR MONITORING NUMBERS ARE
04 AVAILABLE, WHAT NUMBERS SHOULD BE AVAILABLE -- WHAT ARE
05 THE PRESSIONS OF THESE TECHNIQUES. THERE'S A WHOLE HOST
06 OF QUESTIONS THAT ARISE.

07 AND SIMILAR CONSIDERATIONS ARE INVOLVED,
08 ANALYTICAL Q.A.Q.C. IN TERMS OF THE ACTUAL HEALTH
09 STANDARDS AND Q.A.Q.C.'S IN THE ACTUAL EXPOSURE MEASURES,
10 AS JOHN WAS REFERRING TO.

11 FOR EXAMPLE, WHAT ARE THE Q.A.Q.C.'S ON A
12 DRAGER TUBE THAT I BELIEVE IS USED -- ISN'T THAT RIGHT,
13 JOHN?

14 DR. SANDERS: YES.

15 CHAIRMAN PITTS: WELL, HOW ACCURATE IS IT? OVER
16 WHAT PERIOD OF TIME IS IT USED? JUST A NUMBER OF IDEAS
17 WE'D LIKE TO TALK ABOUT OVER TIME TO HAVE A BETTER FEELING
18 OF WHAT'S INVOLVED HERE OF THESE QUESTIONS OF PUBLIC
19 HEALTH ISSUES, ACTUALLY.

20 JOHN, WOULD YOU AGREE WITH THE POINT AND
21 THRUST OF WHAT I AM GETTING AT HERE?

22 DR. FROINES: (NO AUDIBLE RESPONSE)

23 CHAIRMAN PITTS: GREG, DO YOU HAVE ANY COMMENTS?
24 DR. BYUS: NO. I AGREE. I AGREE WITH YOU.
25 CHAIRMAN PITTS: YOU DO?

0188

01 DR. BYUS: YES. I'M ACTUALLY QUITE PLEASED THAT
02 D.P.R. IS PROCEEDING IN THIS MANNER. EVEN THOUGH IT'S THE
03 END OF THE DAY, I MAY NOT LOOK LIKE I'M EXTREMELY HAPPY, I
04 REALLY AM HAPPY.
05 CHAIRMAN PITTS: WELL, I THINK WE SHOULD GO ON THE
06 RECORD SAYING THAT AS A PANEL, WE APPRECIATE YOUR BEING
07 HERE AND MOVING AHEAD NOW IN THIS PROCESS, AND WE LOOK
08 FORWARD TO WORKING IN DETAIL WITH YOU AS WE MOVE ON.
09 DR. SANDERS: THANK YOU VERY MUCH.
10 DR. PFEIFER: WE APPRECIATE IT.
11 DR. FROINES: ARE YOU MONITORING TELONE NOW?
12 DR. SANDERS: NOT AT THIS POINT. WE HAVE HAD -- WE
13 REQUESTED THE AIR RESOURCES BOARD MONITOR TELONE IN '95
14 AND '96 AFTER USE CONDITIONS WERE IMPOSED UPON IT TO MAKE
15 SURE THE CONCENTRATIONS WE WERE SEEING IN THE AIR HAVE
16 MITIGATED THE PROBLEM. AND WE HAVE RECEIVED THE ONE
17 REPORT IN '95, AND I THINK THEY ARE WORKING ON FINALIZING
18 THE '96.
19 BUT AT THIS TIME, IT SEEMS LIKE THERE'S NO
20 PROBLEM UNDER THE CURRENT USE CONDITIONS.
21 CHAIRMAN PITTS: ARE THERE OTHER COMMENTS OR
22 QUESTIONS?
23 THANK YOU VERY MUCH.
24 AND I'LL WIND UP THE MEETING WITH ONE MORE
25 POINT TO REMIND ALL MEMBERS THE NEXT MEETING OF THE S.R.P.

0189

01 WILL BE JUNE 19TH. IT WILL BE IN THE BAY AREA IN
02 SAN FRANCISCO, AND IT WILL BE -- ONE OF THE ITEMS UNDER
03 DISCUSSION WILL BE THE FINAL REVIEW OF THE E.T.S.
04 DOCUMENT, PLUS OTHER --
05 YES?
06 DR. SEIBER: DR. PITTS, BEFORE WE CONVENE, I'D LIKE
07 TO ASK IF THERE'S ANY PROGRESS --
08 CHAIRMAN PITTS: ADJOURN OR CONVENE?
09 DR. SEIBER: ADJOURN. EXCUSE ME.
10 -- IF THERE'S ANY PROGRESS IN APPOINTING THE
11 TWO ADDITIONAL MEMBERS TO THE SCIENTIFIC REVIEW PANEL?
12 CHAIRMAN PITTS: THAT'S A VERY GOOD QUESTION. AND
13 THE ANSWER TO THAT IS I DON'T KNOW. I THINK WE SHOULD
14 ASK --
15 DR. SEIBER: IN THAT CASE, I'D REQUEST THAT WE TAKE
16 SOME STEPS TO FIND OUT, BECAUSE I THINK WE DON'T HAVE --
17 AND HERE'S A GOOD EXAMPLE. WE HAVE FIVE PEOPLE, AND WE
18 ARE DEALING WITH SOME PRETTY WEIGHTY ISSUES, AND IF WE ARE
19 GOING TO ASSIGN FOLKS TO SPEND TIME ON THESE KINDS OF
20 DOCUMENTS, WE NEED MORE PEOPLE.
21 CHAIRMAN PITTS: FOR THE RECORD, I SAY THAT THAT
22 RECORD WAS TRANSMITTED TO VARIOUS HIGH OFFICIALS IN
23 DECEMBER, AS YOU KNOW, DECEMBER 19TH OR 20TH, 1996. IT
24 WAS TRANSMITTED IN ANOTHER MEETING TO HIGH-LEVEL OFFICIALS
25 ON MARCH SOMETHING OR OTHER, AS I RECALL, AND IT'S BEEN

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01 TRANSMITTED VERBALLY AGAIN WITH A PLEA AT ALL LEVELS.

02 SECONDLY, ASSOCIATED WITH THAT, I WOULD LIKE FOR
03 THE RECORD TO MAKE IT CLEAR -- AND THIS IS REALLY
04 IMPORTANT. I WANT JOHN TO HEAR THIS, TOO, AND ALL OF US.
05 AN IMPORTANT CRITERION IS, A NUMBER OF US -- I THINK
06 ALMOST ALL OF US -- ARE SERVING ON EXPIRED TERMS. WE ARE
07 ON EXPIRED TIME. SOME MEMBERSHIP -- I CAN LIST THEM
08 HERE -- GO BACK FOUR YEARS AND HAVE NOT BEEN REAPPOINTED.

09 IF YOU RECALL, JIM AND JOHN, WE REQUESTED THAT
10 CLARIFICATION BE MADE. AND LET'S SEE WHETHER WE SHOULD BE
11 UPDATING APPOINTMENTS SO WE ARE SERVING HERE AS APPOINTED
12 RATHER THAN AS EXPIRED MEMBERS.

13 AND I THINK AT 5:30 AT NIGHT, WE ARE EXPIRED
14 MEMBERS; MODEST JOKE.

15 DR. SEIBER: INSPIRED OR EXPIRED?

16 CHAIRMAN PITTS: THE INSPIRED WAS AT
17 10:00 O'CLOCK. IT CHANGES THE PREFIX THERE.

18 BUT AT ANY RATE, YEAH, WE HAVE DONE BOTH.

19 FOR THE RECORD, AGAIN, WOULD YOU LIKE ME TO
20 CONVEY AGAIN THE SENTIMENTS OF THE FULL PANEL THAT WE
21 REQUEST ON A MOST URGENT BASIS THAT WE GET, FIRST OF ALL,
22 THE TWO MEMBERS APPOINTED?

23 I KNOW THE PROCESS IS SORT OF GOING ON, BUT
24 ON AN URGENT BASIS, SHALL WE DO THIS TO THE APPROPRIATE
25 INDIVIDUAL. LET'S SAY JOHN DUNLAP.

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01 AND THEN SECONDLY, THAT WE REQUEST THAT
02 DETERMINATIONS BE MADE AS TO THE -- HOLD OFF ON THAT
03 REPORT. WHAT I AM TRYING TO SAY IS A LARGE NUMBER OF THE
04 PANEL HAVE HAD THEIR APPOINTMENT TERM EXPIRED AND HAVE NOT
05 BEEN RENEWED. WE AGAIN REQUEST THAT DECISIONS BE MADE AS
06 TO WHETHER OR NOT DECISIONS WILL BE MADE.

07 DO YOU AGREE WITH THAT? IN EFFECT, WE ARE
08 SERVING ON EXPIRED TERMS. AND THIS IS PERFECTLY
09 ACCEPTABLE FOR SIX MONTHS OR A YEAR OR SOMETHING, BUT SOME
10 OF THESE GO ON FOR YEARS -- I THINK THREE OR FOUR YEARS.
11 IT WOULD SEEM APPROPRIATE, THEN, TO MAKE SOME DECISIONS.

12 CHAIRMAN PITTS: ALL RIGHT. GENTLEMEN, ON THIS
13 NOTE OF PROSPERITY, ARE THERE ANY OTHER ITEMS TO
14 CONSIDER?

15 DO I HEAR A MOTION TO ADJOURN?

16 DR. BYUS: SO MOVED.

17 CHAIRMAN PITTS: IS THAT SECONDED?

18 DR. WITSCHI: SECONDED.

19 CHAIRMAN PITTS: ALL IN FAVOR SAY AYE.

20 DR. WITSCHI: AYE.

21 DR. SEIBER: AYE.

22 (HEARING ADJOURNED AT 5:20 P.M.)

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