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TITLE: ATSDR Health Consultations Under CERCLA

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FINAL

DRAFT

STATUS:

- [] A- Pending OMB approval
- [] B- Pending AA-OSWER approval
- [] C- For review &/or comment
- [] D- In development or circulating

REFERENCE (other documents):

headquarters

OSWER

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United States Environmental Protection Agency
Washington, DC 20460

OSWER Directive Initiation Request

1. Directive Number

9285.4-06

2. Originator Information

Name of Contact Person

SF Document Center Coordinator

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3. Title

ATSDR Health Consultations Under CERCLA

4. Summary of Directive (include brief statement of purpose)

The purpose of this memo is to clarify issues related to Agency for Toxic Substances and Disease Registry (ATSDR) health consultations under CERCLA. These clarifications apply to ATSDR health consultations requested by the Superfund removal remedial and site assessment programs.

5. Keywords

Removal and Site Assessment

6a. Does This Directive Supersede Previous Directive(s)?



No



Yes

What directive (number, title)

b. Does It Supplement Previous Directive(s)?



No



Yes

What directive (number, title)

7. Draft Level



A -- Signed by AA, DAA



B -- Signed by Office Director



C -- For Review & Comment



D -- In Development

8. Document to be distributed to States by Headquarters?



Yes



No

This Request Meets OSWER Directives System Format Standards.

9. Signature of Lead Office Directives Coordinator

Debbie Van Epps

Date

10. Name and Title of Approving Official

Henry L. Longest II, Director
Office of Emergency and Remedial Response

Date

November 21, 1991

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 21 1991

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

Directive #9285.4-06

SUBJECT: ATSDR Health Consultations Under CERCLA

FROM: Henry L. Longest II, Director
Office of Emergency and Remedial Response

TO: Director, Waste Management Division,
Regions I, IV, V, and VII
Director, Emergency and Remedial Response Division,
Region II
Director, Hazardous Waste Management Division,
Regions III, VI, VIII and IX
Director, Hazardous Waste Division
Region X
Director, Environmental Services Division
Regions I, VI, and VII

PURPOSE AND SUMMARY

The purpose of this memorandum is to clarify issues related to Agency for Toxic Substances and Disease Registry (ATSDR) health consultations under CERCLA. These clarifications apply to ATSDR health consultations requested by the Superfund removal, remedial, and site assessment programs.

- (1) EPA Regions should consult with Headquarters prior to using an ATSDR health consultation as the basis for selecting a residential soil cleanup level for lead, for CERCLA removal and/or remedial sites, that is greater or less than EPA's recommended interim range of 500-1,000 ppm.
- (2) Regions also should consult with Headquarters before taking actions based on other ATSDR health consultations that raise similar nationally significant or precedent-setting issues for the Superfund program.
- (3) Findings and conclusions of ATSDR health consultations are strictly site-specific and do not establish national EPA policy. ATSDR health consultations should not be applied to situations beyond the specific site for which they were developed.

BACKGROUND

CERCLA section 104(i)(4) directs ATSDR to "provide consultations upon request on health issues relating to exposure to hazardous or toxic substances, on the basis of available information, to the Administrator of EPA, State officials, and local officials." ATSDR defines a health consultation as a response from ATSDR to a specific question or specific request for information pertaining to a hazardous substance or site (e.g., Does a given level of mercury in water pose a threat to human health?). Health consultations, because they often are time-critical and require rapid response, are a more limited response than an ATSDR health assessment. EPA Regional staff frequently have found ATSDR health consultations to be very useful sources of information.

Health consultations typically are performed as joint efforts by ATSDR Regional offices and appropriate ATSDR Headquarters staff. The variety of topics encompassed can include environmental health, environmental medicine, epidemiology, toxicology, worker health and safety, acute release events, and site operations. Physicians, toxicologists, environmental engineers, environmental health scientists, and emergency response coordinators are available on a 24-hour basis for emergency response. ATSDR can deliver recommendations verbally or in writing, whichever is deemed most appropriate. Because of the importance of timely response to these types of requests, written health consultations are not routinely released for public review, but recommendations may be discussed with relevant federal, state, or local agencies prior to release.

DISCUSSION

Recently, there have been some CERCLA sites for which EPA has selected, based (at least in part) on ATSDR health consultations, residential soil lead cleanup levels that have been outside the range recommended by the Office of Solid Waste and Remedial Response (OSWER). OSWER has issued a directive and a memorandum providing guidance on cleanup levels for lead in soil at CERCLA sites:

"Interim Guidance on Establishing Soil Lead Cleanup Levels at Superfund Sites," OSWER Directive #9355.4-02, September 1989

"Update on OSWER Soil Lead Cleanup Guidance," Memorandum to Regions from OSWER Assistant Administrator, August 29, 1991

The August 1991 memorandum, which provides a progress report on OSWER's efforts to revise the September 1989 directive, reaffirms the recommended interim soil cleanup level of 500-1,000 ppm total lead for CERCLA sites established in that directive. It also states that "OSWER believes that the best

available approach is to use the EPA Uptake Biokinetic (UBK) Model as a risk assessment tool to predict blood lead levels and aid the risk management decision on soil lead cleanup levels at CERCLA/RCRA sites which are characterized as residential." However, before issuing a final directive recommending the UBK Model as the preferred method for setting soil lead cleanup levels at CERCLA/RCRA sites, OSWER has decided to seek additional review of the model, beginning with the Science Advisory Board on November 7, and to evaluate its use at several types of sites. In the interim, the August 1991 memorandum directs that Headquarters be consulted before a Region uses the UBK Model as the basis for soil lead cleanup levels outside the 500-1,000 ppm recommended interim range.

In parallel with this recent guidance on the use of the UBK model, Regions should consult with Headquarters prior to using an ATSDR health consultation as the basis for selecting a soil lead cleanup level that falls outside EPA's recommended interim range of 500-1,000 ppm. This request for consultation applies both to removal and remedial sites. Headquarters consultation is needed in these situations because of the potential precedents set by using ATSDR findings as a basis for site-specific soil lead cleanup levels that fall outside of OSWER's recommended range (as published in Directive #9355.4-02) and because of the national significance of lead cleanups. The consultation should be with the OSWER Lead Technical Review Group. The Headquarters lead staff persons are Dr. Susan Griffin (FTS 260-9493) and Karen Tomimatsu (FTS 260-9861).

By definition, ATSDR health consultations are limited and situation-specific. ATSDR's findings and conclusions are based on review and analysis of individual circumstances specific to the site in question. They also are frequently prepared in response to time-critical situations, and therefore limited in scope and depth of analysis. Finally, ATSDR health consultations are not subject to EPA review and consensus-building and therefore may not always be consistent with published EPA policies and guidelines. For these reasons, the findings, conclusions, and recommendations of an ATSDR health consultation should not be considered national Superfund policy and should not be assumed to apply to sites other than the one for which it was developed.

DISCLAIMER

This document is intended solely as guidance. EPA decision-makers may act at variance with any of the recommendations contained in this document. These recommendations are not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. These recommendations may change at any time without public notice.