

Ch8Q2fHHMJsqr1wE23KDQGF0UGfPOIAv0AQ4nHIDBBNMRYAEFGlwpXQoW6Mzz0zIbFEIYYZAgQI5
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The daylight between EPA's position and the Commonwealth's preference seems to arise from the application of different standards for PCBs. Here, the Commonwealth uses the FDA tolerance standard of 2.0 ppm. According to the limited sampling recently conducted by MADMF, PCB concentrations in clams had a mean of 0.27 ppm, with a range from 0.21 to 0.33 ppm. According to Dave Dickerson, the Commonwealth also has used a "margin of safety" standard of 1.0 ppm in the past on the NBH clean up project, though in what precise circumstances I'm uncertain. Both of these standards are geared toward commercial shellfish harvesting. EPA has used a PCB standard of 0.02 ppm for fish and shellfish tissue that is geared toward recreational harvesting. As EPA's standard and that of the Commonwealth's are two orders of magnitude apart, there is a lot of daylight here. The distinction made between commercial and recreational harvesting vis-a-vis PCB levels is somewhat unclear to us.

For the issue at hand, the Commonwealth wishes to move the clams to a deeper water commercial bed, close it for 12 - 18 months for depuration (and monitor the clams for PCBs, metals, and bacteria), then open the bed once levels are suitable for human consumption in line with the 2.0 ppm standard (from the Commonwealth's perspective, bacteria levels are of greater concern than PCB levels). Even considering 18 months of closure/depuration (principally for bacteria in the Commonwealth's eyes), and even if we take the recent sampling results as accurate and reliable on their face, we don't believe the PCB concentrations would ever approach the EPA standard of 0.02.

We also should recognize that there would likely be no way to completely eliminate the risk of a recreational harvester accessing the bed and grabbing some clams during the closure period (or after re-opening). How significant a risk that circumstance might be is unclear to us.

So, at the close of our July 21st meeting, Gary Davis asked that we consider the information provided and reconsider our position on shellfish relay. It seems to us that OSRR needs to mull over the information provided by the Commonwealth, our thoughts expressed above, perhaps re-evaluate the PCB standard it has used previously, and consider the Commonwealth's request to relay shellfish south of the hurricane barrier.

We are available to meet and discuss any of this on Monday, August 1st or sometime the following week if you wish.

Phil and Matt