



August 10, 2021

Dr. Michal Freedhoff
U.S. Environmental Protection Agency
Assistant Administrator for Chemical Safety and Pollution Prevention

Dear Dr. Freedhoff:

I am writing you on behalf of Public Employees for Environmental Responsibility (PEER). We represent scientists who work inside the Office of Chemical Safety and Pollution Prevention (OCSPP) in the New Chemicals Division, Existing Chemicals Risk Assessment Division, and the Data Gathering and Analysis Division, which administer the Toxic Substances Control Act (TSCA) and its implementing regulations. The purpose of this letter is to seek your intervention to end the prohibition on intra-agency communication that compromises the scientific integrity of chemical assessments and prevents accurate hazard information from being completely reflected to the ultimate detriment of workers and public safety.

As you are no doubt aware, there are not enough staff in the agency's New Chemical Programs to do the required work or to meet the 90-day statutory deadline. In addition, there are gaps in the necessary technical expertise to conduct adequate risk assessments. For example, New Chemicals does not have enough staff trained in inhalation toxicology, nanotechnology, cancer biology, animal pathology, epidemiology, developmental and reproductive toxicology, or inorganic chemistry, among other areas.

This problem is exacerbated by the fact that only some employees at the agency are cleared to view Confidential Business Information (CBI), which hinders their ability to consult with experts in other parts of the agency.

During a recent reorganization, the Office Director removed a number of experienced senior scientists from the New Chemicals program. As a result, the program suffered in the following ways: 1) an already overstressed program was further hindered in its ability to meet TSCA deadlines; 2) protections of human health and the environment were further eroded; and 3) seasoned employees who felt more comfortable defending human health protective hazard calls to management were replaced with new staff who were not adequately trained to independently conduct human health hazard assessments.

Prior to the reorganization, staff was divided into an incoming case and backlog team (cases that exceeded the 90-day deadline). The backlog cases are often the more complicated cases, yet managers put the most inexperienced staff on backlog cases and then prevented them from communicating with the more experienced staff.

Unfortunately, management continued these prohibitions on the New Chemicals staff after the reorganization, explicitly stating management expectations were that they could not communicate with other Office of Pollution Prevention and Toxics (OPPT) divisions.

Significantly, this prohibition is not merely a policy on paper. Our clients have been reprimanded for reaching out to other employees for feedback on their work.

The refusal of managers to allow risk assessors to consult with other experts within OCSPP and across the agency is also affecting their ability to comply with statutory deadlines. These deadlines are already too tight; for premanufacture notifications and for chemicals proposed for a significant new use, EPA must make an unreasonable risk determination within 90 days.

Overall, this prohibition on consulting with colleagues who previously worked on particular chemicals requires staff to needlessly duplicate work, which wastes staff time and taxpayer dollars. Further, this ensiling of employees is neither cost-effective nor ensures that OPPT's work products are sufficiently protective of human health and the environment.

In addition to everything else, this prohibition on consulting with other experts belies agency pronouncements that "EPA uses an integrated approach that draws on knowledge and experience across disciplinary and organizational lines."


To remove this counterproductive and perverse restriction, I am asking you to do two things:

- 1) Adopt an OPPT-wide policy prohibiting restrictions on intra-agency communications and encouraging intra-agency consultation whenever appropriate or helpful; and
- 2) Reprimand the OCSPP managers responsible for instituting and maintaining this policy.

These two actions would not interfere with any ongoing investigation by the Office of Inspector General into disclosures by our clients. However, these two actions would send a powerful signal that the current administration takes seriously any managerial actions which hamper the accuracy and completeness of these important chemical assessments.

If you would like additional information about or examples of how this restriction is impeding EPA's work, I would be happy to provide them.

Sincerely,



Timothy Whitehouse
Executive Director