



August 3, 2021

Representative Diana DeGette
Chair, Subcommittee on Oversight and Investigation
House Energy and Commerce Committee
2111 Rayburn House Office Building
Washington, D.C. 20515-4329

Dear Representative DeGette:

Public Employees for Environmental Responsibility (PEER) is submitting this confidential disclosure to you on behalf of four scientists who work inside of the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention (OCSPP). In this disclosure, our clients present disturbing evidence of the chemical industry's influence over EPA's decision-making processes and a breakdown in EPA's ability to impartially evaluate potential risks from new chemicals and address any unreasonable risks these chemicals may have on human health and the environment.

This disclosure supplements our client's June 28, 2021, disclosure to Representative Ro Khanna, Chair of the Oversight Environment Subcommittee of the House Committee on Oversight and Reform. In that disclosure, our clients documented numerous instances where their risk assessments were changed by their managers or by colleagues in response to direction by management. These changes included:

1. Deleting language identifying potential adverse effects, including developmental toxicity, neurotoxicity, mutagenicity, and/or carcinogenicity;
2. Major revisions that alter the report conclusions to indicate that there are no toxicity concerns despite data to the contrary; and
3. Risk assessments being reassigned to inexperienced employees in order to secure their agreement to remove issues whose inclusion would be protective of human health.

In this disclosure, our clients detail the inordinate amount of influence the chemical industry has within OCSPP. The industry has a disturbing level of direct, personal access to program managers, risk assessors, and political appointees. Moreover, at times OCSPP proactively changes assessments in ways that favor industry, without any direct pressure from companies or their representatives. Managers reward staff who delete hazards, assign complicated cases to inexperienced staff who are coached to minimize risks, prevent staff from communicating with their colleagues, approve chemicals to enter commerce despite insufficient or incomplete data, and use the tight statutory timeframe to rush chemicals through the system.

Specifically, this disclosure provides evidence of disturbing allegations, including:

- How the New Chemicals Division (NCD) has developed a category of cases called "hair on fire" or "HOF" cases, which are cases where the industry submitter or a member of Congress is upset about a hazard call. These cases are then prioritized by the agency managers for resolution favorable to industry;
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- Managers asked contractors to develop a “science override button,” whereby they could bypass risk assessors altogether so managers could make final determinations of no risk;
- The tight 90-day statutory deadline for assessing new chemicals is used by NCD management to pressure assessors to accept unwarranted revisions to their risk assessments;
- Despite assessors’ clear conclusion that there were insufficient data to support a “no risk” determination, cases were nevertheless approved;
- Managers move back and forth between jobs at EPA and the chemical industry, which appears to sway their decision-making;
- Managers explicitly tell risk assessors that they cannot communicate with other OPPT divisions, resulting in a silo-ing of employees and a lack of expertise in some areas; and
- A failure of management to support staff in the face of industry pressure, including some cases where staff are urged to file complaints against their colleagues.

Significantly, our clients attest that the problems in OCSPP are not due solely to the Trump Administration and its appointees. The issues faced by our clients occurred prior to Trump taking office, throughout the Trump years, and continue under the current administration. The thrust of these disclosures is that malfeasance in OCSPP has trickled down below political appointees to SES managers and career employees.

PEER and our clients do not believe that the culture of OCSPP can change unless there are repercussions for this misconduct. Further, it is our belief that the potential adverse health and environmental consequences flowing from altered risk assessments demand immediate attention on a prioritized basis. Given the seriousness of these issues, we are requesting a hearing on the matters raised in these disclosures.

Thank you for your attention to this matter. Please do not hesitate to contact me at 202-265-7337 if you have any questions.

Sincerely,



Timothy Whitehouse
Executive Director

cc: EPA OIG
Dr. Michal Freedhoff, AA OCSPP

Attachments

Client Bios
Acronyms
Legal and Policy Setting
Disclosure