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By e-mail: morwenna.carrington@defra.gsi.gov.uk

www.silc.org.uk

Dear Morwenna

Category 4 Screening Values

I am writing as Chairman of the SiLC Professional and Technical Panel. As you know, the Panel acts as the steering group for the SiLC scheme and comprises representatives from a broad range of respected organisations with an interest in land condition.

Both SiLC and those organisations individually have been watching the progress of your 'C4SL' project since it was announced. In particular, we have also taken the opportunity to attend the two stakeholder meetings held to date and to offer comments to your contractors. I have been asked by some of our members to note that this does not necessarily demonstrate support for the project. Following discussion of the project at the Panel's last meeting, however, I need to register some concerns with you.

Those concerns centre on the management of the project and, first of all, on the dearth of explanatory material accompanying the contractor's proposals. Despite the range of expertise among SiLCs, it is difficult for us to understand how the various proposals are being selected and, not least, their consequences in terms especially of public health protection.

We understand that this concern, which has been compounded by the very short timescales being allowed for stakeholder comment, is shared by a number of other observers. Comments on the second round of proposals were also hindered by the release of the interim report only after their closing date. We believe that attendees at the workshops were told firmly that their purpose was not consultation, which has also dented our confidence in the process, and while it has been said 'all will be clear in the end', that does not assist our participation now.

Leaving aside the continuing lack of clarity about the use of the outputs (whether in Part2A or planning), we have, in addition, a particular more substantive concern. That is that it seems the contractors have been mandated to decide what amounts to a 'low level of toxicological concern'. It is a matter of concern to us that Defra has consistently refused to

define where, in toxicological terms, the risks from contamination become unacceptable, and since the business of defining benchmarks for public health protection in every other sphere is a matter for government, we believe that policy decisions on health protection in relation to land condition should lie with Government too. Worryingly in this project, toxicological judgements about the acceptability of health effects which have the potential to create the biggest impact on new assessment criteria appear to be being delegated to the Contractor. We appreciate that the contractors team has toxicological expertise, but ultimately, this is a policy decision, not a technical one. It also appears from comments at the second workshop that the research contractor is not comfortable with taking responsibility for defining this low level of toxicological concern as this is seen as a matter for government. The proposed amendments to the modelling process and exposure assumptions considered at the first workshop, which might be assumed to be more the forte of the contractor have, meanwhile, been variously retained or rejected, yet the reasons for this are unclear.

From a purely practical standpoint, if the main change to the process of deriving C4SLs is focussed around a new approach to toxicology, then it is very unlikely that many, or indeed any new C4SLs will be derived in the future for new substances outside the initial six being done by Defra. This will be due to the high cost of undertaking fundamental reassessments of the toxicology of each substance (its been suggested this would be about £10k per substance).

We look forward to your reply as soon as possible so that SiLC might contribute more constructively in the project before it concludes, and establish the degree to which the outcomes have any value.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Crowcroft', with a stylized flourish at the end.

Phil Crowcroft
Chairman
SiLC PTP

Copy to:
SiLC PTP