

## Letter of Agreement Sediment Phthalates Work Group

Our organizations have formed a Work Group to implement collaborative efforts to better understand issues related to phthalate contamination in Puget Sound Region sediments. The group came together voluntarily and includes participants from the agencies and municipal governments listed below:

The City of Seattle  
The City of Tacoma  
King County  
United States Environmental Protection Agency  
Washington State Department of Ecology

This agreement is entered into between the members of the Work Group to document our understanding of the effort and our commitments for working together.

### **VOLUNTARY PARTICIPATION, PURPOSE AND OBJECTIVES**

The Work Group was formed based on shared recognition of the challenges municipal governments face in locations such as the Thea Foss Waterway and Lower Duwamish River from accumulations of phthalates in sediments very soon after sediment cleanups have occurred. There is also shared recognition that this concern is broader than the locations listed above—needing attention in Puget Sound regional sediments affected by urban stormwater and combined sewage discharges. Due to the pervasive nature of phthalate compounds in the environment, the scale of possible sources and lack of information on the feasibility of control or treatment options, the group additionally recognizes that this is not a problem which lends itself to quick or easy solutions.

The goal of the group is to work together to summarize and evaluate existing information regarding phthalate sediment contamination issues, identify data gaps and provide recommendations on how to address these phthalate sediment contamination dilemmas in the short-term. The group will also make recommendations for further study and describe possible frameworks to address sediment phthalate issues for the longer term.

This effort will focus on phthalates, but will seek to establish a process for identifying and dealing with other similarly pervasive sediment contaminants.

The objective of the Work Group will be:

- Define phthalate contamination concerns within the current regulatory framework. Place understanding of phthalate concerns in perspective with other sediment environmental threats. Address occurrence, risks to human health and the environment, sources and control options for phthalate contamination.
- Collect, digest, reach a shared understanding, and provide recommendations with the data and body of information collected by the five Work Group member organizations.

- Develop joint messages to stakeholders and the community.

The Work Group will focus its efforts within the Puget Sound Region. However, we recognize prior research and policy development regarding phthalates in other municipalities or regions could be valuable as models of how to deal with phthalates in the Puget Sound Region.

The efforts of the work group are intended to reach a shared understanding of phthalate sediment contamination issues and develop recommendations for the regulatory agencies and community to consider. In developing recommendations, the work group will also identify regulatory considerations and the necessary public processes and technical review required to implement Work Group recommendations in the future. While this agreement promotes a collaborative approach to address phthalates, this agreement does not preclude the agencies from implementing their regulatory authorities where appropriate.

### **SCOPE OF WORK AND RESOURCE COMMITMENTS**

The Work Group member organizations agree to implement the scope of work defined in the Work Plan developed in September 2006, which anticipates active participation through summer 2007. Member organizations agree to provide the staff resources and funding for the project as defined in the work plan.

In addition to the scope of work defined in the Work Plan, King County and the Cities of Seattle and Tacoma are undertaking or planning pilot scale studies to help further our understanding of phthalates and evaluate the effectiveness of potential source control activities. These efforts were developed to fill some of the identified data gaps but may not provide results in time for the Work Group process. The intent is to coordinate these studies with the Group's purpose, objectives, and communications, as appropriate. The studies would be designed with input from appropriate stakeholders and involve, among others, selection of representative basins, evaluation of product use, and assessment of solids removal approaches (e.g., street sweeping and catch basin cleaning). Results will be used to assess alternatives for reducing phthalate loading and to evaluate their cost-effectiveness.

We recognize that the work plan is structured to delegate tasks to the members of the Work Group - giving them time to consult with their staff and or other departments within their organization, returning to the Work Group with information for group consideration.

### **MEMBER ORGANIZATION PARTICIPATION AND GROUND RULES**

The purpose of the Work Group is for members to work together in a collaborative environment where ideas are shared openly, problem solving and development of recommendations are openly brainstormed, and recommendations are reached by consensus. This working environment can be achieved through understanding that this is not a decision-making body.

Member organizations commit to active participation by a consistent Work Group representative. Work Group participants agree to abide by the Ground Rules included as Attachment A to this Letter of Agreement.

**INFORMATION SHARING**

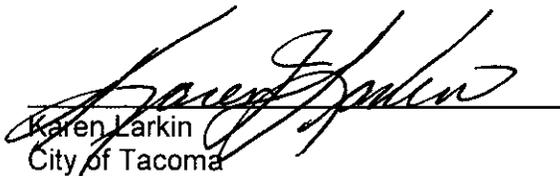
All member organizations agree to share existing publicly available information on phthalate occurrence, risks, sources and control options with the group. Information is expected to be shared freely between Work Group members and with stakeholder groups and policy leaders.

**RECOMMENDATIONS**

Any recommendations and messages will be evaluated against their short/mid/long term implications, feasibility, regulatory status, and practicality. Messages to the community will stress the preliminary nature of the Work Group effort and its intent to consider ongoing initiatives such as the 2020 Puget Sound Initiative.

Any conclusions developed by the Work Group will be presented as recommendations and not as decisions. The Work Group recognizes however that their recommendations might be the basis for future actions by themselves or other decision-making bodies and will proceed with this in mind.

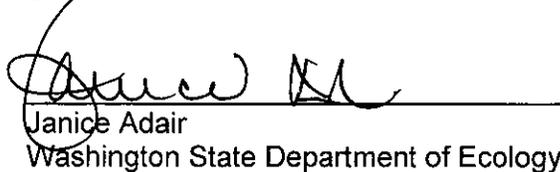
Within the next year the Work Group anticipates presenting their recommendations. This should help define what formal public processes and technical review might be necessary in the future.

  
Karen Larkin  
City of Tacoma

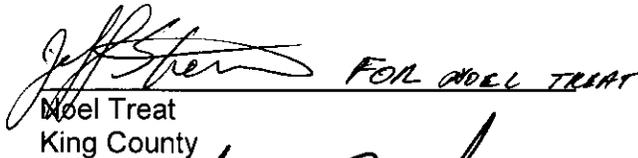
Date: 10/09/06

  
Lori Cohen  
EPA

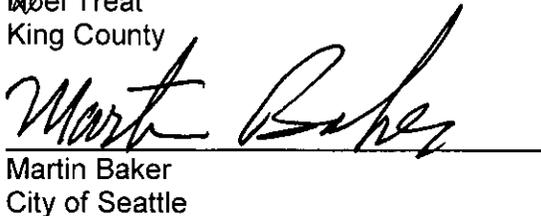
Date: 10/09/06

  
Janice Adair  
Washington State Department of Ecology

Date: 10/9/06

 FOR NOEL TREAT  
Noel Treat  
King County

Date: 10/9/06

  
Martin Baker  
City of Seattle

Date: 10/09/06

**ATTACHMENT A - GROUND RULES**

The Work Group Members commit to the following:

1. We commit to focus on the project subject area.
2. We agree to recognize the jurisdictional authority of each member; and to respect and maximize goal attainment.
3. We commit to listen carefully, ask questions, and explain clearly.
4. We commit to being individually responsible for making sure our needs are met; and to commit as a group to address all issues of each member.
5. We commit to open discussion and the right to disagree.
6. We commit to respecting each other as colleagues.
7. We commit to a consensus decision-making process rather than a voting or majority rule process, while reserving the statutory independence we must each have for regulatory or other existing legal processes. We further commit to memorializing our findings and recommendations in writing.
8. We commit to read meeting summaries and to edit them as appropriate in order to assure an accurate (but not necessarily verbatim) record of meeting decisions and progress is maintained.
9. We agree to make every effort to attend meetings and acknowledge that consistent attendance by the named representative for each work group member organization is critical to project success.
10. We commit to seeking advice from outside the group as necessary.
11. We commit to being advocates for the project.
12. We agree to be flexible as required; to look for opportunities for progress and consensus.
13. We commit to seek resolution to conflict before dropping out of the work group.
14. We commit to work in-between meetings as required by the work plan to develop material for whole-group review.
15. We commit to refrain from characterization of others' views to the media.
16. We agree to have the work group meeting be led by a neutral facilitator.
17. We commit to be responsible for stating our individual views; silence will not equal consent.
18. We agree to inform our constituents promptly on progress.