RFC # 18002: Center for Biological Diversity Challenging OPP Website "[HYPERLINK "https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos-epas-seven-year-quest-columbias-raw-data"]"

Center for Biological Diversity Request for Correction: "EPA claims on this webpage that it has engaged in a quest — defined as "an act or instance of seeking: pursuit, search, chivalrous enterprise in medieval romance usually involving an adventurous journey of information" — to obtain raw data.

EPA has not provided any information to the public supporting this claim of a "quest" since 2010, but rather has posted just three letters all sent in a two year period of time where EPA and Columbia University have worked on addressing valid, legal concerns regarding what information can be reviewed by EPA and/or released to the public."

Evidence:

The evidence provided below addresses the petitioner's assertation that EPA has not provided any information to the public supporting a quest since 2010 for the dataset from an epidemiology study conducted by Columbia. This evidence is also publicly available online.

2014 Chlorpyrifos Revised Human Health Risk Assessment for Registration Review under Docket #EPA-HQ-OPP-2008-0850-0195 at [HYPERLINK "http://www.regulations.gov"]. Appendix 6. Page 384. Excerpt:

> "To fulfill identified information needs for the purposes of incorporating the Columbia Center for Children's Environmental Health (CCCEH) epidemiology data into the Human Health Risk Assessment (HHRA) for chlorpyrifos, the agency sought to obtain certain "raw data" from CCCEH researchers. Specifically, EPA requested the original analytic data file used to support analyses presented in the peer-reviewed, published epidemiology studies concerning *in utero* chlorpyrifos exposure (V. Rauh et al., 2011; V. A. Rauh et al., 2006; Whyatt et al., 2004). CCCEH researchers did not agree to provide these data, however, [on April 15th, 2013] the researchers met with EPA and discussed the agency's questions about the data to help determine whether further review of the raw data might assist EPA in resolving uncertainties. As a result of new information gathered through an on-site meeting and other sources, EPA is no longer pursuing the request for the original analytic data file from CCCEH researchers. This memorandum details the new information gained that resolves or renders unobtainable the previously identified information needs."

2016 House Committee on Agriculture Public Hearing: To consider the impacts of the Environmental Protection Agency's actions on the rural economy. [HYPERLINK "https://agriculture.house.gov/calendar/eventsingle.aspx?EventID=3093"]

Recommended Web-Page Edits: Edits to the web page would make the dates consistent with dates cited in the public record.

WEBPAGE: [HYPERLINK "https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos-epas-seven-year-quest-columbias-raw-data"]

~~Since 2010,~~ Prior to 2013, EPA ~~has sought~~ requested the dataset from an [HYPERLINK "https://www.epa.gov/pesticide-registration/understanding-science-behind-epas-pesticide-decisions" \l "epidemiology"] conducted by the Columbia Center for Children's Environmental Health (CCCEH) which EPA used as the reasoning behind a proposed rule in November 2015 to revoke the tolerances for chlorpyrifos, potentially banning the pesticide from use. EPA had a March 31, 2017 court-ordered deadline to make a decision on the PANNA/NRDC petition seeking a ban.

The Columbia Center study has been widely-used as support for a ban, despite divergent scientific views among EPA scientific review panels and USDA questioning the study and its data:

- 2016 EPA Scientific Advisory Panel: "Some Panel members thought the quality of the CCCEH data is hard to assess when raw analytical data have not been made available, and the study has not been reproduced."
- 2017 USDA letter: Recommends denying the petition citing EPA's *Scientific Integrity Policy*: "USDA has grave concerns that ambiguous response data from a single, inconclusive study are being combined with a mere guess as to dose levels, and the result is being used to underpin a regulatory decision …"

Given that the Ninth Circuit would not provide additional time for a new administration to review the issue, EPA denied the petition, based on the lack of time, divergent views from the cabinet departments and the fact that the scheduled FIFRA review for all pesticides, including chlorpyrifos, allows for a public process that included more time to further evaluate the science and come to a clearer scientific resolution of the issues.

~~On July 18, 2017, the Ninth Circuit ruled in EPA's favor, refusing to short-circuit the process established by Congress to challenge a denial of a petition to revoke a tolerance, affording EPA additional time to conduct a proper evaluation under the law of the science and the studies on chlorpyrifos and provide clarity about the pesticides' safety to the American people.~~

EPA Requests for Columbia Study's Data

Despite multiple requests, an EPA visit to Columbia, and a public commitment to "share all data gathered," CCCEH has not provided EPA with the data used. Some recent requests ~~dating back to 2010~~ include:

1. [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2008-0850-0195"]
2. [HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2008-0850-0871"]

Commented [BI1]: Recommendation to remove paragraph given by OGC in light of recent LULAC v. Wheeler litigation.