January 29, 2019

VIA ELECTRONIC DELIVERY

The Honorable Andrew Wheeler
Acting Administrator and Deputy Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

We write in response to the U.S. Environmental Protection Agency's (EPA) Residual Risk and Technology Assessment (RTR) on Hydrochloric Acid that EPA transmitted to the Office of Management and Budget with little public notice or congressional notification right before the holidays on December 20, 2018. As you know, EPA is required to publish RTRs for a variety of hazards. What is unusual in this specific RTR is that it includes the following language on a tangentially related chemical, ethylene oxide. Specifically, this RTR included the following request:

> "These elevated risks are largely driven by an EPA risk value that was updated in late 2016. Although this updated risk value is also responsible for the elevated facility-wide risks calculated here, as noted earlier, these risks are due to emission sources that are not part of the HCl Production source category. Nevertheless, the EPA is interested in receiving public comments on the use of [ethylene oxide's] update[d] risk value for regulatory purposes."

The EPA is charged with safeguarding the environment and defending the public health of all Americans. We are alarmed that hidden inside the 103 page RTR was a troubling information request that appears to be a transparent invitation for the public—including chemical industries—to weaken EPA's forthcoming rules intended to protect Illinoisans and Americans throughout the Nation from elevated levels of cancer risk resulting from exposure to ethylene oxide (EtO). EPA has applied a consistent priority scheme to the sources of data it uses for its rulemakings. If EPA choose not to use its own assessment for determining inhalation risk values, it would contradict the Agency's longstanding policy and put many Americans at risk.

Furthermore, if accurate, this would represent an indefensible capitulation by EPA to the demands of the chemical industry. It is no secret that corporate special interests have been working to undermine and discredit EPA's IRIS program, specifically the recent scientific determination to revise the chemical's carcinogenicity of EtO to be 50 to 60 times more carcinogenic based on an improved model.

Since EPA updated the carcinogenic risk value of EtO, the American Chemistry Council (ACC) has lobbied EPA to withdraw its assessment. The chemical industry appears to be following the

playbook established by the fossil fuel industry when it sought to undermine climate change science and by tobacco companies when they attempted to cover up the danger of their products.

These efforts are bolstered by the presence of former employees at the highest levels of EPA. For example, Nancy Beck, a former lobbyist for ACC and current Deputy Assistant Administrator of Chemical Safety and Pollution Prevention, has long been a critic of EPA's IRIS program – even though EPA's program was praised by the National Academy of Science for its independence from the chemical industry and its systematic review process. Ms. Beck has also specifically criticized EPA's ethylene oxide risk assessment.

On behalf of our constituents and communities across the country, we strongly urge you to publicly commit to at least preserving, if not strengthening, EPA's current risk value of EtO. For several months, our constituents in and around Willowbrook and Lake County, Illinois have lived in fear that the air they breathe now, and breathed for decades, represents an elevated cancer risk. Their fears are grounded in the fact that facilities near them emitting EtO, a known carcinogen, had been vented well above levels deemed safe by EPA for decades.

In pursuit of transparency and to provide our constituents with confidence that EPA is working for the public good and not private profits, please provide our offices with a public commitment that EPA will defend and preserve the independent IRIS determination assessing the carcinogenicity of EtO. Equally important, we request that you publicly promise to rely on updated IRIS risk value determination to guide regulatory activities.

Defending the work of EPA's dedicated career civil servants by rejecting industry lobbyists' attempts to weaken these agency professionals' science-based assessments will go a long way towards increasing confidence in your leadership. Thank you in advance for your consideration of our request. If you have any questions about this request, please contact Radha Adhar from the Office of Senator Duckworth at Radha_Adhar@duckworth.senate.gov or 202-224-2854.

Sincerely,

Tammy Duckworth
United States Senator

Richard J. Durbin
United States Senator

Daniel W. Lipinski
United States Representative

Bradley S. Schneider
United States Representative

Bill Foster
United States Representative

Sean Casten
United States Representative