

**Settlement Agreement Status Report**  
**January 15, 2012**  
NRDC v. Johnson,  
U.S. District Court, Central District of California  
No. CV06-4843 PSG (JTLx)

Pursuant to Paragraph 15 of the Settlement Agreement in the above-referenced matter, the United States Environmental Protection Agency (“EPA” or “the Agency”) provides this status report. It includes a description of the actions taken by EPA with respect to its responsibilities under the Settlement Agreement during the preceding six months (July 1, 2011 – December 31, 2011) and a description of the actions EPA intends to take with respect to its responsibilities under the Settlement Agreement during the following six months (January 1, 2012 – June 30, 2012).

**SA ¶ 12 EPA will validate and publish a rapid test method for the new or revised criteria by October 15, 2012. Validation of a rapid test method will involve conducting an inter-laboratory study, the purpose of which is to characterize method performance (including recovery and precision) for a rapid method in reference matrices and ambient recreational waters (fresh and marine) in multiple laboratories and to develop quantitative quality control acceptance criteria. Publication does not include promulgation of an EPA-approved test method in the Code of Federal Regulations.**

**Actions Taken By EPA from July 1, 2011 to December 31, 2011**

EPA conducted and drafted a report on the multi-lab validation (MLV) study to characterize method performance and develop quantitative quality control acceptance criteria for Enterococcus quantitative polymerase chain reaction (qPCR) in freshwater. The results from 10 volunteer labs were used to develop performance acceptance criteria for the test in fresh ambient waters. EPA began review of the multi-lab validation data and is in the process of writing a combined marine and fresh water MLV report.

**Actions Planned By EPA from January 1, 2012 to June 30, 2012**

EPA plans to continue its review of the multi-lab validation data and continue drafting the combined marine and fresh water MLV report.

**SA ¶ 14 No later than December 15, 2011, EPA will convene an Experts Scientific Workshop involving both EPA scientists and external scientists for the primary purpose of obtaining input on what future science and research might be conducted to further improve the understanding of potential human health risks from exposure to fecal contamination from avian wildlife and other wildlife in coastal recreational waters. If the experts at the Experts Workshop identify one or more studies that might be conducted to further improve the understanding of the potential health risks from exposure to fecal contamination from avian wildlife or other wildlife, EPA shall evaluate whether the studies should be performed as part of the Agency’s review (between 2012 and 2017) of the criteria**

**that EPA will publish in 2012, and EPA shall advise the parties to this Agreement of the results of EPA's evaluation no later than December 15, 2012.**

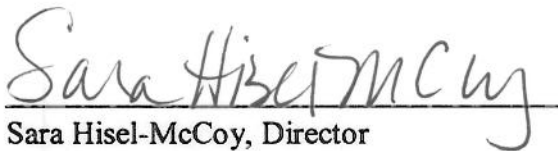
**Actions Taken By EPA from July 1, 2011 to December 31, 2011**

EPA awarded a contract to plan and conduct an Experts Workshop. A timeline for deliverables was developed. EPA identified experts to participate in the workshop and EPA developed supporting material. On November 15 - 17, 2011, EPA convened the "Experts Scientific Workshop on Potential Human Health Risks from Exposure to Fecal Contamination from Avian and Other Wildlife Sources in Recreational Waters" at the Emory Conference center in Atlanta, Georgia. Thirty one experts from the United States and Canada participated in the workshop. These experts represented a variety of scientific disciplines including ecology, epidemiology, microbial source tracking, microbiology, public health, risk assessment, virology, and zoology.

**Actions Planned By EPA from January 1, 2012 to June 30, 2012**

EPA plans to review the written materials generated from the workshop and evaluate whether any recommended studies that might be conducted to further improve the understanding of the potential health risks from exposure to fecal contamination from avian wildlife or other wildlife, as described in these materials, should be performed as part of the Agency's review (between 2012 and 2017) of the criteria that EPA will publish in 2012.

The undersigned, Sara Hisel-McCoy and Charles I. Noss are, respectively, the Director, Standards and Health Protection Division, Office of Science and Technology and a Senior Physical Scientist, Office of Research and Development. The Office of Science and Technology in EPA's Office of Water and the Office of Research and Development have primary responsibility for discharging EPA's duties under the Settlement Agreement. This report reflects our best current information concerning the actions taken by EPA with respect to its responsibilities under the Settlement Agreement during the preceding six months (July 1, 2011 – December 31, 2011) and a description of the actions EPA intends to take with respect to its responsibilities under the Settlement Agreement during the following six months (January 1, 2012 – June 30, 2012).



Sara Hisel-McCoy, Director  
Standards and Health Protection Division  
Office of Science and Technology  
Office of Water  
U.S. Environmental Protection Agency

12/20/11  
Date



Charles I. Noss, Sc.D.  
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12/14/11  
Date