

Settlement Agreement Status Report
July 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 (January 1, 2012 – June 30, 2012) and a description of the actions EPA intends to take with respect to its responsibilities under the Settlement Agreement during the following six months (July 1, 2012 – December 31, 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 January 1, 2012 – June 30, 2012

EPA has concluded its review of the multi-lab validation (MLV) data, drafted the combined marine and fresh water MLV report and peer-reviewed the data.

Actions Planned By EPA from July 1, 2012 – December 31, 2012

EPA will publish the revised method by October 2012.

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 January 1, 2012 – June 30, 2012

EPA began reviewing the written materials generated from the workshop held on November 15 through November 17, 2011. The experts identified a number of 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 is evaluating whether any of the recommended studies should be performed as part of the Agency's review (between 2012 and 2017) of the criteria that EPA will publish in 2012.

Actions Planned By EPA from July 1, 2012 – December 31, 2012

EPA intends to conclude its review and evaluation. EPA will advise the parties to this Agreement of the results of EPA's evaluation no later than December 15, 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 Science Advisor for the Safe and Sustainable Water Research (SSWR) Program, 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 (January 1, 2012 – June 30, 2012) and a description of the actions EPA intends to take with respect to its responsibilities under the Settlement Agreement during the following six months (July 1, 2012 – December 31, 2012).



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

6/28/12
Date



Charles I. Noss, Sc.D.
Senior Science Advisor for SSWR
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6-28-12
Date