EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

FRANK D. LUCAS, Oklahoma
RANKING MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
2321 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6301
(202) 225–6375
www.science.house.gov

June 2, 2021

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan:

As the Ranking Member on the Committee on Science, Space, and Technology, I write to follow up on the repeated requests the Committee has issued to the Environmental Protection Agency (EPA or the Agency) regarding the Integrated Risk Information System (IRIS) program. Over the past two and a half months, EPA has stalled and ignored Committee staff's flexible requests for a briefing regarding the resumption of the IRIS program's formaldehyde assessment.

The Committee has long conducted oversight of the IRIS program and concerns regarding transparency, process, and decision-making. On March 3, 2021, I wrote to then-Acting Administrator Jane Nishida that we expected the Agency to "assess [the IRIS process'] benefits and impacts thoroughly" when reviewing the overlap of Toxic Substances Control Act (TSCA) evaluations and IRIS assessments.[1] However, on March 11, 2021, the Agency's Office of Research and Development (ORD) published the program's 2021 outlook, which stated that ORD has "unsuspended" the IRIS formaldehyde assessment.[2]

Formaldehyde is one of the most studied, understood, and regulated chemical substances in commerce today.[3] It was designated a High-Priority Substance under the TSCA risk evaluation process in December of 2019 and has been under review in the Office of Chemical

---

[1] Letter from Frank Lucas et al.,House Committee on Science, Space, and Technology, to Jane Nishida, Acting Administrator (Mar. 3, 2021), *available at* https://republicans-science.house.gov/news/press-releases/science-committee-gop-leaders-send-oversight-letter-epa-s-toxic-substances.
[2] U.S. Envt'l Prot. Agency, *IRIS Program Outlook* (Mar 2021), https://www.epa.gov/sites/production/files/2021-03/documents/iris_program_outlook_mar2021.pdf.
[3] *Formaldehyde*, CHEMICALSAFETYFACTS.ORG, https://www.chemicalsafetyfacts.org/formaldehyde/ (last visited May 21, 2021).

Safety and Pollution Prevention with a statutory deadline since that date.[4] While TSCA is required to conduct modern, evolving evaluations using the best available science, IRIS has been plagued with problems. Although EPA has previously detailed how IRIS assessments potentially could help inform TSCA evaluations, this decision to resume an IRIS assessment raises questions regarding the usefulness of an outdated assessment and how this particular assessment would benefit the ongoing TSCA evaluation.[5]

The National Research Council of the National Academies of Sciences, Engineering, and Medicine found that the draft formaldehyde IRIS assessment "was not prepared in a consistent fashion," "lacks clear links to an underlying conceptual framework," and "does not contain sufficient documentation."[6] The Committee has unresolved questions regarding any changes to the IRIS assessment process to address this finding. Resuming an already flawed assessment that potentially duplicates current EPA efforts wastes Agency resources with no benefit to its regulatory mission.

Given these concerns, Committee staff, in coordination with staff from the Senate Committee on Environment and Public Works, contacted EPA's Office of Congressional and Intergovernmental Relations (OCIR) via email on March 15, 2021 to request a bicameral staff-level briefing. Committee staff asked that the briefing address the IRIS program, the decision process to resume the formaldehyde assessment, and the coordination of this assessment with the TSCA program's evaluation.

Despite providing a list of specific issues Committee staff wished to discuss and continued attempts to schedule the briefing over the past two and a half months, the Agency has prevented the Committee from exercising its oversight responsibility. This lack of cooperation is especially troubling given your commitment to working with Congress as you detailed in a memo to all EPA employees that stated, "I recognize the importance of Congressional oversight and encourage our programs to provide Congress with the information necessary to satisfy its oversight and legislative interests to the extent possible and consistent with our Constitutional and statutory obligations."[7]

The Committee endeavors to obtain information necessary to carry out its responsibilities in a cooperative manner. However, EPA's inability or unwillingness to provide a simple briefing

---

[4] U.S. Envt'l Prot. Agency, *Risk Evaluation for Formaldehyde*, https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-formaldehyde (last visited May 21, 2021).
[5] U.S. Gov't Accountability Office, *Chemical Assessments: Status of EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act*, GAO-19-270 (Mar. 2019).
[6] NAT'L RESEARCH COUNCIL, NAT'L ACADEMIES OF SCIENCES, ENG'G, AND MED., *REVIEW OF THE ENVIRONMENTAL PROTECTION AGENCY'S DRAFT IRIS ASSESSMENT OF FORMALDEHYDE* 4 (2011), *available at* https://doi.org/10.17226/13142.
[7] Michael S. Regan, U.S. Envtl. Prot. Agency, *Message from the Administrator* (Apr. 12, 2021), https://www.epa.gov/sites/production/files/2021-04/documents/regan-messageontransparencyandearningpublictrustinepaoperations-april122021.pdf.

and present justification for actions relating to the health and safety of the American people not only compounds concerns about an already questionable decision, but it also obstructs Congress from performing its duties to ensure agencies effectively execute the law. As such, we believe it is necessary to call your attention to this issue.

I respectfully request that you or your office facilitate a briefing between Committee staff and all relevant EPA staff involved in both the TSCA evaluation and IRIS assessment of formaldehyde from the Office of Research and Development and the Office of Chemical Safety and Pollution Prevention. I share your commitment to using the highest quality and best available science when developing chemical risk evaluations, and this can only be ensured through an open and transparent process, which necessitates effective communication with Congress.

If you have any questions regarding this request or compliance with requests made to date, please contact Mr. Daniel Dziadon with the Committee minority staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

Rep. Frank D. Lucas
Ranking Member
Committee on Science,
Space, and Technology

cc: The Honorable Eddie Bernice Johnson, Chair, Committee on Science, Space, and Technology.