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United States Senate

COMMITTEES
FINANCE
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ENERGY AND NATURAL RESOURCES
VETERANS' AFFAIRS
JOINT ECONOMIC COMMITTEE

June 23, 2017

The Honorable E. Scott Pruitt
Administrator
Office of the Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

The Consolidated Appropriations Act of 2017, H.R. 244, incorporates by reference language included in Senate Report 114-281. This Senate Report accompanies the Senate's FY17 Interior and Environment Appropriations bill. The language (attached) directs EPA to convene an interagency working group to be Co-Chaired with the Office of Information and Regulatory Affairs (OIRA) and to include relevant executive branch stakeholders to review compliance with the National Academy of Sciences (NAS) recommendations in Integrated Risk Information System (IRIS) assessments issued since the April 2011 NAS Formaldehyde report.

The language directs the Agency to issue a report to the Committees of Appropriations of the House and Senate on the findings of the working group and the implementation plans of its findings within 180 days of enactment.

As the principal author of this language, I want to ensure that this working group is quickly convened and provided with the needed resources to meet this requirement.

First, I strongly recommend your appointment of the new EPA Deputy Assistant Administrator of the Office of Chemical Safety and Pollution Prevention (OCSPP) as the EPA co-chair of the interagency working group given EPA's proposed new role of IRIS to support OCSPP's implementation of the recently amended Toxic Substances Control Act (TSCA) law that requires use of the best available science and given the scientific concerns that have been identified with the IRIS program in the past.

Second, given your Agency's public statements and the Agency's FY18 budget request, it is my sense that the most beneficial use of the working group would be to develop a plan for the most effective way to provide explicit direction to the Office of Research & Development to fully implement the full suite of recommendations from the NAS 2011 Formaldehyde Report and the 2014 NAS IRIS Report prior to finalizing future assessments and developing TSCA risk evaluations.

Third, based upon language in the EPA's fiscal year 2018 (FY18) passback pertaining to Human Health Risk Assessment, EPA's IRIS resources should be redirected to OCSPP to assist the EPA in meeting its statutory and regulatory mandates for development of chemical risk evaluations under the amended TSCA law including use of the best available science and weight-of-evidence approach as required under the new law.

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Next, the Federal interagency working group should devise a plan to place in the IRIS database a prominent notice stating all of the final assessments within the database were developed prior to full implementation of the complete sets of recommendations contained within Chapter 7 of the NAS 2011 Formaldehyde Report and the NAS 2014 IRIS Report for improving EPA IRIS assessments. These notices should caution all stakeholders, including EPA program offices, EPA Regions, state and local governments to proceed with caution when using IRIS assessments to develop regulatory standards as well as site-specific risk assessments and cleanup requirements. Should EPA, state or local offices opt to utilize the flawed assessments identified under the plan, the regulatory officials are strongly encouraged to revise the IRIS assessments using updated peer-reviewed scientific data as well as the NAS recommendations to reflect the best available science.

In addition, EPA should place a specific cautionary notice in each of the IRIS assessments which were finalized after release of the April 2011 NAS Formaldehyde Report stating that the full suite of NAS IRIS recommendations was not incorporated into developing the assessment prior to finalizing and posting in the IRIS database and provide a list of the specific NAS recommendations the Agency failed to incorporate that are unique to each assessment. EPA's IRIS program was on notice from the highly-regarded and well-respected NAS that the Agency's scientific program, IRIS, was deeply flawed and needed significant reforms, yet EPA, opting against full implementation of the NAS-recommended reforms, moved forward with finalizing these flawed draft IRIS assessments, thereby imposing considerable unnecessary costs on Federal agencies and the private sector. This will have the effect of correcting a flawed process and return the efforts of mitigation to a rational and transparent approach.

I appreciate your consideration of these Congressional directives and I look forward to working with you to expeditiously convene an interagency working group to help implement these policy recommendations in a timely manner.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy M.D.
U.S. Senator (LA)

Senate Report 114-281 Language for the Department of The Interior, Environment, and Related Agencies Appropriations Bill, 2017:

Integrated Risk Information System.—The Committee is aware of efforts by the Agency to implement the 2011 National Academy of Science's [NAS] Chapter 7 and 2014 NAS report recommendations for the Integrated Risk Information System [IRIS] but remains concerned that the recommendations have not been fully implemented. In published appendices that accompany final IRIS assessments, EPA has detailed some of the Agency's deficiencies in meeting the NAS high-priority reforms. The Committee directs the Agency to convene an interagency working group to be Co-Chaired with the Office of Information and Regulatory Affairs and to include relevant executive branch stakeholders to review compliance with the NAS recommendations in IRIS assessments issued since the 2014 NAS report. The working group shall focus specifically on transition from the use of single point estimates of hazard and exposure to presenting more complete information on the distribution of estimated hazards, exposures, and/or risks, including central tendency values; on processes for evaluating study quality, relevance, and risk of bias; the use of a transparent and reproducible weight-of- evidence process for applying scientific findings; the selection of an adverse outcome; and the use of default linear low-dose extrapolation and other default modeling approaches to hazard determinations. The Committee directs the Agency to issue a report to the Committees of Appropriations of the House and Senate on the findings of the working group and the implementation plans of its findings within 180 days of enactment of this act. The working group report shall also include a timetable for EPA's full implementation of the NAS recommendations for all IRIS assessments issued since the 2014 NAS report.