

Statement to the Peer Review Panel
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My name is Wayne Richter. I'm a research scientist in the Division of Fish, Wildlife and Marine Resources in the New York State Department of Environmental Conservation.

I'd like to talk to you about PCB levels in the fall-collected fish and what we can learn from them. You've gotten quite a bit of dueling statistics on the PCB levels in the small fish collected in the fall of 2009. I'm not going to go into the statistical arguments again. You've read the analyses, you've heard what EPA and GE and the State have to say about them, and I'm sure you've come to your own conclusions about the statistics. What I want to do is step back from the statistics and talk about what the fish tell us that's relevant to decision making for Phase 2.

Here's a brief summary of what we've seen with the fish: We have general agreement that PCB levels in fish rose in the immediate vicinity of dredging. Further downstream, EPA and the State found, with somewhat different statistical analyses, no evidence of a rise while GE, using different methods, concluded that levels went up significantly. We also saw levels at the reference Feeder Dam site go up from 2008 to 2009. The main statistical argument has been about whether PCB levels went up in the downstream fish and whether any rise was due to dredging. Federal and State agencies say "not demonstrated by the evidence" while GE says "yes."

To see what matters here, we need to look at the fall 2009 results in context. One part of the context is that we expected PCB levels in the fish to go up as a result of dredging. We certainly expected some resuspension of PCBs and expected an effect on the fish. We saw that happen with the Allen Mill release in 1991 and we saw it happen right after PCB removal at Cumberland Bay on Lake Champlain. We expect the levels to go down in the Hudson fish as they did after the Allen Mill release was controlled and after work was finished at Cumberland Bay. If there was any surprise with the 2009 fish, it's that we didn't see a more and unambiguous rise in PCB levels.

The other part of the context is the long term pattern. If you look at a time series for the Thompson Island pool and you see the 2009 data, you would certainly say that something happened there; something is different. In contrast, if you look at a time series for Stillwater or Albany, and maybe even in the Northumberland – Fort Miller section, there is really no way that you would pick out 2009 as unusual. It just fits right in to the temporal sequence. What this tells us is that whatever effect dredging had can only be small. The numbers bear this out: The mean increase between 2007 and 2008 to 2009 – the GE analysis – was less than 2 ppm at Stillwater and less than 0.4 ppm at Albany for both the forage fish and pumpkinseeds. Increases of these magnitudes occurred several times over the long term record. The take home message here is that, whatever statistical significance you might extract out of the data, nothing much happened, and certainly nothing unexpected or untoward happened.

As I'm sure the panel members know, the State's biological staff has been examining PCBs in fish in the Hudson River and across the state for many years. We see nothing in the fish data so far that alarms us or that points us to limiting the remedy. While we certainly think that operational improvements can and should reduce PCB release, the long term interests of the fish are best served by comprehensive remediation. We don't need to dredge less to protect the fish.

I'd also like to address GE's proposed framework for a load standard to protect fish on the upper river. Basically, the proposal is to compare an integrated average PCB concentration in the fish over some period of time under natural attenuation to that same integrated average with the remedy.

This is not a sound approach. Our goal is not to average somewhat better than bad over some period of time. Our goal is to achieve lower PCB levels in the fish to reduce risk to humans and ecological receptors. We're looking for recovery of the fish resource. Again, we expected fish PCB levels to go up in the short run during dredging. We made the judgment that this was an acceptable trade off to accelerate the attainment of considerably lower levels in the near future. That's where we want to be.

We do not see any value to fish in the upper Hudson River from a load standard that limits the amount of PCBs to be removed from the river. This would, in fact, be counter-productive by leaving excess PCBs in the river and hindering the recovery of the fish.