Message

From: Cosey, Merrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6AF59D98AC7C4A0285C220AF9A3C07F6-COSEY, MERR]
Sent: 7/1/2021 7:01:22 PM
To: Nichols, Nathanael [nichols.nathanael@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: Re: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry

Ex. 5 AC/DP

Merrick D. Cosey
U.S. Environmental Protection Agency
Office of General Counsel (MC 2377A)
General Law Office, ELPG
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
Office: (202) 564-0335
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On Jul 1, 2021, at 2:59 PM, Nichols, Nathanael <nichols.nathanael@epa.gov> wrote:

Ex. 5 AC/DP

NATHANAEL NICHOLS
U.S. EPA | Office of General Counsel | Employment Law Practice Group
1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460
phone: (202) 564-2960 | nichols.nathanael@epa.gov

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Thursday, July 1, 2021 2:56 PM
To: Cosey, Merrick <Cosey.Merrick@epa.gov>; Nichols, Nathanael <nichols.nathanael@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry

Ex. 5 AC/DP

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Cosey, Merrick <Cosey.Merrick@epa.gov>
Sent: Thursday, July 01, 2021 2:54 PM
To: Nichols, Nathanael <nichols.nathanael@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry

Nate —

Ex. 5 AC/DP

Merrick D. Cosey
U.S. Environmental Protection Agency
Office of General Counsel (MC 2377A)
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On Jul 1, 2021, at 2:42 PM, Nichols, Nathanael <nichols.nathanael@epa.gov> wrote:

Ex. 5 AC/DP

Ex. 5 AC/DP

NATHANAEL NICHOLS
U.S. EPA | Office of General Counsel | Employment Law Practice Group
1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460
phone: (202) 564-2960 | nichols.nathanael@epa.gov

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Thursday, July 1, 2021 2:34 PM
To: Cosey, Merrick <Cosey.Merrick@epa.gov>; Nichols, Nathanael <nichols.nathanael@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry
Importance: High

Ex. 5 AC/DP

Let me know as soon as you can re: comments on this.

See GLO comments in bold below.

From: Conrad, Daniel <conrad.daniel@epa.gov>
Sent: Thursday, July 01, 2021 2:11 PM
To: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Packard, Elise

<Packard.Elise@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Serassio, Helen <Serassio.Helen@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry

ORD just sent the following edits which basically make my edits to the first paragraph and then add new language. Ex. 5 AC/DP

Ex. 5 AC/DP

-Dan

Draft EPA response:

Ex. 5 AC/DP

From: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>
Sent: Thursday, July 01, 2021 1:53 PM
To: Conrad, Daniel <conrad.daniel@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Serassio, Helen <Serassio.Helen@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry

Ex. 5 AC/DP

Chris E. Kaczmarek (he/him/his)
Deputy Associate General Counsel
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. EPA
Tel (202) 564-3909

From: Conrad, Daniel <conrad.daniel@epa.gov>
Sent: Thursday, July 01, 2021 12:55 PM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Serassio, Helen <Serassio.Helen@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Quick Review Press Inquiry- FW: Action needed on Intercept inquiry

Bringing a lot of folks in on this one as it seems to involve employment, OCSPP and scientific integrity. I've pasted Nick's draft statement below for ease of review and added my suggested edits . The detailed inquiry regarding allegations of four career scientists is located at the bottom of this email. Let me know if you have any concerns with the draft response/proposed edits, thanks.
-Dan

Draft statement:

Ex. 5 AC/DP

From: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Sent: Thursday, July 01, 2021 12:40 PM
To: Conger, Nick <Conger.Nick@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: Action needed on Intercept inquiry

Thanks Nick. Yes, will run by Michal now.

Greg Siedschlag
Chief, Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (703) 603-9044
Cell: (571) 319-7949
pronouns: he/him/his

From: Conger, Nick <Conger.Nick@epa.gov>
Sent: Thursday, July 01, 2021 12:19 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Carroll, Timothy <Carroll.Timothy@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Action needed on Intercept inquiry

Ex. 5 Deliberative Process (DP)

Nick Conger
Press Secretary
Environmental Protection Agency
202-941-1116 (mobile)

From: Conger, Nick <Conger.Nick@epa.gov>
Sent: Thursday, July 1, 2021 11:57 AM
To: Carroll, Timothy <Carroll.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Subject: RE: Time-sensitive request

Flagging this for Lindsay as well. Here is my proposed statement, welcome your feedback. After we land on something, let's route through OCSPP and make sure Michal is aware and signed off. Quick turn needed.

Draft statement:

Ex. 5 Deliberative Process (DP)

Nick Conger
Press Secretary
Environmental Protection Agency

202-941-1116 (mobile)

From: Sharon Lerner <sharon.lerner@theintercept.com>
Date: July 1, 2021 at 11:01:27 AM EDT
To: Press <Press@epa.gov>, "Labbe, Ken" <Labbe.Ken@epa.gov>
Subject: Time-sensitive request

Hi Ken and EPA press office-
I have written a quick piece about a complaint I received from whistleblowers in the OCSPP and PEER. I am pasting in what they have told me blelow. Please respond to the following - all of which was provided by the four scientists, Ex. 6 Personal Privacy (PP) and Ex. 6 Personal Privacy (PP) by the end of the day today.
Thank you,
Sharon

Four scientists who work at EPA said that managers and career staff in the agency's Office of Chemical Safety and Pollution Prevention tampered with the assessments of dozens of chemicals to make them appear safer. The whistleblowers provided The Intercept with detailed evidence of pressure within the agency to minimize or remove evidence of potential adverse effects of the chemicals, including neurological effects, birth defects, and cancer.

On several occasions, information about hazards was deleted from agency assessments without informing or seeking the consent of the scientists who authored them. Some of these cases led the EPA to withhold critical information from the public about potentially dangerous chemical exposures. In other cases, the removal of the hazard information or the altering of the scientists' conclusions in reports paved the way for the use of chemicals, which otherwise would not have been allowed onto the market.

The four EPA staff members said that they told colleagues and supervisors within the agency about the interference with their work. Each of the scientists also filed complaints with either the EPA's Inspector General or the Office of Science Integrity.

In the case of one substance that Ex. 6 Personal Privacy (PP) was reviewing in February of this year, the animal studies suggested serious potential for harm. Rats exposed to a single dose of the chemical had become lethargic, lost weight, and had trouble moving. Some became comatose, and others died.

"Usually with this type of acute study, there are no effects," said Ex. 6 Personal Privacy (PP) "So this was a red flag to me that we needed further information." But when Ex. 6 Personal Privacy (PP) said in a meeting that she needed more data to complete her hazard assessment report, one of her supervisors responded with a series of questions. "She kept asking me, 'Look at the data, look at the data, look at it again, tell me what you see,'" Ex. 6 Personal Privacy (PP) said of her supervisor. "I knew she wanted me to make the hazards go away and she even said that — 'why don't you take a look at the actual study data again, and maybe the hazards will go away?'"

A chemist named Ex. 6 Personal Privacy (PP) faced similar pushback when he was assessing a mixture of compounds in January of 2020. One component of the product, which was to be used in cleaning solutions, is a chemical that caused birth defects and miscarriage in experiments on rats. Ex. 6 Personal Privacy (PP) and another risk assessor noted the developmental effects in the chemical's hazard assessment, which must by law then be added to the chemical's Safety Data Sheet. But the company that had submitted the product for approval balked at the requirement. And the day after the assessment Ex. 6 Personal Privacy (PP) wrote was finalized, a representative of the company who had recently worked in the same division of EPA met with several of Ex. 6 Personal Privacy (PP) colleagues and his supervisor whom she had known from her time at the agency. Ex. 6 Personal Privacy (PP) wasn't invited to attend the meeting. The following day, another assessment of the chemical was uploaded into the EPA's computer system without Ex. 6 Personal Privacy (PP) consent or knowledge. The new version omitted the information about the birth defects and miscarriages.

When he learned of the new assessment, Ex. 6 Personal Privacy (PP) asked that the original one be restored. The meeting that followed was hostile, with a senior science advisor in the office calling Ex. 6 Personal Privacy (PP) "passive aggressive"

for being so concerned about the assessment. While some information about the chemical was restored in the assessment after Ex. 6 Personal Privacy (PP) complained about its removal, the warning about its potential to cause developmental toxicity, which would alert pregnant women to these harms, never made it into the safety data sheet.

Ex. 6 Personal Privacy (PP) had his work revised without his knowledge on other occasions, too. In one case in 2019, he was asked to assess a chemical even though the manufacturer had not submitted studies. Ex. 6 Personal Privacy (PP) followed the EPA's written guidance for such situations and used toxicity numbers for the class to which the chemical belongs. When he plugged in the proper values, Ex. 6 Personal Privacy (PP) calculated that the likely exposures to the chemical would exceed the agency's safety limit by more than 15,000 times. Three months after he submitted the document with this conclusion, he noticed that a new assessment of the chemical had been uploaded to the EPA's computer system. In this new assessment, which deviated from guidelines, the assessor found that the chemical posed only a slight risk and that workers who used the material could mitigate the danger by wearing protective gear.

The second assessment, which found the chemical not likely to pose harm, was finalized in August 2020.

All four scientists said the pressure to downplay the risk of chemicals increased during their time in the division. Ex. 6 Personal Privacy (PP) protested changes in multiple risk assessments between March and June 2020. Her supervisors asked her to represent the developmental effects of one chemical, which included the reduction of fetal weight in animal studies, as effects on the mothers. Such a mischaracterization would mean that the risk the chemical poses to a developing human fetus would not be reflected by its Safety Data Sheet, a document the Occupational Safety and Health Administration uses to communicate risk to workers. Ex. 6 Personal Privacy (PP) refused to make the change.

One month later, she was reassigned to another office.

Even after her transfer, documents she had written while in the Office of Chemical Safety and Pollution Prevention continued to be altered, including an assessment of a PFAS compound. Because there was limited information available about the chemical, she had looked to studies of similarly structured compounds, as is EPA policy. In this case, one of the closest analogues was PFOA, an industrial chemical that poses both cancer and developmental risks, as Ex. 6 Personal Privacy (PP) noted in her assessment. But one of her former supervisors had instructed another scientist to remove her reference to PFOA from the assessment and replace it with another, less toxic chemical to gauge its safety. The change resulted in a 33-fold underestimation of the compound's risk, according to Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) another of the four whistleblowers, who has worked at the EPA for over 11 years as a toxicologist, was also moved out of the office after repeatedly resisting pressure to change his assessments to favor industry. Ex. 6 Personal Privacy (PP) said that while it had seemed obvious that the pressure stemmed from chemical companies, the science advisor in the office made the point irrefutably clear during an argument over one particular chemical assessment.

"At one point, he was shouting at me to change it," Ex. 6 Personal Privacy (PP) said of the science advisor, who was urging him to eliminate hazards noted in the assessment. "He basically was siding with the company, shouting at me that 'the company went ape-shit when they saw this document.'" Ex. 6 Personal Privacy (PP) replied, "Well that's the assessment."

Ex. 6 Personal Privacy (PP) didn't make the changes. "I actually added extra hazards to it," he said. "It was also a carcinogen." Several months after that encounter, the antagonism stopped when Ex. 6 Personal Privacy (PP) was transferred out of the office. The scientist saw the move as a last resort for his managers. "I have three board certifications in toxicology, so it was hard for them to say Ex. 6 Personal Privacy (PP) you're stupid,'

and so instead they just kicked me out of the program."

Ex. 6 Personal Privacy (PP) was also transferred in September 2020. Meanwhile Ex. 6 Personal Privacy (PP) continues to work in the office, where she said disputes over chemical assessments and retaliation against her have continued unabated.

Kyla Bennet from PEER said: "The problems in OCSPP are not due solely to the Trump Administration and its appointees. The issues faced by our clients occurred before Trump took office, during the Trump years, and continue now." While such complaints are usually kept confidential, by Tuesday many mangers in OCSPP had somehow obtained a copy of the whistleblowers' allegations. Bennett said: "The fact that EPA released our clients' names is inappropriate and troubling. They've been put in an incredibly uncomfortable situation. This gives the managers the chance to circle the wagons trying to go after them."

Sharon Lerner
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PGP:
CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE