
Central Valley Regional Water Quality Control Board

23 March 2018

Ms. Sue Chiang and Interested Persons,

Response to Letters Concerning the Makeup of the Food Safety Expert Panel

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) is in receipt of multiple letters (collectively referred to as "letters") regarding the Board's Food Safety Expert Panel. All of the letters were addressed to the Board's Chair, Dr. Karl Longley, and the Board's Executive Officer, Pamela Creedon. The first letter was signed by several environmental advocacy groups (groups) and received on 12 June 2017. Approximately 125 additional letters were received between 20 December 2017 and 5 January 2018. All of the letters contain similar comments in that they state concerns regarding the makeup of the Food Safety Expert Panel (Panel). In particular, the letters raise concerns about two Panel members: Dr. Barbara Petersen and Mr. Mark Jones, and request these individuals be removed from the Panel due to perceived bias and/or conflicts of interest. Board staff verbally addressed the comments received in the initial letter dated 12 June 2017, at the Food Safety Expert Panel public meeting held on 28 June 2018. This response can be found in the meeting summary document on the Board's website¹. The purpose of this letter is to respond to the comments provided in the approximately 125 additional letters received.

Board staff modeled the Food Safety Expert Panel (Panel) composition after the State Water Board's Irrigated Agriculture Expert Panel. Board staff solicited panel members with a wide range of personal and professional experience, because including potentially diverse viewpoints would enable the Panel to provide well-reasoned recommendations to the Board. Although the panel members are affiliated with various organizations, in participating on this Panel, they have been asked to contribute their individual judgment to the discussion, rather than simply voice the views of their affiliated organizations, and they have been asked to base their scientific conclusions on an objective assessment of all relevant evidence.

The groups have encouraged the Board to follow the model used by the California Council on Science and Technology (CCST) in producing its 2015 report titled *An Independent Scientific Assessment of Well Stimulation in California*. The CCST was contracted by the California Natural Resources Agency in response to specific legislation to conduct an independent scientific assessment of well stimulation practices in California. The Panel is strictly a group of volunteers tasked only with providing expertise and recommendations to the Central Valley Water Board. No financial compensation is provided to any Panel member from the Central Valley Water Board, and Panel members are not required to declare any potential conflicts of interest.

¹ https://www.waterboards.ca.gov/centralvalley/water_issues/oil_fields/food_safety/meetings/2017_0628_fs_mtg_sum.pdf

Regarding the two Panel members specifically addressed in the letters, Dr. Petersen and Mr. Jones have decades of experience relevant to the work of the Panel. Dr. Petersen is a specialist in addressing regulatory issues involving exposure and food safety. She pioneered methods for incorporating information about agricultural and food processing technologies into regulation. Dr. Petersen also chaired the World Health Organization's working group on methods for estimating intakes of food additives, nutrients, and contaminants in foods. Mr. Jones has worked as a toxicologist for more than 20 years. He specializes in human health risk assessments, fate and transport modeling, and risk-based cleanup development. His experience encompasses a wide range of substances including petroleum hydrocarbons and radionuclides.

In closing, Food Safety Expert Panel members are employees from our sister State agencies, federal regulatory agencies, environmental research and advocacy groups, and consultants who have worked with industry stakeholders. A diverse group of Panel members ensures that no one Panel member or interest will drive the conclusions or recommendations of the Panel. The Central Valley Water Board will make the final decision on how to use the Panel's recommendations for regulatory purposes. For these reasons, the Board does not intend to change the makeup of the Panel at this time.

Thank you for submitting the letters. We encourage members of the public to stay engaged in the work of the Panel. Information regarding the Food Safety Project, including the research and reports referenced in the letters can be found on the Central Valley Water Board's Food Safety web page.

Pamela C. Creedon
Executive Officer

cc: Patrick Pulupa, OCC, State Water Resources Control Board, Sacramento
Stephanie Yu, OCC, State Water Resources Control Board, Sacramento
Bill Allayaud, Environmental Working Group, Sacramento
Keith Nakatani, Clean Water Action, Oakland
Paul Ferrazzi, Citizens Coalition for a Safe Community, Los Angeles
David Braun, Roots Keeper, Oakland
Damen Nagami, Natural Resources Defense Council, Santa Monica
Ron Martin, Fresnans Against Fracking, Fresno
Nayamin Martinez, Central California Environmental Justice Network, Fresno
Tom Frantz, Association of Irrigated Residents, Bakersfield
Joyce Bichler, Breast Cancer Action, San Francisco
Rebecca Spector, Center for Food Safety, San Francisco
Brian Nowicki, Center for Biological Diversity, Oakland
Kimberly Rivers, CFROG, Ojai
Jan Dietrick, Dietrick Institute for Applied Insect Ecology, Ventura