

Accessing Hazardous Waste Sites Discussion

April 22, 2014, 2 PM EST

Participants on the Call

Michael Adam (EPA, OSRTI, program liaison)
Elmer Akin (MDB)
Beth Anderson (SRP, Program Analyst)
Maureen Avakian (MDB)
Deborah Burgin (ATSDR toxicologist, EPA liaison support)
Danielle Carlin (SRP, Program Administrator)
Michelle Heacock (SRP, Health Specialist)
Heather Henry (SRP, Program Administrator)
Kira Lynch (EPA, STL for Region 10)
Kathleen Raffaele (EPA, Science Advisor, OSWER)
Larry Reed (MDB)
David Smith-Watts (Attorney Advisor, OSRE)
Larry Zaragoza (EPA, Associate Branch Chief, OSRTI)

Not in attendance due to scheduling conflicts:

Michele Burgess (EPA, OSRTI)
Doug Dixon (Attorney Advisor, OSRE)
Helen Duteau (EPA, Region 3)
Mark Maddaloni (EPA, Region 2)

Introduction

- Michelle Heacock is taking the NIEHS lead for this workgroup- MDB staff will be supporting this effort.
- The purpose of this effort is to provide information to help SRP grantees fulfill the program mandates to develop and improve detection, assessment and evaluation technologies to help our grantees apply their science in a real-world setting.
- The genesis of this sub work group was of the importance of accessing hazardous waste sites to our grantees coming up during the R2RA group and our individual calls with you. This smaller sub group is intended to allow us to efficiently address this topic.

- **Accessing Hazardous Waste Sites vs. Site Access** – For clarification, when we say accessing hazardous waste sites, we are referring to the broad set of interactions that SRP grantees have engaged in, that range from providing technical assistance, applying new analytic methods, responding to community science questions, to testing new remediation technologies. All these can involve some form of interactions at hazardous waste sites. We have steered away from using “site access” because we have come to recognize that site access may be too limiting a concept and that it means different things to different people.

Some success stories related to SRP-Superfund site interaction:

The [SRP website](#) has a map and links to current research and community engagement activities being conducted at hazardous waste sites by region. The link shows hundreds of diverse examples of grantee interactions with more than 300 SRP projects at more than 200 hazardous waste sites located in all ten Regions.

Here are a few examples of successful interactions of SRP-EPA interactions at hazardous waste sites.

- **Detection Technologies** – Kim Anderson of Oregon State University is working with Region 10 on applying analytic methods to the Lower Duwamish Superfund site: [Linking Site Specific Contaminant Mixtures to Biological Responses](#)
- **Fate and Transport** - Mark Brusseau of the University of AZ 's Fate and Transport work at TIAA site: [An Advanced Characterization Study of a Chlorinated Solvent Contaminated Aquifer](#)
- **Evaluation of Impact on Ecology** – Mike Hooper conducted biomarker of exposures in birds to look at DDT, DDE, and Mercury exposure in birds (EPA Region 8): [Application of Wildlife Biomarker Technologies in Remediation Decision-Making](#)
- **Remediation technology** - Rolf Haden’s remediation technology being applied at a DOE SF site: [Tools to Improve Success Rate of Bioremediation of Complex Chemical Mixtures](#)

This provides a range of activities that shows the types of activities SRP researchers are doing at Superfund sites.

Kira Lynch noted that it is worth pointing out that Mike Gill and she are the only two STL’s that are working with SRP researchers to facilitate access to Superfund sites. The work mentioned above in Oregon (Region 10) was actually problematic because the researchers didn’t cooperate with the region. Even this Region 10 example given was not seamless and researchers had to deal with a variety of issues. There are barriers,

ethical issues, and it is difficult for STLs and RPMs to know what barriers are real and how many aren't.

To get past this, the need for clear guidance for STLs was raised so they understand the issues and improve this coordination.

Background

Michelle highlighted:

- Today's call is the first step, a brainstorming of ideas, so we can begin to understand and develop points to consider (where appropriate) from the group to further promote the application of improved science at hazardous waste sites.
- With regard to actual Brainstorming the relevant factors/issues, we have put together some thoughts, in the form of a cartoon that came out of the R2RA work group calls and discussions with our grantees. This cartoon may make it evident there are a lot of different things we don't understand, and we want to hear that.
- Ideally, we would like to pull this together in a way that we can see what factors/things grantees need to think about when they are ready to take their research to a real-world, field situation.
- Some of these factors may be more readily dealt with, and others may take more time to parse and address. We don't expect to get to discuss every topic today, but want you to have a look at the cartoon and let us know what topics we should focus on and if additional information is needed.

Beth noted that we want to spend a good portion of the call brainstorming and going through the ideas presented on the cartoon:



Kira stated that Mike and she put together a list (below) from the STL's of specific things people are running into that are not captured in this cartoon. There are ethical issues, contract issues, physical access issues, and the use of site materials. They provided the following categories:

Ethics issues

- Requests to provide "Letters of Support" or "Recommendation"
- Release of information is a concern. Publishing w/o input from the Region; example of EPA site team denying future access after sensitive site information released through SRP publication
- Suggestion that ethics attorneys from each Region need to be involved
- Conducting studies at a site w/o consent from the Region; example that Community Health study conducted that Region was not on board with. Collaborative relationship not achieved with the Region, which jeopardized ability for SRP to conduct further studies
- Working for RPM w/ government funding (Superfund)

Contracts concerns

- Giving unfair advantage to potential contract bidders: potential (inadvertent or not) release of information by SRP not widely available to all bidders (leading to a potential claim from unsuccessful bidders on a given solicitation)
- Claims on existing contracts; example: site work is progressing under Fixed-price contract, but SRP requests might cause more work not covered under contract price

Physical access issues

- Worker H&S training (HAZWOPER)
- Legal and Injury liability
- Site Ownership (responsibility)
- Timing. RPMs may not have time to work them into site schedule

Use of Site Materials

- See also ethics issues

Discussion

Letters of Support

Danielle discussed the issues related to when a grantee wants to work at a hazardous waste site, reviewers appreciate a letter from the EPA. Although EPA may not write a letter of support, they can show that they have been contacted. However, it is important to consider what is and isn't appropriate for the EPA and the grant application. SRP needs to work with EPA on their concerns with this issue – we need more simplification/clarification.

Kira noted legal counsel should be involved with this issue. She has written these letters in the past and then was told it was inappropriate to do this. Writing a letter is giving preferential treatment to someone applying for a government grant, which is not allowed.

Danielle noted that part of the issue may be that grantees feel that they need to have a letter from EPA to get access to the site. SRP grantees are not required to work at a Superfund site, but some would like to and the issue is what the grantee needs to prove to the reviewers and to the SRP that they are allowed to work on a site as part of their research. As discussed earlier, this issue needs clarification/simplification by SRP.

Beth noted that it may be helpful to work together to draft a form letter and have EPA comment on what would be appropriate.

Larry Z stated that this is a stand-alone issue that needs to be discussed further at another time. There should also be a discussion with the grantees as well as with the EPA.

Guidance for Contacting EPA Representatives

Michelle said that the discussion on the letter of support ties into the idea of conducting site work without consent from the region. The region needs to be involved to ensure that the SRP researcher is going through the appropriate outlets.

Kira noted that EPA also needs to take some responsibility on this. From input received, SRP couldn't get any response from the original contacts in EPA, so the SRP researchers started working directly with the RPMs. The first contact of SRP researchers should be the region and this should be clearly coordinated with the region in advance instead of starting with responsible parties. She said guidance was needed. Maureen added that "best practice" may be a better descriptor of what is needed.

Michelle asked if there is something that SRP can provide its grantees to give them some guidance on who they should contact. For example, if who is your initial contact, depending on the site conditions. We would want to provide guidance and also give context.

Maureen added that it is also important to remember that SRP researchers are academics and may not understand the legal ramifications of what they are trying to do. They need a checklist of things to consider.

Participants discussed the need for best practices for developing effective communication for working with the people involved with Superfund sites. SRP staff is willing to work on producing these draft best practices for our grantees.

Kira noted that not all regions have STLs, and some STLs don't feel comfortable taking on the role of SRP liaison. This won't be as straightforward and simple as just saying to contact the STL. There are differences for different sites. If the site involves responsible parties, there needs to be legal folks involved. Someone also has to make sure that the researchers have adequate training so they can be onsite and are following protocols that they need to follow.

Larry R. suggested that the site RPM is presumably familiar with those issues and will know the parties involved.

Kira said that researchers will not necessarily get positive responses from RPMs. The STL has often been the bridge between SRPs and RPMs to show that the benefit SRP researchers are to the RPM so they will put in the effort. Most RPMs are already spent and don't have a lot of extra time to coordinate with others. SRP researchers may not

get a response because they are contacting RPMs that have no idea why they should be doing the extra work to make the partnership happen. She said that RPMs must see the benefit of this cooperative work.

Michelle said that we need to find a way to maintain good communications between grantees and RPMs by communicating the importance of the science. The R2RA work group may be a good vehicle to disseminate this information to RPMs.

Larry R. added that Kira's work as an advocate on site is very valuable and necessary to improve these collaborations. Explaining why an SRP researcher should be allowed onsite and explaining the benefits is important.

Contracting Issues

Kira noted that she had recently seen contracting issues from Region 7, a big contracting center. She was surprised by Region 7's rationale for not pursuing having SRP researchers on site because of concerns about impacting the contracting process prior to or after award. This is something that should also be looked into.

Larry R. stated that apparently, one issue is that SRP grantee involvement at a site could include more work for the contractor and would raise an issue if that cost the contractor more money.

Kira added that SRP researchers onsite may release information on the site and could partner with potential contractors.

Larry R. said that this information should go into a document on best management practices for researchers working on sites. SRP researcher information may be published in peer-reviewed literature so everyone would have access to this information.

Issues from STLs

Kira added that the issues laid out from STLs (presented above) are examples of where STLs have found problems getting SRP researchers on site. A document on best management practices for grantees would help them understand how to approach coming onto sites and information procedures.

Kira raised another ethical contract issue that should be brought up to legal counsel. It could appear that SRP researchers with government funding are being directed by an RPM or working for an RPM.

Larry R. responded that this is something that we can clarify with the grantee to explain to them their role so that the RPM does not appear to be directing the grantees and that it is a collaboration where each party is still responsible to their own agency.

Obtaining Samples

Danielle included that grantees are always asking SRP staff how they should obtain samples from a site. They ask if there is a form and whom they need to contact.

Larry R. added that this is an example where we also need to clarify the types of SRP grantee activities/needs and how the best practices would address them. There are different types of grantee activities/needs in addition to obtaining samples at a site.

Moving forward

When creating a document for grantees, the group may be able to develop best practices for each type of major activity/need and also develop are related best practice addressing the ethical considerations. SRP research should help the way that the EPA/ATSDR Superfund Program works, so it is important to have EPA involvement and to develop best practices for grantees so they have the information they need to do this research.

The goal of this sub workgroup is to help us develop points to consider to further promote the application of improved science at hazardous waste sites.

Larry Z. said that he thinks the work laid out is reasonable and doable and although it initially may sound complex, it may be easier than we think. There is not national policy that covers this. The research should help the way Superfund works so it is important to have these kinds of communications. If we don't work together, SRP will not be useful to Superfund and researchers will not have the information they need to do this research.

Kira agreed with Larry Z.'s comments and included that she was very supportive of this overall effort.

Michelle thanked Larry Z. and Kira for working with SRP on this project and for being champions of SRP innovation.

Michelle thanked the group for their participation and creative ideas. SRP staff looks forward to working with the group in the future. We will plan the next call for early June.