To: Lyons, Troy[lyons.troy@epa.gov]
Cc: Bowman, Liz[Bowman.Liz@epa.gov]
From: Jackson, Ryan
Sent: Wed 11/8/2017 2:53:51 PM
Subject: Re: Hedging On Toxics Nominee, Burr Urges Pruitt To Address PFC Concerns

Absolutely. Ex. 5 - Deliberative Process Let's get a line open to talk.

Ryan Jackson
Chief of Staff
U.S. EPA
Ex. 6 - Personal Privacy

On Nov 8, 2017, at 8:31 AM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Hedging On Toxics Nominee, Burr Urges Pruitt To Address PFC Concerns

Even as he hedges on whether he will support the Trump administration's nominee to lead EPA's toxics office, Sen. Richard Burr (R-NC) is urging Administrator Scott Pruitt to determine whether to prioritize perfluorinated substances (PFCs) for future risk evaluations, suggesting a commitment on addressing his concerns could help secure his support for the nominee.

EPA's research office is already prioritizing its risk assessment work on the broad range of PFCs chemicals but a more specific commitment that Burr is seeking to prioritize the substances for assessment under the Toxic Substances Control Act (TSCA) could be crucial as the nominee, Michael Dourson, faces a wall of opposition from Democrats over his past support for industry, and Republicans cannot afford to lose many GOP senators.

Burr sent Pruitt an Oct. 31 letter asking EPA to "make a determination" under the reformed Toxic Substances Control Act (TSCA) "as to whether GenX and other PFCs should be prioritized for future risk evaluations."

He noted that EPA did not list PFCs in its 2014 update of the TSCA Workplan list of chemicals prioritized for risk assessment, but indicated it was concerned about the chemicals. At that time, EPA said it needed more information before deciding whether to prioritize the substances for evaluation and possible regulation.

Burr's letter also "requested that the EPA 'quickly complete' its review of the 2009 consent order allowing Chemours to manufacture GenX and hold the company accountable for violating any portion of the agreement."

And Burr asked Pruitt to "fully review the issuance of, and ongoing oversight related to," Clean Water Act discharge permits that North Carolina's Department of Environmental Quality (DEQ) issued to a local Chemours facility that discharged GenX, a kind of PFC, into the Cape Fear River.

"The review should not only include actions taken by DEQ and Chemours, but also EPA's participation in the review of those permits. It is imperative that there is an understanding of the conditions that led to the discharge and what knowledge, if any, DEQ or EPA had about the GenX release," Burr wrote.

Burr's letter comes amid uncertainty over the fate of Dourson's nomination. Last week, Senate Majority Leader Mitch McConnell (R-KY) sought a cloture vote to allow William Wehrum, the administration's nominee to lead EPA's air office, to proceed to the Senate floor. But McConnell did not act on Dourson, who cleared the environment committee at the same time as Wehrum, suggesting that McConnell may not yet have the votes to allow Dourson's nomination to advance.

Burr's office did not respond to requests for comment. But *Bloomberg BNA* reported that Burr, as well as Sen. Thom Tillis (R-NC), are still weighing whether to support Dourson.

Burr "is evaluating Mr. Dourson's record and will make a determination based on the best interests of North Carolinians," his spokesman told the publication.

Similarly, Tillis' spokespersons said the senator and his staff "are doing their due diligence to assess the record of the nominee."

Local Contamination

Burr and Tillis' uncertainty over Dourson come amid significant concern in North Carolina over releases of GenX, a PFC compound that contaminated the Cape Fear River.

The state is also home to Camp Lejeune, a Marine Corps base that has long been a source of significant contamination concerns from a host of substances, among them trichloroethylene (TCE), that are believed to be a driver for a reported increase in cancer incidence.

Both Burr and Tillis have long supported local and EPA efforts to address such concerns. For example, both sponsored legislation to provide easier access to Veterans Affairs healthcare for marines and their families who have cancer.

Burr was also one of the few Republicans who supported the Obama administration's assessment of TCE, which listed the substance as carcinogenic to humans. Burr said it will help the estimated 750,000 military personnel and their families potentially exposed to the chemical in drinking water at the base.

"[EPA's cancer] designation . . . is of the utmost significance as it will further inform veterans and their family members, who may have contracted various forms of cancer as a result of exposure to this chemical, of the risk associated with it. I am hopeful additional awareness will spur them get the medical assessment and treatment they need," he said in a statement shortly after EPA released the TCE assessment in 2011.

Burr's concerns over Dourson appear to have been heightened by an Oct. 31 op-ed in the *Raleigh News Observer* by Jerry Ensminger, a retired Marine sergeant whose daughter died of leukemia after living at Camp Lejeune.

In it, he criticizes Dourson for backing industry efforts to weaken EPA's TCE assessment, one of a number of chemicals where the nominee has sought to undercut tougher regulatory standards.

"While Dourson is a toxicologist who calls himself a 'doctor,' he might be better described as a 'spin doctor' or a 'scientific hired gun.' For the last two decades, Dourson has been paid by chemical companies like Monsanto and Dow to argue for weaker chemical safety standards. He has mastered the art of twisting the science to serve his corporate clients. Internal company emails characterized Dourson as a scientist who was in the business of 'blessing' industry's proposals," Ensminger wrote.

Burr and Tillis are not the only GOP senators to have raised concerns with Dourson's nomination. Sen. Shelley Moore Capito (R-WV) raised concerns over the nominee's his role in developing safety standards for two high-profile chemical release events in West Virginia. But her concerns appear to have been addressed as she voted for the nominee in committee.

She also told *Inside EPA* Nov. 7 that she plans to vote for Dourson on the floor -- *Maria Hegstad* (mehgstad@iwpnews.com) & *Jeremy Bernstein* (jbernstein@iwpnew.com)

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