

EXHIBIT 2

Congress of the United States
Washington, DC 20515

December 14, 2005

Hon. Sue Ellen Wooldridge
Assistant Attorney General
Environment and Natural
Resources Division
U.S. Department of Justice
Washington, DC 20530

Hon. Stephen Johnson
Administrator
U.S. Environmental Protection
Agency
Washington, DC 20460

By Fax: 514-0557/501-1450

Re: United States v. General Electric Company, Civil Action No. 05-cv-1270,
D.J. Ref. 90-11-2-529

Dear Ms. Wooldridge and Administrator Johnson:

We are writing to express our growing concerns regarding the consent decree that the Environmental Protection Agency (EPA) has negotiated with the General Electric Company (GE) for the Hudson River PCBs Superfund cleanup. This consent decree, and specifically the Phase 1 Intermediate Design Report (IDR), raises serious doubt about the effectiveness of GE's cleanup remedy and compliance with the 2002 Record of Decision. We urge you to reconsider the terms of the consent decree and order a revised design report that reflects the concerns and comments provided by other federal agencies and the public.

As you know, the 2002 Record of Decision (ROD) chose the remedy for cleaning up the Hudson River after an exhaustive and lengthy process of evaluation, public comment and study. The ROD, which remains the official order of the EPA in this case, clearly stipulated the removal of the contaminated sediments by dredging over the alternative possible remedies evaluated and considered. The dredging alternative "REM-3/10/S", also described as "Removal Followed by Monitored Natural Attenuation (MNA), with Upstream Source Control," was chosen over other options, including capping contaminated sediments and leaving sediments alone.

On October 6, 2005, the EPA lodged a consent decree with the federal court in Albany where the case of United States v. General Electric Company was filed. The consent decree, if approved by the court, would become the order under which the remedy is carried out, with the methodology of the IDR replacing that chosen by the ROD. As evidenced by a recently revealed interagency document from the National Oceanic & Atmospheric Administration (NOAA), dated October 18, 2005, the cleanup proposed in the current IDR deviates profoundly from the remedy detailed in the ROD and other post-ROD documents.

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The NOAA analysis of the IDR, leaked to *The New York Times* and subsequently provided to our offices, raises serious doubts about the remedy that may be used in the Hudson River and also raises questions about EPA's commitment to uphold the historic ROD. It is troubling to note that NOAA's assessment of the IDR was not made public by EPA, NOAA, or DOJ, and the detailed concerns raised in these comments have not been publicly addressed. This raises a host of questions, including whether there are other interagency comments regarding the IDR that raise similar objections to the IDR, and why EPA apparently ignored and refused to make public these concerns. We would like answers to both of these questions.

NOAA's comments to the EPA are strongly critical of the IDR, listing and detailing twenty different ways in which GE's Phase 1 IDR deviates from the ROD. The report in fact concludes:

"The IDR appears different from the 2002 Hudson River PCBs Superfund Site Record of Decision (ROD) and post-ROD documents 1 (*sic*) that may reduce (a) the volume of material targeted for removal, (b) the area targeted for removal, (c) the amount of habitat reconstruction and rehabilitation required to mitigate for adverse impacts as a consequence of remedy implementation, (c) (*sic*) the protectiveness and permanence of the remedy, (d) the likelihood of Phase 2 implementation and (e) overall success of the remedy.

Based on the IDR, (a) capping may replace dredging as a major component of the remedy, (b) capping of PCB inventory and residuals may exceed that originally anticipated when a dredging remedy was selected, (c) long-term recovery of the system may be delayed, (d) Projected time frame to achieve reduction in PCBs may be extended, and (e) residual injury to natural resources may increase."

Rather than responding publicly to these important concerns or amending the IDR to reflect the critique by NOAA's expert, the EPA apparently withheld this memo and proceeded to move forward with a seriously flawed cleanup remedy. If EPA allows this IDR to stand without reconsideration and amendment and finalizes the consent decree, it is clear that unacceptable levels of toxic PCBs will be left in the Hudson River permanently and that the letter and intent of the 2002 ROD will have been seriously undermined.

The NOAA comments carefully and thoroughly document the many inconsistencies between the ROD and the IDR. As noted above, these deviations include two very critical elements: 1) allowing GE the option of capping sediments in up to 80 acres of the Upper Hudson River rather than dredging those sediments and 2) failing to provide for active habitat restoration in disturbed areas of the River, particularly in near-shore and sensitive

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wetland areas. Based on these two issues alone, we believe it is obvious that the IDR deviates dramatically from the carefully evaluated ROD.

The very heart of the ROD was the choice of a program to actively and aggressively remediate the PCB contamination in the Hudson River. GE fought long and hard to convince the EPA, and the public, that an active cleanup was not necessary or that a scaled-down cleanup would be acceptable. The EPA clearly rejected that position in the ROD and wisely stipulated a remedy removing contaminated sediments and actively restoring habitat areas. Unfortunately, it seems that the EPA has compromised its earlier decision and allowed GE to dictate the terms of the cleanup based on its own interests.

Additionally, other terms of the consent decree seem to evidence problems with the cleanup process. EPA's failure to insist on a waiver of legal challenges to the cleanup from GE is troubling. The lack of stipulated penalties in the event that GE opts not to undertake Phase 2 is also unacceptable, particularly since we currently have no assurance that GE will finish the final 90% of this cleanup. Concerns have also been raised regarding the use of a peer review process for the cleanup that EPA rejected earlier in this case – a process that affords GE great advantages. These and other issues raised by NOAA and the public suggest that there is reason to question EPA's commitment to a full and comprehensive cleanup.

In light of the evidence that the IDR is inadequate to meet the goals and requirements of the ROD, we urge you to move expeditiously to:

- Revise the flaws in the IDR to remedy its deviations from the ROD;
- Require GE to finish the entire cleanup and stipulate penalties if it fails to comply; and
- Revise the Phase I Peer Review Process so that it is not tilted in GE's favor.

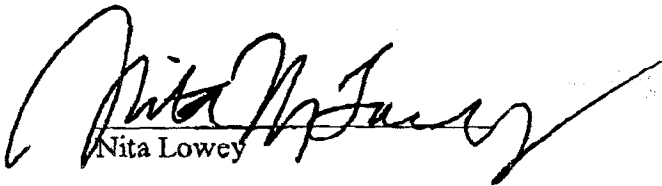
The ROD requirements, including methods, timeline, and results, ought to be stringently enforced by the EPA. The discrepancies documented by NOAA should be addressed before the consent decree is finalized and the IDR replaces the ROD remedy.

The Hudson River ecosystem and communities along the River have suffered from PCB contamination for decades, and the ROD was the product of many years of study, scientific review and evaluation. Deviations from the ROD that reduce the overall effectiveness of the cleanup and threaten the natural resource recovery of the river are unacceptable.

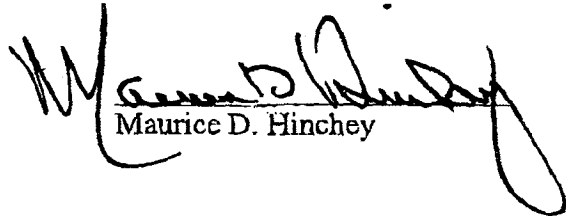
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This cleanup is too important to be compromised by agency retreat from the original ROD.
We look forward to your prompt attention to this matter.

Sincerely,



Nita Lowey



Maurice D. Hinchey

cc: Alan J. Steinberg, Region 2 Administrator, U.S. Environmental Protection Agency