

**NOMINATION OF ALEXANDRA DUNN TO BE
ASSISTANT ADMINISTRATOR OF THE
ENVIRONMENTAL PROTECTION AGENCY**

HEARING
BEFORE THE
**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

NOVEMBER 29, 2018

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

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NOMINATION OF ALEXANDRA DUNN TO BE ASSISTANT ADMINISTRATOR OF THE ENVI- RONMENTAL PROTECTION AGENCY

THURSDAY, November 29, 2018

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:35 a.m. in room 406, Dirksen Senate Building, Hon. John Barrasso (chairman of the committee) presiding.

Present: Senators Barrasso, Capito, Boozman, Fischer, Rounds, Ernst, Sullivan, Carper, Cardin, Whitehouse, Merkley, Gillibrand, Booker, Markey, and Van Hollen.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM THE STATE OF WYOMING

Senator BARRASSO. Good morning. I call this hearing to order.

Today, we will consider the nomination of Alexandra Dunn to be Assistant Administrator of the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention.

Ms. Dunn is a well-qualified nominee and will bring a wealth of experience and expertise to this critically important position. I commend President Trump for nominating such an accomplished American and dedicated public servant.

EPA's Office of Chemical Safety and Pollution Prevention protects the American people and the environment from potential risks posed by pesticides and toxic chemicals. The office implements the Toxic Substances Control Act, Federal Insecticide, Fungicide, and Rodenticide Act, Federal Food, Drug and Cosmetic Act, Pollution Prevention Act, and portions of other important environmental statutes.

Ms. Dunn has an outstanding resume and is well-qualified to lead this essential work at the agency. As the current regional administrator for EPA's Region 1, Ms. Dunn is in charge of Federal environmental protection efforts in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and ten tribal Nations.

Previously, she built her career over two decades in a number of leadership roles in environmental law, legislation, policy, and regulatory affairs. Those roles included: executive director and general counsel of the Environmental Council of the States; executive director and general counsel of the Association of Clean Water Adminis-

trators; and general counsel of the National Association of Clean Water Agencies.

Ms. Dunn has also served as chairwoman of the American Bar Association's Section of Environment, Energy, and Resources.

Two former Obama administration assistant attorneys general for the Justice Department's Environment and Natural Resources Division have enthusiastically supported Ms. Dunn's nomination.

Ignacia Moreno, who served in that position during President Obama's first term, wrote that Ms. Dunn would make "an outstanding assistant administrator." John Cruden, who served in the position during President Obama's second term, wrote: She will bring great management skills, a passion for the environment, and the ability to work cooperatively with States, environmental groups, industry, and academia."

He goes on to say, "I can say, without any hesitation, that Alexandra Dunn is supremely well qualified, will be a great and good force for positive environmental action, and will be someone who carefully reviews, abides by, and implements the law."

Twenty-one former chairs of the American Bar Association's Section of Environment, Energy, and Resources jointly wrote in support of Ms. Dunn's nomination, as did Todd Parfit, the director of the Wyoming Department of Environmental Quality, and numerous other leaders and stakeholders from across the political spectrum.

I look forward to hearing from Ms. Dunn as the committee members consider her nomination.

I will now turn to Ranking Member Carper for his statement.

**OPENING STATEMENT OF HON. TOM CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thank you, Mr. Chairman.

Let me just say, thank you for your willingness to take this on. Thank you to the people sitting behind you who have your back. Some of them have had your back since you were a kid, some in high school, some in college, one of them is actually married to you and one of them, your son.

I understand your mom is out there. Is her name Barbara? What is your mom's name?

Ms. DUNN. Barbara.

Senator CARPER. She is out there somewhere watching this on television. We thank her for helping to raise you.

I just want to say, Mr. Chairman, thanks very much for moving this nomination along and getting the nominee before us to see what she has to offer in leading EPA's Chemical Safety Office.

Just over a year ago, it was publicly made clear that the Trump Administration's first nominee for this position, Michael Dourson, would never be confirmed by the U.S. Senate. I am pleased that he withdrew and his name was withdrawn.

I am pleased to say to Ms. Dunn, with whom I had the pleasure of meeting last week, you are clearly no Michael Dourson.

A majority of Senators signaled their intent to vote against Dr. Dourson's confirmation because they felt that he lacked the objectivity and credibility to be EPA's top chemical safety regulator.

I am withholding judgment until we hear from Sheldon Whitehouse. When he makes his introduction, we will see how that

goes. From what I know of Ms. Dunn's professional reputation, she does not lack objectivity or credibility.

What I hope to better understand today, as we consider her nomination, is whether she represents a change in personnel or a change in direction, an important point. We need both.

When Congress, the chemical industry and the environmental community worked together to overhaul the Toxic Substances Control Act in 2016, failed environmental law that dates all the way back I think maybe to the Jerry Ford Administration and never really worked.

After almost three or four decades of failure, we decided to rewrite the bill. We were so excited we found consensus. A bunch of us in this room, Cory Booker, Ed Markey and others on both sides of the aisle, worked very hard to get this done.

The new Administration taking over implementation of this new law, we are so proud of, has been an abject failure. What started off as a great salvation, we did our job, worked together, found common ground with all the stakeholders and had near unanimous support, and watched that ship come ashore on the rocks.

It is a new day. All of us from Jim Inhofe to Ed Markey, who worked hard to build the near-unanimous vote to enact the new law because it was a failure, made it all but impossible for EPA to ban, or otherwise regulate, some of the most dangerous chemicals known to man.

In any event, we are here today. You have been nominated and we think that is a good thing.

The best I can tell there is almost no element of EPA's TSCA implementation efforts that has the vote of confidence of anyone at all. Instead of using the new law to protect Americans from exposure to toxic chemicals, the Trump Administration appears to have broken the new law repeatedly, subjecting itself to litigation that I, along with many others, believe the Administration will likely lose.

Instead of looking at all of the uses of a chemical when evaluating a chemical's safety the way the law requires, EPA is completely ignoring many of these uses. That has led, and will continue to lead, to weaker protections for the most vulnerable among us.

Instead of imposing enforceable requirements to ensure that both the public and workers are protected from exposure to new chemicals, EPA seems to be assuming that companies will take voluntary action to do so.

Instead of looking at all of the scientific studies related to a chemicals safety, EPA is deliberately excluding independent university research and giving more weight to industry-funded studies. The one positive step EPA said it would take to finalize one of three chemical bans proposed by the Obama administration has been stalled, as we know, for almost half a year.

Neither I, nor many of my Democratic colleagues, were under any illusions that we would agree on everything the Trump Administration EPA did. Nonetheless, I believe that all of us had hoped that the spirit of bipartisan cooperation and compromise that this committee drew upon when we were writing the new law would also be reflected in the new law's implementation.

I, for one, am profoundly disappointed that this has not been the case. I know others share that view.

I would like to learn today, Ms. Dunn, whether you can change that dynamic. I think leadership is key to everything. I do not care about the size of the organization; the key is leadership.

I know from our meeting that you want to change it. The question is, will you have the authority and support from the rest of the political leadership at EPA, outside the EPA and the Trump Administration to be a change in direction, not just a change in personnel.

If the answer is yes, I think there is a real possibility that you could be confirmed in short order. If the answer is no, then your nomination could be pending for some time, which is not what any of us want.

In any event, we will be listening to your answers to questions today to gauge which course it is likely to be. Let me add, however, that we will also be looking to Acting Administrator Wheeler for some specific commitments that will make possible a real change in direction for EPA's chemical safety efforts.

Again, welcome to you and those who joined you today. To your Mom sitting back in Massachusetts, tell her we said hello and thanks for sharing her daughter with us.

Thank you.

Senator BARRASSO. Thanks so much, Senator Carper.

Now I would like to invite Senator Whitehouse to introduce Ms. Dunn.

**OPENING STATEMENT OF HON. SHELDON WHITEHOUSE,
U.S. SENATOR FROM THE STATE OF RHODE ISLAND**

Senator WHITEHOUSE. Thank you, Chairman.

Colleagues, your eyes and ears do not deceive you. The Democratic junior Senator from Rhode Island is introducing a Trump environmental nominee. As you know, I have often vociferously opposed many of the current Administration's environmental nominees.

Alex Dunn is the current Administrator of EPA Region 1, covering my home State of Rhode Island. She has been nominated to lead EPA's Office of Chemical Safety and Pollution Prevention.

Unlike the highly conflictive first nominee to lead the office, Alex has a solid career largely independent of industry. I first met her in 2015 through Janet Coit, our deeply respected director of the Rhode Island Department of Environmental Management. Janet and Alex worked closely together when Alex was executive director and general counsel of the State Environmental Commissioners Organization, the Environmental Council of the States.

At ECOS, Alex worked on some of the most controversial national environmental issues including regulation of toxic chemicals. Alex worked closely with this committee as we worked on TSCA to articulate State viewpoints in the reauthorization of the Toxic Substances Control Act. Her familiarity with the intricacies of this important statute will help her succeed in the role for which we consider her today.

Throughout the past year, I have had the opportunity to observe Alex work diligently to fulfill EPA's mission of protecting human

health and the environment as Regional EPA Administrator for the New England States. Ms. Dunn has a deep passion for working with communities, for environmental justice and for leveraging the expertise of non-governmental organizations. She has overseen enforcement actions that reduce public health risks as well as compliance initiatives that ensure proper chemical storage and management in New England.

She prioritizes open communication around difficult issues and is well respected by our whole congressional delegation in Rhode Island. She is highly capable of successfully implementing the Frank R. Lautenberg Chemical Safety for the 21st Century Act updating TSCA.

This Lautenberg Act, as we remember in this committee, was the fruit of bipartisan negotiations involving many of our members across a wide spectrum of political orientation. That process exemplified the Senate at its finest, tackling a difficult issue in an effective way, ultimately through a compromise solution acceptable to both parties.

We understand on this committee the bipartisan heritage of the Lautenberg Act, so does Ms. Dunn. If she is confirmed, I expect EPA leadership to allow her to implement the Lautenberg Act in the manner in which it was intended. I call on my colleagues on this committee to support Ms. Dunn in doing her job right.

Bipartisan faith was forged here in the negotiation and passage of TSCA. The previous nominee was a living, walking breach of that faith. Ms. Dunn will keep the faith and I hope we all will too. That was a success of this committee that I hope we will honor.

I am very pleased to welcome Ms. Dunn to the Environment and Public Works Committee and to support her nomination. I expect her to work closely with members of this committee, if confirmed, to ensure that the vision we had for the Lautenberg Act is realized as well as to carry out the many other important responsibilities at the Office of Chemical Safety and Pollution Prevention. I will count on her to resist improper interference with her work.

Thank you, Ms. Dunn. Welcome to our committee.

I yield back the floor.

Senator BARRASSO. Thank you very much, Senator Whitehouse.

I would like to add my welcome to you to the committee, Alexandra Dunn, nominated to be Assistant Administrator of the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention.

I would like to remind each of you that your full written testimony will be made a part of the permanent record. I am looking forward to hearing that.

I would say I do have a letter of commendation to follow that of Senator Whitehouse also from the New England States. This is from Senator Susan Collins and supports your nomination. I ask unanimous consent to enter this letter into the record.

Without objection, so ordered.

[The referenced information follows:]

SUSAN M. COLLINS
MAINE

413 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1904
(202) 224-3923
(202) 224-2693 (FAX)

United States Senate

WASHINGTON, DC 20510-1904

COMMITTEES:
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SELECT COMMITTEE
ON INTELLIGENCE

November 26, 2018

The Honorable John Barrasso
Chairman, Senate Committee on
Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member, Senate Committee on
Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write to express my support for Alexandra Dunn, who has been nominated to the position of Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at the Environmental Protection Agency (EPA).

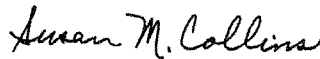
Over the last year, Ms. Dunn has served as the Region I Administrator for the EPA, which includes the state of Maine. Prior to her work at EPA, Ms. Dunn served as executive director and general counsel for the Environmental Council of States, a national nonpartisan organization committed to helping state agencies improve environmental outcomes for all Americans. Additionally, she has served as executive director and general counsel for the Association of Clean Water Administrators. Through this nonpartisan environmental work, Ms. Dunn has earned the esteem and affection of her colleagues across the New England Region.

In Ms. Dunn's tenure as Region I Administrator, she has made the Brownfields program one of her top priorities. This program, with Ms. Dunn's support, has assisted state and local communities as they assess, safely clean up, and reuse brownfield sites for economic development projects. The Brownfields Program has proven to be a major benefit to the overall health of communities; in 2018, Maine communities were granted \$3.2 million.

In addition to cleaning up hazardous substances and improving our environment, Brownfields and other EPA programs have helped communities create new development opportunities to attract businesses that create good jobs for Mainers, particularly in rural areas. This includes the work Ms. Dunn has championed at the EPA to cleanup several of the retired pulp and paper mills in Maine. As many rural towns in Maine previously relied on mills for employment and economic activity, cleaning up these sites have allowed for local economic growth and new development opportunities. I applaud Ms. Dunn's commitment to not only protecting human health and the environment, but helping New England communities attain economic prosperity.

Through her prior experience, her work in Maine, and her work in all of New England, Ms. Dunn has earned my support to serve as the next Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at the EPA. I appreciate your consideration of her nomination.

Sincerely,



Susan M. Collins
United States Senator

Senator BARRASSO. I look forward to hearing your testimony. We will now hear from you. Would you like to start by introducing your family and friends and then please proceed with your testimony?

**STATEMENT OF ALEXANDRA DAPOLITO DUNN, NOMINATED
TO BE ASSISTANT ADMINISTRATOR, OFFICE OF CHEMICAL
SAFETY AND POLLUTION PREVENTION, U.S. ENVIRON-
MENTAL PROTECTION AGENCY**

Ms. DUNN. Thank you very much, Chairman Barrasso, Ranking Member Carper, Senator Whitehouse, for your introduction, and to all members of the committee who are here. It is a great privilege to be here.

In terms of introducing my wonderful family, in the order in which they are seated, I have my best friend from high school, my best dog watcher.

Senator CARPER. The gentleman on the left? He went to high school?

Ms. DUNN. That is my policy advisor. They are: my best friend from high school; my favorite dog walking friend; my sister-in-law; my husband, Chris; my son, Sean; the best hockey goalie in Virginia and the East Coast, Sam Blanton; his mom, Ann, I am a hockey mom; my good friend from college, Nancy Haller Bender; and my good friend from EPA, Sonia Altieri.

Senator BARRASSO: Welcome to all of you.

Ms. DUNN. My daughter, Caroline, is at college in Environmental Science right now. She said that her class would be streaming this. Hopefully they are having an educational experience right now at Muhlenberg College in Pennsylvania. Hopefully my mom figured out how to work the internet and is watching online.

Good morning, Chairman Barrasso, Ranking Member Carper and distinguished members of the Committee. I am privileged to appear before you today as you carry out your responsibility to provide advice, and hopefully, consent for my nomination for the position of Assistant Administrator for the EPA Office of Chemical Safety and Pollution Prevention. I am deeply honored that President Trump, Acting Administrator Wheeler, and this committee are considering me for this role.

Members of the committee, I bring to this role 24 years of complete dedication to environmental law, policy, regulation, and its implementation. The many perspectives from which I have experienced the body of Federal environmental law have prepared me well for the role for which I have been nominated.

I have worked for the Nation's municipalities, built compromises across the environmental directors of all 50 States at ECOS. I have represented regulated industry on environmental justice and trained hundreds of future environmental professionals as a Dean at Pace Law School and Adjunct Professor of Law at three law schools.

Since January, as you heard, I have had the privilege to serve President Trump as the Regional Administrator of EPA Region 1, New England. Alongside the incredible career EPA staff, all 520 of them in New England, who daily advance EPA's core mission of protecting public health and the environment, Region 1 has taken very tangible steps to restore waterways; remove chemicals from

and accelerate the redevelopment of Superfund and brownfield sites; respond to deeply needy tribal nations; advance justice; implement lead protection strategies; contribute to the national conversation PFAS and reduce chemical hazards in our communities.

This experience has increased tenfold my respect for EPA as a tremendous Federal agency with the capability to do great good and my appreciation of the career EPA staff who work daily to ensure public safety and environmental protection.

If confirmed, I am confident I will lead and manage the Chemicals Office at EPA to deliver on Congress' vision for an impactful and effective implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

As the only environmental statute overhauled in recent years, with overwhelming bipartisan support as referenced from many of you here today, this law's implementation requires strong and transparent leadership.

In preparation for today, I reflected on my own work regarding the statute's long journey to reform. As debate was robust when I was Chair of the American Bar Associations Section of Environment, Energy and Resources, and while I was at ECOS, we worked across States collaboratively with Congress, particularly on the pre-emption provisions.

I also met with many members of this committee. I spoke to environmental organizations, community and worker groups, States, and industry, to be here today. Without question, there are strong views about how this law should be implemented to realize the bipartisan vision that brought it across the finish line in 2016.

If confirmed, I commit to keeping an open door to all groups and entities interested in seeing this law reach its full potential. With deadlines fast approaching and complex risk assessments ahead, EPA has a heavy workload.

Under the letter of the law and the support of this committee, President Trump and Acting Administrator Wheeler, I am confident that EPA can fulfill with credibility and respect the role that Congress gave us when it put TSCA's reauthorization and implementation in the agency's hands.

The Chemicals Office has many important roles and functions beyond Lautenberg's implementation which I will carry out with equal dedication and interest. These include ensuring the safe regulation of pesticides under the Federal Insecticide, Fungicide and the Rodenticide Act and the Federal Food, Drug and Cosmetic Act, as well as safer chemistry programs.

In conclusion, Senators, if confirmed, I will ensure that all programs under my office's responsibility thrive, produce meaningful environmental outcomes, demonstrate the highest and best use of science, and responsibly use taxpayer resources.

Mr. Chairman, members of the committee, while I would miss working with the team at EPA New England very much and perhaps miss living with my mother, I am ready to, with your advice and consent, return to Washington to my family to carry out EPA's mission in the Office of Chemical Safety and Pollution Prevention with integrity and transparency.

I respectfully request your support and I look forward to your questions. Thank you very much.

[The prepared statement of Ms. Dunn follows:]

**Statement of Alexandra Dapolito Dunn
Nominated to be Assistant Administrator,
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency**

Good morning, Chairman Barrasso, Ranking Member Carper, and distinguished members of the Committee. I am privileged to appear before you today as you carry out your responsibility to provide advice, and hopefully, consent for my nomination for the position of Assistant Administrator for the EPA Office of Chemical Safety and Pollution Prevention. I am deeply honored that President Trump, Acting Administrator Wheeler, and this Committee are considering me for this role.

I thank my husband Chris and son Sean, who are here today, my daughter Caroline – who I hope is in class at college – and my mother Barbara and many friends watching this hearing online, for their continued support of my career – which has been quite diverse in roles, responsibilities, and even geography. I thank the many professional colleagues from the academic, legal, scientific, non-profit, corporate, and non-governmental sectors who have given their support to me verbally and in writing through this process.

Members of the Committee, I bring to this role 24 years of complete dedication to environmental law, policy, regulation, and its implementation. The many perspectives from which I have practiced, studied, written, taught, and experienced the body of federal environmental law has prepared me well for the role for which I have been nominated. I have worked for the nation's largest wastewater municipalities, built compromises between the environmental agency directors of all 50 states as Executive Director and General Counsel of ECOS, represented regulated industry on environmental justice and community engagement, and trained many future environmental professionals as a Dean at Pace Law School and Adjunct Professor of Law at three law schools.

Since January I have had the privilege to serve President Trump as the Regional Administrator of EPA Region 1 New England. Alongside the incredible career EPA staff, who daily advance EPA's core mission of protecting public health and the environment with their consummate professional skills and personal passion, Region 1 has taken tangible and protective steps to: restore New England's iconic waterways; remove chemicals from and accelerate the redevelopment of Superfund and brownfield sites; respond to our Tribal Nations; advance community engagement and justice; implement an Integrated Lead Protection Strategy; contribute to the national conversation on per- and polyfluoroalkyl substances by hosting the first regional public meeting on the topic; and reduce New Englanders' exposure to unsafe levels of chemicals in the environment and from chemical hazards in their communities.

My Regional experience has increased ten-fold my preexisting respect for EPA as a tremendous federal agency with the capability to do great good as well as my abundant respect for the career EPA staff working every day to ensure public safety and to protect the environment.

If confirmed, I am confident I will lead and manage the chemicals office at EPA and deliver on Congress' vision for an impactful and effective implementation of the *Frank R. Lautenberg Chemical Safety for the 21st Century Act*. As the only environmental statute overhauled in recent years, with overwhelming bipartisan support – from many of you in this room today – this law's implementation requires strong and transparent leadership. In preparation for today, I reflected on my own work on the statute's long journey to reform, as debate was robust while I was Chair of the American Bar Association's Section of Environment, Energy and Resources, and while I was at ECOS we worked across states collaboratively with Congress. I spoke with many members of this Committee, and with environmental organizations, community groups, states, and the regulated industry, who collectively put significant time, expertise, and personal commitment into the development of the new TSCA requirements.

There are strong views about how this law should be implemented to best realize the bipartisan vision that brought it over the finish line in 2016. If confirmed, I commit to keeping an open door to all groups and entities interested in seeing this law reach its full potential. With continuous deadlines fast approaching and complex scientific risk evaluations that must be undertaken, EPA has a heavy workload. Under the letter of the law, and given the support of this Committee, President Trump and Acting Administrator Wheeler, I am confident that EPA can step up and fulfill with credibility and respect the role that Congress gave us when it reauthorized TSCA and put its implementation in the Agency's hands.

The chemicals office has many important roles and functions beyond *Lautenberg's* implementation, which I plan to support and carry out with equal dedication and interest. These include responsibilities to ensure the safe regulation of pesticides under the Federal Insecticide, Fungicide and the Rodenticide Act, the Federal Food, Drug and Cosmetic Act.

In conclusion, if confirmed, I will ensure that all programs under my office's responsibility thrive, produce meaningful environmental outcomes, demonstrate the highest and best use of science, and responsibly use taxpayer and other resources.

Mr. Chairman and members of the Committee, thank you again for the opportunity to be here today. While I would very much miss working with the team at EPA New England, I stand ready to, with your advice and consent, return to Washington to carry out EPA's mission in the Office of Chemical Safety and Pollution Prevention with the utmost integrity and transparency. I respectfully request your support, and I look forward to the questions of you and your colleagues.

Senate Committee on Environment and Public Works
Hearing entitled, “Hearing on the Nomination of Alexandra Dunn to be Assistant
Administrator of the Environmental Protection Agency”
November 29, 2018
Questions for the Record for Alexandra Dunn

Ranking Member Carper:

In our private meeting, we discussed my concerns about the manner in which EPA is implementing the Toxic Substances Control Act (TSCA). It is my belief that if EPA does not immediately reverse course, it risks having the majority of its TSCA implementation efforts overturned in litigation. I have several questions regarding some of these concerns. Since, in your previous capacity, you reviewed and provided input into versions of the legislation that was ultimately enacted, I expect that you will be sufficiently familiar with the subject matter to provide me with the specific responses I am looking for. The attachments referenced in these questions consist of EPA technical assistance provided to Congress while the law was being negotiated, and are available at https://www.epw.senate.gov/public/_cache/files/f/0/f0729f1a-4385-453f-b7f8-442825a0721c/A681AA266D5CC024C98FCC85A944EB5E.senator-carper-questions-for-the-record-to-epa-nominees.pdf.

1. Section 26 of TSCA states that:

“(4) CHEMICAL SUBSTANCES WITH COMPLETED RISK ASSESSMENTS.—
 With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which the Administrator has published a completed risk assessment prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator may publish proposed and final rules under section 6(a) that are consistent with the scope of the completed risk assessment for the chemical substance and consistent with other applicable requirements of section 6.”

Page 1 of Attachment 1 is an email sent by EPA on March 17, 2016, the substance of which was shared with the bipartisan and bicameral negotiators of the Toxic Substances Control Act. It states that EPA “just discovered a technical issue that will have significant policy implications for EPA’s ongoing work under Section 6. As currently drafted, both Senate and House bills could frustrate EPA’s ability to timely manage risks that have been (or may be) identified in our current Work Plan risk assessments.” The email goes on to describe several risk assessments on chemical substances (TCE, NMP, MC and 1-BP) that had been completed or were near completion by EPA, and stated that “EPA is *not* looking at all the conditions of use for these chemicals. This approach, which might be characterized as a *partial* risk evaluation or *partial* safety determination, we see as simply not contemplated under the Senate and House bills. The section 6 structure in both bills would require EPA to assess a chemical in its entirety, based on all conditions of use – not just a subset of those uses.” EPA then went on to state that if it were to move forward with rulemakings to restrict or ban some or all of these substances (which it has subsequently proposed to do), there would be some risk that the rules would be found to be inconsistent with the new statutory requirement to assess all conditions of use. EPA said that it

would “welcome an opportunity to work with you on a drafting solution to this issue.”

- a. Do you agree with EPA’s March 17, 2016 view that if it had moved forward with these partial risk evaluations and rulemakings absent explicit statutory authority to do so even though the risk evaluations had not considered all conditions of use, that EPA could have been sued for not complying with the law’s requirements? If not, please provide specific reasons why not.

During my previous professional capacity, I was provided with an opportunity to offer input on behalf of state environmental directors on a range of issues, including the reauthorization of TSCA. However, in my current experience as Regional Administrator in EPA Region 1, I have not been involved in the implementation of the law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

- b. Pages 2 and 3 of Attachment 1 consist of April 2, 2016 Technical Assistance from EPA that was provided to the Senate on a drafting solution to address the problem identified by EPA on March 17, 2016. Do you agree that this language, which is also drafted as an amendment to Section 26, bears a close resemblance to the language that was enacted into law, and, like the enacted text, provides EPA with statutory authority to complete rulemakings on the chemical substances on which it completed risk assessments prior to the enactment of the new law even though the risk assessments were not undertaken for all conditions of use? If not, please provide specific reasons why not.

During my previous professional capacity, I was provided with an opportunity to offer input on behalf of state environmental directors on a range of issues, including the reauthorization of TSCA. However, in my current experience as Regional Administrator in EPA Region 1, I have not been involved in the implementation of the law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

2. The newly enacted TSCA, for new chemicals, states that:

“(e) REGULATION PENDING DEVELOPMENT OF INFORMATION.—

(1)(A) If the Administrator determines that—

- (i) the information available to the Administrator is insufficient to permit a reasoned evaluation of the health and environmental effects of a chemical substance with respect to which notice is required by subsection (a); or
- (ii)(I) in the absence of sufficient information to permit the Administrator to make such an evaluation, the manufacture, processing, distribution in commerce, use, or disposal of such substance, or any combination of such activities, may present an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use; or (II) such substance is or will be produced in

substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance, the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, including while any required information is being developed, only in compliance with the order.”

Attachment 2 consists of a portion of EPA’s Technical Assistance on an April 7, 2016 draft of Section 5 of TSCA that EPA provided to the Senate. Comment A7 provides EPA’s views on section 5(e). This comment noted a change from previous drafts, observing that the draft allowed manufacture of a new chemical to proceed even if EPA did not have enough information to determine whether it posed an unreasonable risk. This is because the draft as written allowed for manufacture to proceed if EPA *either* took steps to obtain sufficient information about the chemical substance (but before it received and evaluated that information) OR if it imposed a risk management order. EPA also suggested some edits to this draft to restore the “functionality of the prior draft,” which ensured that manufacture could not proceed unless/until the information about the chemical substance was sufficient and EPA made the necessary risk determination, or in compliance with an EPA-issued order to protect against unreasonable risk under the conditions of use while the information was being developed. Do you agree that the statute requires EPA to issue an order to protect against an unreasonable risk a new chemical substance may pose under the conditions of use, either while information EPA needs to assess the chemical substance is developed, or if EPA determines that the substance may present an unreasonable risk under the conditions of use, or if such substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

3. Section 5(f)(4) of TSCA states that:

“(4) TREATMENT OF NONCONFORMING USES.—Not later than 90 days after taking an action under paragraph (2) or (3) or issuing an order under subsection (e) relating to a chemical substance with respect to which the Administrator has made a determination under subsection (a)(3)(A) or (B), the Administrator shall consider whether to promulgate a rule pursuant to subsection (a)(2) that identifies as a significant new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance that does not conform to the restrictions imposed by the action or order, and, as applicable, initiate such a rulemaking or publish a statement describing the reasons of the Administrator for not initiating such a rulemaking.”

Attachment 3 is an April 9, 2016 email from EPA providing responses to questions on the April 7 draft included in Attachment 2. The email asks whether the removal of provisions 5(e)(4) and 5(f)(1)(C) in that draft would also remove EPA’s requirement to consider whether to issue a Significant New Use Rule (SNUR) when it issued orders to a submitter of a pre-manufacturing notice (PMN) (and explain its decision if it chose not to do so). EPA responded in the affirmative. Do you agree that the enacted law retained the April 7 draft’s requirement to consider whether to issue a Significant New Use Rule (SNUR) when EPA has issued an order to a submitter of a pre-manufacturing notice (PMN) (and explain its decision if it chooses not to do so)? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

4. The newly enacted TSCA requires EPA, for existing chemicals that are designated a high-priority chemical substance or otherwise designated for a risk evaluation, to:

“conduct risk evaluations pursuant to this paragraph to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use.”

In the statute, ‘conditions of use’ is defined as:

“the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.”

Attachment 4 is a December 12, 2016 (post-enactment) email conveying Technical Assistance from EPA that responded to several questions posed about how EPA was required to do risk evaluations for a chemical substance under the conditions of use. Do you agree with EPA's responses to these questions as well as the narrative that precedes the specific responses to questions? If not, please provide specific reasons why not, indicating in your response how your views are consistent with the statutory text excerpted above (or, as applicable, how EPA's responses are inconsistent with the statutory text excerpted above).

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

5. Attachment 5 is a document that includes EPA's technical assistance and observations that compared an April 12 2016 Senate draft of section 5 to an April 18, 2016 House draft.
 - a. On pages 2 and 15, EPA provides comments related to the 90-day period for review of a PMN. Do you agree that the enacted law includes text that reflects EPA's input in these comments? If not, please provide specific reasons why not, using statutory text to explain your reasoning.
 - b. On Page 14, EPA notes the deletion of the requirement not to consider costs or other non-risk factors when considering section 5(h) exemption requests. Do you agree that the enacted law retained this deletion in this subsection, but included the requirement in sections 5(a), 5(e) and 5(f)? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

6. Attachment 6 consists of EPA's comments to a draft of Senate section 5 dated around April 12, 2016.
 - a. EPA's comment A22 notes the absence of the requirement not to consider costs or other non-risk factors when considering section 5(h) exemption requests. Do you agree that the enacted law does not include the requirement in this subsection, but does include the requirement in subsections 5(a), 5(e) and 5(f)? If not, please provide specific reasons why not, using statutory text to explain your reasoning.
 - b. Do you agree that while this same EPA comment identifies one inconsistency between the above-described text that is absent from subsection 5(h) but appears throughout the rest of section 5, it does not identify another difference, namely the presence of the term "specific uses identified in the application" in subsection 5(h) versus the term "conditions of use" that appears throughout the rest of section 5? If not, why not?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

7. Attachment 7 consists of EPA's comments to an April 3, 2016 Senate draft of section 5.
 - a. On page 1, EPA observes that "5(e) requires no action on the part of the Administrator whatsoever: it is wholly discretionary authority to impose requirements on the manufacture pending development of information." Do you agree that the enacted law requires EPA to either prohibit manufacture or issue an order to mitigate against potential risk while information is being developed by a manufacturer? If not, please provide specific reasons why not, using statutory text to explain your reasoning.
 - b. On page 2, EPA responds to a question posed by Senate staff, stating "We think it is important not to limit review to the uses identified in the notice. If the identified uses seem fine, and EPA therefore does nothing, the submitter is free to submit an NOC and then manufacture in any way he or she wants. EPA often uses 5(e) orders to address uses beyond those specified in notices." Do you agree that the enacted statute requires EPA to review the conditions of use (as that term is defined in the statute) of a chemical substance when it reviews a PMN as EPA advised the Senate in this comment? If not, please provide specific reasons why not, using statutory text to explain your reasoning.
 - c. On page 9, EPA says that "It seems like the best solution, per above comment, may be to drop the limitation above that the order pertain only to the conditions of use specified in the notice." Do you agree that the enacted statute incorporated EPA's proposed 'best solution' and did not limit orders only to the conditions of use specified in the notice? If not, please provide specific reasons why not, using statutory text to explain your reasoning.
 - d. A second EPA comment on page 9 states that "A possible solution would be, in line with the Senate bill and offer, to drop (e) and require EPA to issue an order under what is now (f) any time EPA either makes a may present finding or lacks sufficient info, as necessary to make the unlikely to present finding." Do you agree that the enacted text retains section 5(e) and also requires EPA to issue an order any time EPA either makes a may present finding or lacks sufficient information before manufacturing can commence? If not, please provide specific reasons why not, using statutory text to explain your reasoning.
 - e. On page 16, EPA responds to a question from Senate staff about whether, in the 5(h) exemptions section, it makes sense to deviate from the rest of the section's references to 'conditions of use' and instead limit EPA's exemption determination to the uses of the chemical substance identified in the exemption request. EPA responds by stating "We agree that the reference to specific uses makes sense, but not because of anything having to do with a SNUR. It seems to us that, if a party is seeking a partial section 5 exemptions, we would consider only the uses for which they are seeking the exemption, since the exemption would limit them to those." Do you agree that the enacted statute follows EPA's advice to retain the authority for

EPA to consider just the uses of a chemical substance included in an exemption request, but does not make the same limiting change anywhere else so as not to so limit its review of all conditions of use of a chemical substance subject to a PMN? If not, please provide specific reasons why not, using statutory text to explain your reasoning.

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

8. The following questions refer to the 'systematic review' document prepared by the Office of Chemical Safety and Pollution Prevention (OCSPP). Systematic review, in the context of chemical safety, refers to a methodology for deciding how to collect and evaluate scientific research that is related to the safety of a chemical. This document, which, unlike the systematic review document prepared by EPA's Office of Research and Development, has not been peer reviewed. It has also raised concerns¹ that it may intentionally have been crafted to exclude independent academic research from being used to evaluate the safety of chemicals.
 - a. Other peer-reviewed examples of systematic review documents require a broad literature search to be conducted during the scoping and problem formulation phase of a risk evaluation, but the OCSPP document does not. Do you agree that the failure to conduct a broad literature search could result in a failure by EPA to fulfill its statutory obligation to use the 'best available science' when evaluating the safety of chemicals because it may not have a complete grasp of what science is 'available'? If not, why not?
 - b. Other peer-reviewed examples of systematic review documents – as well as EPA's TSCA implementation regulations – require protocols to be developed for systematic reviews to be conducted, but the OCSPP document does not include such protocols. Do you agree that the use of a systematic review document that does not contain protocols for the conduct of TSCA risk evaluations could expose any chemical safety rules EPA promulgates to litigation risk because of the failure to follow EPA's TSCA implementation regulations? If not, why not?
 - c. Other peer-reviewed examples of systematic review documents follow best practices to identify potential biases in scientific studies, but do not do so through the use of a quantitative scoring method. The OCSPP document does not follow these best practices, and instead uses a quantitative scoring method that results in the exclusion of scientific studies from consideration and use in the risk evaluation, and uses metrics that are not related to the quality of the scientific studies to do so. Do you agree that all relevant studies should be selected, evaluated for potential biases and

¹ See for example <https://www.nrdc.org/experts/jennifer-sass/epa-tsca-systematic-review-chemicals-fatally-flawed>

- considered following the best practices described in peer-reviewed examples of systematic review documents? If not, why not?
- d. Other peer-reviewed examples of systematic review documents – as well as EPA’s TSCA regulations – require scientific evidence to be integrated into the risk evaluation based on the relevance, quality, strengths and limitations of the entire body of the evidence in order to derive a risk value for the chemical. The OCSPP document does not follow these best practices or EPA’s regulations. Do you agree that a failure to integrate the scientific evidence into a risk evaluation in a manner that is consistent with best practices and EPA’s TSCA regulations could expose any chemical safety regulations EPA promulgates to litigation risk? If not, why not?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law nor have I been involved in the development of systematic review approaches. Thus, I cannot speak to the appropriateness of EPA’s approach. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

10. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law.
- a. Do you agree that it is essential that in making decisions, the Office of Chemical Safety and Pollution Prevention must be spared even the appearance of being subject to political influence or considerations?

I agree it is essential in making decisions for the EPA, including the Office of Chemical Safety and Pollution Prevention, to operate beyond the bounds of political influence.

- b. Will you commit to notifying this Committee within one week if any inappropriate communications from White House staff to OCSPP staff, including you, occur?

I commit to restricting any inappropriate communications.

11. Whistleblower laws protect the right of federal employees to make lawful disclosures to agency management officials, the Inspector General, and the Office of Special Counsel. They also have the right to make disclosures to Congress.

Specifically, 5 U.S.C. § 7211 states that the “right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.” Further, 5 U.S.C. § 2302(b)(8), makes it a violation of federal law to retaliate against whistleblower because of “(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation...” In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry.

- c. If you are confirmed, will you commit to protect the rights of all OCSPP career employees to make lawful disclosures, including their right to speak with Congress?

Yes, if I am confirmed, I commit to protecting the rights of all OCSPP career employees to make lawful disclosures, including their right to speak with Congress.

- d. Will you commit to communicate employees’ whistleblower rights via email to all OCSPP employees within a week of being sworn in?

If confirmed, I will ensure that the EPA employee’s whistleblower rights are communicated to them in a timely fashion.

12. Last year, my staff was informed that EPA political staff verbally directed career staff to simply delete the majority of the benefits of the Clean Water Rule before submitting a revised document to OMB about the rule. If you are confirmed, do you commit to ensure that career staff at OCSPP will receive appropriately documented, rather than verbal, direction from political officials, including yourself, before they take action? If not, why not?

I am not aware of the situation which you are referencing, but I will always seek to provide my directions clearly and transparently.

13. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes, if I am confirmed.

14. Last year, EPA announced that then-Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March 2017 request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily.² If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

As Regional Administrator, I already make my calendar publicly available, and, if confirmed, will continue to do so in a timely manner.

Senator Booker:

15. Pursuant to EPA regulations, public files on new chemicals submitted for review under TSCA are required to be electronically available in dockets on regulations.gov and are to contain all relevant documents. EPA is not doing so, however.
- a. If confirmed, will you commit to ensuring your office will promptly provide the public with such electronic access to the information EPA obtains or generates in its review of new chemicals, subject to redactions only to the extent authorized under TSCA?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

² <https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView>

16. Health and safety studies are ineligible for Confidential Business Information (CBI) protection under TSCA. While elements in these studies that legitimately qualify as CBI can be redacted, TSCA section 14 specifically precludes protection from disclosure of all non-confidential information in these studies.

- a. If confirmed, will you commit to ensuring your office will promptly provide the public with ready electronic access to full copies of all health and safety studies EPA receives or obtains for new and existing chemicals under TSCA, subject to redactions only to the extent authorized under TSCA?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

17. One of the goals of TSCA was to make more information on chemicals publicly available by requiring company substantiation and EPA review, within 90 days, of most CBI claims. TSCA requires that EPA's determinations on those claims it reviews are to be made public.

- a. If confirmed, will you commit to ensuring your office will review CBI claims and promptly provide the public with ready electronic access to the EPA determinations on CBI claims, and promptly disclose all information it finds does not qualify for CBI protection, as required by law?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

18. A 2016 reform to TSCA assigned EPA an affirmative duty, in consultation with CDC, to "develop a request and notification system that, in a format and language that is readily accessible and understandable, allows for expedient and swift access" by first responders and other emergency personnel and health and environmental professionals to CBI they request and need to do their jobs.

- a. If confirmed, will you commit to ensuring your office will promptly provide ready electronic access by first responders and other emergency personnel and health and environmental professionals to confidential information about the uses and potential hazards, exposures, and risks of specific chemicals, as required by law?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

19. Organophosphate pesticides (OPs) are a class of neurotoxic chemicals initially developed by the Nazis during World War II to serve as nerve gas agents. After the war, the chemical companies adapted the OPs to be used as pesticides, primarily as insecticides. In the U.S., many OP pesticides were licensed for insecticidal use before requirements to evaluate human toxicity or ecologic effects were established. OP pesticides are widely used across the U.S. even though EPA's risk assessments of this class of pesticides document health risks that exceed EPA's levels of concern.
 - a. If confirmed, where preliminary risk assessments for an OP pesticide show risks of concern, will you commit to prioritize finalization of the risk assessments and taking regulatory action?
 - b. If confirmed, where preliminary risk assessments for OP pesticides demonstrate that there are risks of concern for communities from spray drift will you commit to imposing use restrictions that mitigate the risks of concerns such as buffer zones around homes, schools, day cares, play fields, and other places people gather?
 - c. If confirmed, where preliminary risk assessments for an OP pesticide demonstrate that there are risks of concern for workers who mix, load and apply the pesticide or work in fields sprayed with the pesticide, will you commit to cancelling the uses and imposing interim restrictions (other than additional personal protective equipment) that reduce the risks of concern to workers, during the cancellation process?

Although I have not been involved in the evaluation of organophosphate pesticides; if confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

20. In 2009, EPA's Office of Pesticide Programs (EPA/OPP) within the Office of Chemical Safety and Pollution Prevention, published "Revised Risk Assessment Methods for Workers, Children of Workers in Agricultural Fields, and Pesticides with No Food Uses." In this document, EPA/OPP promised to extend certain "advanced risk assessment techniques" routinely applied in dietary risk assessments to occupational risk assessments needed to protect hundreds of thousands of farm workers. It has been almost a decade, and EPA/OPP has failed to act. As a result, pesticide risk assessments conducted by EPA continue to understate risks to workers.

In this 2009 document, EPA committed to assessing risks to the children of farm workers in agricultural fields, and to applying the additional safety factor of 10 to protect them.

- a. If confirmed, will you consult with EPA/OPP staff on the status of implementation of the 2009 policy with respect to children in agricultural fields, and provide an update to my office on what steps you will take on this issue?

Yes, if confirmed.

In this 2009 document, EPA/OPP committed to considering aggregate exposure by combining "all potential sources of exposure" to pesticides, including both occupational and non-occupational sources, when assessing risks to workers and their children.

- b. If confirmed, will you consult with EPA/OPP staff on the status of the 2009 policy with respect to aggregate exposure, and provide an update to my office on what steps you will take on this issue?

Yes, if confirmed.

In this document, EPA/OPP committed to assessing cumulative exposure to workers and their children from multiple pesticides.

- c. If confirmed, will you consult with EPA/OPP staff on the status of implementation of the 2009 policy with respect to cumulative exposure, and provide an update to my office on what steps you will take on this issue?

Yes, if confirmed.

- 21. The Certification of Pesticide Applicators (CPA) rule governs the training of nearly 1 million workers that apply Restricted Use Pesticides--including organophosphate pesticides--in agricultural, commercial and residential settings. The Agricultural Worker Protection Standard (WPS) protects approximately 2.5 million workers and pesticide handlers (including 500,000 children) that labor in farms, fields, nurseries, greenhouses and forests.

- d. If confirmed, will you commit to the implementation of the WPS and the CPA rule as finalized on November 2, 2015 and January 4, 2017, respectively?

Although I have not been involved in the implementation of this policy, if confirmed, I look forward to being briefed on this issue and to following up with your office to discuss this matter.

22. When EPA conducts a risk assessment and finds that exposure to a pesticide exceeds levels of concern, the Agency may require personal protective equipment like extra layers of clothing and/or respirators to reduce exposure. A bedrock principle of occupational hygiene is the “hierarchy of controls,” which is used by the Occupational Safety and Health Administration (OSHA) and others to identify options for controlling exposures to occupational hazards. The hierarchy prioritizes elimination of the hazardous agent or substitution of a less hazardous agent. These are preferable to the implementation of engineering controls, which in turn are preferable to requiring personal protective equipment. For workers who are protected by OSHA, personal protective equipment is always the mitigation measure of last resort. When it comes to protecting workers from pesticides, EPA is in charge and the agency starts by considering personal protective equipment, then considers engineering controls, and never considers substitution with less toxic options or practices. EPA’s approach is backwards and incomplete.
- a. If confirmed, will you consult with EPA/OPP staff on this issue and provide an update to my office on whether EPA/OPP will begin to follow the hierarchy of controls when selecting options to reduce occupational risk from pesticides, and the justification for the EPA/OPP decision?

Yes, if confirmed.

Senator Capito:

23. EPA’s voluntary Safer Choice program allows companies to add a Safer Choice logo to product labels. The Safer Choice logo informs consumers that the product uses only safest-in-class ingredients. Without imposing regulations, the program has provided incentives to companies to formulate safer products and develop innovative new chemistries. Will you support continuing this program at EPA?

If confirmed, I will manage EPA’s Office of Chemical Safety and Pollution Prevention programs within the authorities and resources provided by Congress.

Senator Duckworth:

24. In December 2016, the U.S. Environmental Protection Agency's (EPA) Integrated Risk Information System (IRIS) program found ethylene oxide (EtO) to be much more carcinogenic at lower concentrations than previously thought. As a result, the 2014 National Air Toxics Assessment showed that DuPage County residents have an increased cancer risk from EtO exposure.

For years, the Chemical Industry has tried to politicize the IRIS program by moving it to a regulatory office that is led by political appointees. If confirmed to be Assistant Administrator of EPA's Office of Chemical Safety and Pollution Prevention, would you keep the IRIS program in the Office of Research and Development and condemn attempts to move it?

In my current capacity with EPA, I have not been involved in any policy discussions regarding this issue; if confirmed, I look forward to being briefed on this matter and to following up with your office.

25. Recent reports exposed multiple ways the Federal Government has failed to protect Illinoisans from toxic chemical exposure while intentionally and needlessly delayed the public disclosure of known cancer risks. For example, in Illinois, EPA worked behind the scenes to help one facility erase evidence of their ethylene oxide emissions.

Specifically, I am concerned that EPA regularly fails to notify the public about public health risks, purges data and lacks the requirements to use the most rigorous public health standards. If confirmed, what steps will you take to inform communities, industry members and Congress of public health risks associated with chemical safety issues?

Identifying, understanding, and communicating risk posed by elements in the environment is one of the most critical functions of the Agency. If confirmed, I look forward to being briefed on this issue and working with your office to identify ways to communicate risk with the American public.

26. One issue that has emerged in Illinois is that EPA must be more coordinated with Agency for Toxic Substances and Disease Control Registry (ATSDR) and other public health agencies on their risk evaluations. If confirmed, will you commit to bringing the relevant public health experts together at EPA and ATSDR to help proactively review health risks?

I believe that federal agencies should work together to effectively serve the American public. If confirmed, I look forward to finding ways to advance the coordination you seek and to discussing this further with your office.

Senator Gillibrand:

27. PFAS chemicals are contaminating the drinking water of thousands of communities, including Hoosick Falls, Petersburg, Newburgh and Westhampton in New York, among many others nationwide. One study estimates that 110 million Americans are drinking water contaminated with these “forever” chemicals, which have been linked to cancer, reproductive problems, and other serious health concerns. Facing increased public awareness on the potential harms posed by PFAS chemicals and the discovery of contaminated drinking water across the country, EPA has started to consider taking further action to address these chemicals. EPA is considering new regulations for PFOA and PFOS and health-based limits for PFBS and GenX, two fluorinated chemicals that are being manufactured as replacements for PFOA and PFOS. However, there are thousands of PFAS chemicals in commerce, not just 4. In just the last 16 years, EPA has allowed 112 new PFAS chemicals to be produced in large quantities, even though the publicly available data about PFAS chemicals is woefully inadequate.

- a. If confirmed, will you commit to use your authority under TSCA to require toxicity data and testing for new and existing PFAS chemicals?

In my role as Region 1 Administrator I have worked on PFOA and PFOS issues and how they are impacting New England communities. If confirmed, I commit to being fully briefed on these larger issues and working with your office in follow up. In particular, I will make it a priority to be briefed on OCSPP’s authorities to manage exposures to PFOA and PFOS and other chemicals in this family in commerce to ensure protection of public health and the environment.

- b. Do you agree that EPA should have health effects data about PFAS chemicals before allowing additional PFAS chemicals onto the market?

If confirmed, I commit to being fully briefed on these issues and working with your office in follow up.

- c. Will you commit to reconsidering EPA’s decision not to look at “legacy uses” of chemicals when considering whether to take action on a chemical under TSCA?

Although I have not been involved in the implementation of this policy, if confirmed, I look forward to being briefed on this issue and to following up with your office.

28. Chlorpyrifos is a pesticide known to harm child brain development. After the EPA refused to ban this pesticide - against the recommendations of its own scientists - the 9th Circuit Court required that Chlorpyrifos be removed from the market. Earlier this month, independent researchers found that the data submitted by Dow-DuPont to get Chlorpyrifos approved in the US and EU contained significant errors and omissions.

- a. Do you support the permanent withdrawal of Chlorpyrifos?

- b. If you are confirmed, how would you ensure that data provided by industry is accurate when they seek approval for products like pesticides, seed treatments, or biotechnology?
- c. How can you ensure independent verification of data, and will you commit to sharing safety study data submissions with independent academic researchers?
- d. How will you provide rigorous oversight of pesticide manufacturers even as the Administration continues to staff Agencies with pesticide industry executives?

Although I have not been involved in EPA's actions regarding Chlorpyrifos in my role as Region 1 Administrator, if confirmed, I look forward to being briefed on these issues and to following up with your office. EPA will use our authorities to oversee manufacturers to protect public health and the environment.

29. 1,4-Dioxane is a suspected carcinogen that is a very serious drinking water contaminant in New York, especially Long Island. Consumers are exposed to 1,4-Dioxane through their drinking water, through their personal care products, and through industrial releases. However, EPA's review of 1,4-Dioxane excludes many of these routes of exposure.
- a. How can EPA fairly evaluate the risks posed by 1,4-Dioxane if you don't properly estimate all the ways consumers are exposed to 1,4-Dioxane, including through their drinking water?
 - b. By excluding routes of exposure like drinking water, aren't you tipping the scale in favor of less or even no regulation of this chemical, which has been linked to cancer?
 - c. If confirmed, will you commit to include all uses, including reasonably foreseeable and legacy uses, in both new and existing chemical risk evaluations?

Although I have not been involved in the implementation of this policy, if confirmed, I look forward to being briefed on this issue and to following up with your office.

Senator Markey:

30. In 2016, my office authored a report called "The ABCs of PCBs" that found up to 14 million students may be exposed to toxic PCBs in schools. These chemicals lurk in fluorescent lights and other school building materials, leaking out to threaten the health of our children. The EPA published an Advanced Notice of Proposed Rulemaking on PCBs in 2010, but has yet to take action on this danger to children's health.
- a. If confirmed, will you commit to finalize the rule requiring the replacement of light ballasts in schools and daycares that contain toxic PCBs?

I agree that children should be safe in their schools. In my role as Region 1 Administrator, I have not been involved in this rulemaking. If confirmed, I look forward to being briefed on this issue and to following up with your office.

31. In response to Senator Booker during the hearing, you said, “I think we can all agree that workers should be safe in their places of work. They should know that the chemicals that they are applying will not adversely affect their health.” However, EPA has begun a policy of declaring chemicals “not likely to present an unreasonable risk” to workers, based on the assumption that it is sufficient to have an unenforceable Safety Data Sheet available to workers on site—this categorization allows new chemicals to go on the market with no safety restrictions at all. Safety Data Sheets are not enforceable and simply describe how a worker could control their exposure and use personal protective equipment to limit risks. This contravenes Congress’s intent when it required that the EPA determine whether a new chemical presents an unreasonable risk to certain vulnerable subpopulations, including workers, as part of TSCA.
- Will you commit to ensuring that EPA establishes requirements and restrictions for chemical manufacturers that ensure workers are fully protected from risks posed by new chemicals, if confirmed?
 - If confirmed, will you commit to reviewing and revisiting the failure to issue 5(e) orders for new chemicals for which EPA determines there may be an unreasonable risks, as the law requires, and to ensuring that EPA complies with all the requirements of Section 5 of TSCA?

I stand by my statement regarding the importance of EPA’s role in protecting workers. In my current capacity with EPA as Region 1 Administrator, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office.

32. The revised TSCA requires EPA to consider “all reasonably available data” in evaluating whether a chemical poses an unreasonable risk to human health or the environment. In the 2016 TSCA revisions, the EPA got new order authority under Section 4 to require testing of chemicals. More than two years later, however, EPA has not issued a single test order for a chemical under TSCA. Meanwhile, EPA just released its first draft risk evaluation, for Pigment Violet 29, and claims that it considered all “reasonably available data” in reaching the conclusion that the chemical does not pose an unreasonable risk. It is contrary to the entire reauthorization of TSCA for EPA to be reaching conclusions of no unreasonable risk based on chemicals with nothing more than a baseline data set that fails to include any chronic hazard endpoints such as cancer, endocrine disruption, two-generation effects, neurobehavioral effects, and in most cases not even acute testing of the PV29 material itself.
- Explain your plans for exercising EPA’s – thus-far unused -- Section 4 test order authority, as well as Section 8 information gathering and other tools, to ensure that EPA is assembling and reviewing a complete record of information on chemicals for prioritization and evaluation.

- b. Describe what you will do to address the Agency's deeply problematic approach to defining "all reasonably available data" so that EPA does not continue to reach "no unreasonable risk" determinations based on a record barren of scientific information or data.

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on these issues and to working with your office and others to address these matters of concern.

- 33. EPA's Pesticide Office recently determined that glyphosate is "not likely to be carcinogenic to humans," contrary to the Agency's own Cancer Guidelines, career scientists in the Office of Research and Development, and the Science Advisory Panel that reviewed EPA's work. In doing so, the Pesticide Office discounted significant evidence of tumors in male mice due to glyphosate exposure.
 - a. If confirmed, what will you do to ensure that all communications between OPPTS staff and all outside parties, including industry, are both appropriate and fully transparent?
 - b. What will you do to ensure that the Pesticides office makes decisions that are consistent with the Agency's own Cancer Guidelines?

Although I have not been involved in the glyphosate risk assessment, if confirmed, I look forward to being briefed on this issue and to following up with your office.

- 34. On December 21, 2016, EPA issued a final risk assessment for tetrachlorvinphos (TCVP), a dangerous organophosphate pesticide that is used in some household pet products, like flea collars and shampoos. The risk assessment acknowledged that epidemiology studies have "consistently identified" neurodevelopmental effects associated with organophosphate exposure, including "delays in mental development in infants (24-36 months), attention problems and autism spectrum disorder in early childhood, and intelligence decrements in school age children." EPA concluded that "there is a need to protect children from exposures that may cause these effects." On January 4, 2017, EPA issued a press release about the TCVP risk assessment, acknowledging that it identified "risks to people, including children ... which exceed the Agency's level of concern." The press release asserted that the agency "will issue" a Proposed Decision on TCVP's FIFRA registration in 2017. However, EPA took no further action on TCVP's registration in either 2017 or 2018. In the meantime, TCVP continues to be sold in household pet products, where it threatens the neurodevelopment of young children exposed through their pets.
 - a. If confirmed, will you commit to issuing a Proposed Decision on TCVP's registration in the first half of 2019?

Although I have not been involved in the TCVP risk assessment, if confirmed, I look forward to being briefed on this issue and to following up with your office on the timing of EPA's actions.

35. If confirmed, will you commit to reviewing how EPA is interpreting “reasonably foreseeable” in the context of new chemical reviews, to ensure it is consistent with the letter and intent of revised TSCA?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office.

Senator Merkley:

36. The EPA announced in 2017 that the TSCA new chemical review process would not include a consideration of the chemical safety risk across all uses of a new chemical, and instead would allow new chemicals to enter the marketplace after considering only the intended uses identified by the industry applicant.

I’m concerned that, rather than evaluating the risk a new chemical may pose in the future, EPA is considering only the potential risk from the uses that the first manufacturer of the chemical initially identifies, even though if that chemical is allowed on the market on that basis without any conditions, other manufacturers are likely to use the chemical for other purposes.

Under this approach, EPA would never consider the combined risks from both intended and other reasonably foreseen uses of the chemical. That could result in a failure to address all of the potential risks of the new chemical, and inadequate protection of human health and the environment.

- a. How do you plan on redirecting OCSPP to ensure that chemical reviews are implemented as required by TSCA?
- b. If confirmed, will you commit to including in both in both new and existing chemical risk evaluations ALL reasonably foreseeable future uses of chemicals under review?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office on these matters.

37. EPA's final fee rule establishes the "user fees" Congress authorized EPA to collect from chemical manufacturers and processors to help defray EPA's costs for implementing TSCA. In that fee rule, the agency grossly underestimated not only the costs of reviewing Confidential Business Information claims (claiming its costs would be only one-fifth of its costs to meet a much narrower set of obligations to under the old TSCA), but entirely excluded its costs to provide ready access to CBI required under the new TSCA to state governments and other qualified persons, or to provide public access to information that does not qualify for protection from disclosure.

- a. If chosen to lead the OCSPP, will you commit to prioritizing adequate funding to ensure ready access to confidential business information to qualified states and other persons, and access to non-confidential information by the public?

In my current capacity with EPA, I have not been involved in the implementation of the TSCA law and cannot speak to this policy. If confirmed, I look forward to being briefed on this issue and to following up with your office on these matters.

38. Millions of people are still exposed to asbestos every single day, in schools, commercial buildings, construction sites, factories, and homes. Yet EPA's ongoing asbestos risk evaluation does NOT account for the existing presence and ongoing use of asbestos.

- a. Do you support EPA's decision to ignore this risk by removing it from the scope of the risk evaluation?
- b. Can you pledge to work with this Committee to include legacy use and exposure in EPA's ongoing risk evaluation?

I acknowledge the concerns around the risks posed by asbestos. Although I have not been involved in the work on these issues in my role as Region 1 Administrator, if confirmed, I look forward to being briefed on this issue and to following up with your office.

39. EPA's ongoing asbestos risk analysis also excludes several types of cancer and lung disease, along with all exposure to asbestos resulting from its release into the environment.

- a. Will you commit to removing these exclusions, and instead conducting a thorough and comprehensive evaluation?

I acknowledge the concerns around the risks posed by asbestos. Although I have not been involved in the work on these issues in my role as Region 1 Administrator, if confirmed, I look forward to being briefed on this issue and to following up with your office.

40. As you know, chlorpyrifos is a dangerous pesticide that can damage the developing brains of children, causing reduced IQ, loss of working memory, and attention deficit disorders. After finding unacceptable risks to children, residential uses of this pesticide ended in 2000, but it continues to be widely used in U.S. agriculture.

Farmworkers are exposed to chlorpyrifos from mixing, handling, and applying the pesticide, as well as from entering fields where chlorpyrifos was recently sprayed. This is why health, civil rights, and labor organizations (including Pineros y Campesinos Unidos del Noroeste, Oregon's farmworkers union) sued the EPA to secure a ban on chlorpyrifos.

In August 2018, the 9th Circuit Court of Appeals ruled that the Trump administration endangered public health by keeping chlorpyrifos on the market and ordered EPA to move forward with a ban. Unfortunately, the agency is currently appealing that ruling, despite extensive scientific evidence that even tiny levels of exposure can harm babies' brains.

- a. If confirmed as Assistant Administrator, will you commit to following the 9th Circuit's court order to revoke all food tolerances of chlorpyrifos and cancel all registrations for chlorpyrifos?

Although I have not been involved in EPA's actions regarding Chlorpyrifos in my role as Region 1 Administrator, if confirmed, I look forward to being briefed on these issues and to following up with your office. EPA is a rule of law agency and will comply with court orders when final following appropriate appeals.

41. The Frank R. Lautenberg Chemical Safety for the 21st Century Act mandates that EPA's evaluations of chemicals determine whether they pose an unreasonable risk to human health or the environment. The law requires EPA to consider and protect susceptible populations, including children, pregnant women and workers – those who face greater exposure to chemicals or are more sensitive to the exposures they face.

EPA is proposing to use, and may already be using, "New Approach Methods" for prioritizing and assessing the risk of chemicals in our environment, but these methods have some severe deficiencies that will lead them to underestimate the potential impacts to vulnerable populations.

First, the New Approach Methods for estimating exposure to chemicals do not include children under the age of six, highly exposed populations (workers), and are limited in their ability to predict exposures for pregnant women. Using these methods for exposure-based decisions under TSCA would, therefore, fail to meet the statutory mandate to protect these populations.

Second, the New Approach Methods for determining toxicity have multiple important gaps – limited capacity to determine the toxicity of chemicals that are metabolized in the body, and reduced ability to determine potential developmental or reproductive outcomes – that prohibit their use in identifying chemicals that ostensibly do not pose a potential for harm.

- a. Given these limitations, what actions will you take to prevent these tools from being used in ways that do not protect children and other susceptible populations and therefore fail to meet the requirements under the law?
- b. If you were presented with information that demonstrated the failure of these tools to protect pregnant women, what would you do to ensure that they are not used in a way that could harm future generations?
- c. Can you commit to ensuring full public disclosure of the ways in which new tools are deployed under TSCA including a demonstration that the new methods are protective of kids, families, and the people that labor every day to propel our economy?

As a professor of environmental justice, I am committed to considering impacts on, and to protecting, all Americans – particularly our most vulnerable. While in my current capacity with EPA as Region 1 Administrator, I have not been involved in the implementation of the TSCA law and cannot speak to this policy, if confirmed, I look forward to being briefed on this issue and to following up with your office.

Senator Rounds:

42. Administrator Dunn, on November 4th, 2018, the Rapid City Journal published an article entitled “The Toxic Legacy of Firefighting Foam.” The article details the disturbing extent of contamination resulting from the Department of Defense’s use of firefighting foam containing non-stick chemicals called PFAS (pee-foss) near Ellsworth Airforce Base. As you know, these chemicals have been linked to cancer, thyroid disease and other negative health consequences.
 - a. These dangerous chemicals have leaked into the water supply utilized by civilians in western South Dakota. Nationwide, the extent of the problem is not known. That is why I joined Senator Stabenow in sponsoring the PFAS Detection Act, which would direct the U.S. Geological Survey to perform a coast-to-coast survey of this problem. Should you be nominated, what actions do you plan to take to understand the extent of this contamination nationwide?
 - b. As Region 1 Administrator, what have you done thus far to determine the extent of this problem in your region?
 - c. Do you believe that industry is poised to assist with risk mitigation as it relates to PFAS?

In my current capacity as EPA Region 1 Administrator I have had the opportunity to work closely with communities impacted by PFOA/PFOS contamination. All six New England states are impacted by PFAS contamination. I have met with community groups, parents, and with our state and tribal partners to discuss concerns and various methods of testing and site identification. I am proud of the opportunity we had in New England to host the first regional workshop on PFAS in June 2018 and to improve the level of communication with communities around these chemicals. If confirmed, I will remain committed to working on reducing the adverse impacts of these chemicals on human health and the environment, to leverage all sources of risk mitigation and risk communication – including having industry take action for cleanup where they are found responsible – and to being fully briefed on what specific authorities lie in OCSPP to address this concern.

43. Administrator Dunn, in 2016, the EPA published a health advisory for PFAS and PFOA (pee-fo-uh), which established the level at which these chemicals become harmful to human health. While these advisories are helpful, they do not come equipped with federal resources to mitigate harm.
 - a. From the most stringent to the least interventionist, what are the range of authorities the Office of Chemical Safety has to deal with these chemicals?
 - b. Does Congress need to consider granting the EPA additional authorities to target this class of chemicals?
 - c. You have a broad range of experience regarding environmental and chemical regulation. In your professional opinion, why was this issue not dealt with sooner?
 - d. Are you confident that our scientific understanding of this issue is adequate, or does more need to be completed in that regard?

In my current capacity as EPA Region 1 Administrator I have had the opportunity to work closely with communities impacted by PFOA/PFOS contamination. All six New England states are impacted by PFAS contamination. I have met with community groups, parents, and with our state and tribal partners to discuss concerns and various methods of testing and site identification. I am proud of the opportunity we had in New England to host the first regional workshop on PFAS in June 2018 and to improve the level of communication with communities around these chemicals. If confirmed, I will remain committed to working on reducing the adverse impacts of these chemicals on human health and the environment. If confirmed, I am willing to after briefing work with your office to explore whether EPA needs additional authority and to with my colleagues at EPA and across the federal agencies to assess the status of our scientific understandings.

44. Administrator Dunn, on October 3, 2018, the Environment and Public Works Oversight subcommittee I chair held a hearing entitled "Oversight of the Environmental Protection Agency's Implementation of Sound and Transparent Science in Regulation." During the hearing, we heard testimony about opportunities for greater transparency at the EPA.

- a. In this new position, you will have a direct role in chemical regulation. Can you speak to the value you place on sound and transparent science?
- b. If you are confirmed, are you willing to work with me to explore greater opportunities for transparency at the EPA?

I value sound and transparent science. If confirmed, I am committed to working with your office to explore greater opportunities for transparency at the EPA.

45. Administrator Dunn, on April 30, 2018, the EPA published a proposed rule entitled "Strengthening Transparency in Regulatory Science." This proposed rule would require the EPA to implement transparency measures designed to isolate the EPA's regulations from unknown biases.

- a. Have you had an opportunity to review this proposed rule? What is your opinion on this rulemaking effort?
- b. Do you believe there are ways in which this proposed rule could be improved prior to a final rulemaking?
- c. Should the EPA consider data disclosure requirements consistent with the practices of major peer-reviewed academic journals?

Although I have not been involved in the consideration of this proposed rule in my role as Region 1 Administrator, if confirmed, I look forward to being briefed on this issue and to following up with your office on this matter.

46. Administrator Dunn, in my home state of South Dakota, agriculture is our number one industry. Consequently, when our agricultural economy is not allowed to thrive, the entire state suffers. In the past, the EPA has not been as receptive to agricultural concerns as they should have been. I am pleased that Acting Administrator Wheeler appears to be charting a better course at the EPA.

- a. As Region 1 Administrator, what has been your experience dealing with agricultural stakeholders?
- b. If you are confirmed, how do you plan to incorporate agricultural input into your decision-making?

Agriculture plays a critical role in promoting American life and encouraging a vibrant economy. Several Region 1 states have vibrant agricultural economies and I have had opportunities to learn more about how important these activities are to the states' identities, workforce opportunities, and culture. If confirmed, I look forward to working with all stakeholders, including agricultural stakeholders, to promote the mission of the Agency.

47. Administrator Dunn, the Federal Insecticide, Fungicide, and Rodenticide Act, called FIFRA, allows the EPA to issue a "conditional" registration for a pesticide when the registrant meets certain criteria under FIFRA. In recent years, NGOs have successfully challenged these registrations. These revocations can be extremely harmful to the economic stability of what are often small businesses that are relying on their registration to market years of hard work. Further, these revocations hurt American innovation, consumers and agricultural operations that rely on these groundbreaking new technologies.
- a. It is our understanding that the EPA has recently implemented a policy of not issuing any more conditional registrations despite the fact Congress specifically authorized the EPA to do so. Additionally, the Ninth Circuit vacated a nanosilver conditional registration over 18 months ago and EPA has not re-issued it. If confirmed will you commit to reassessing this new policy, and expedite the decision-making process for re-issuance of that and any other vacated conditional registration remanded back to your office?

Although I have not been involved in the consideration of this policy in my role as EPA Region 1 Administrator, if confirmed, I look forward to being briefed on this issue and to following up with your office.

Senator Whitehouse:

48. Will you commit to reviewing EPA's final rule for chemical risk evaluations as well as the proposed problem formulations for asbestos, 1-bromopropane, carbon tetrachloride, 1, 4 dioxane, cyclic aliphatic bromide cluster, methylene chloride, N-methylpyrrolidone, perchloroethylene, pigment violet 29, and trichloroethylene? If you determine that any of these documents are inconsistent with the Toxic Substances Control Act (TSCA) as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, will you commit to rectifying these documents so that they are consistent with relevant statutes?

Although I have not been involved in the assessment of the first 10 chemicals under TSCA in my role as EPA Region 1 Administrator, if confirmed, I look forward to being briefed on these risk evaluations, to ensuring that EPA follows the law, and to following up with your office.

49. 36 C.F.R. §1222.22 provides that federal employees must keep “adequate documentation of agency business.” This is defined to include “document[ing] the formulation and execution of basic policies and decisions [...], including all substantive decisions and commitments reached orally.” Will you commit to familiarizing yourself with this and all other regulations governing records creation and retention and pledge to ensure that all OCSPP staff follows applicable federal rules governing records creation and retention?

Yes, if I am confirmed.

50. Under 5. C.F.R. §2635.502, federal employees are not supposed to participate in specific matters such as litigation that involve their former employers or clients for a period of one year following the termination of the employment or client relationship. Earlier this year, Nancy Beck, a Deputy Assistant Administrator in OCSPP, received a waiver allowing her to participate in litigation in which her former employer, the American Chemistry Council, had intervened. Do you agree that EPA should not make exceptions to ethics rules such as it did in this case, and will you commit to strictly enforcing ethics rules for all those who work at OCSPP?

If confirmed, I will rely on the guidance from EPA’s career ethics officials to determine any issues for which I am to be recused and ensure all employees under OCSPP do so as well.

51. EPA’s Integrated Risk Information System (IRIS) program has developed a systematic review protocol that has been reviewed by the National Academies. The National Academies’ most recent report on the IRIS program gives the IRIS systematic review protocol positive marks. Political officials in OCSPP have developed their own, substantially different, systematic review protocol that has not been reviewed by the National Academies. Why should chemical risk evaluations depend in part on a systematic review protocol that has not been vetted by the National Academies? Will you commit to using a systematic review protocol for chemical risk evaluations that has been vetted by the National Academies?

Although I have not been involved in the development of systematic review approaches; if confirmed, I look forward to being briefed on this issue and to following up with your office.

52. The United States is a Party to the Minamata Convention on Mercury. Under the Convention, the United States has obligations related to reducing mercury use in product manufacturing and in industrial processes. The U.S. must also discourage new mercury product types, discourage new uses of mercury in manufacturing processes, and comply with reporting obligations related to each of these control measures. In 2019, EPA will be identifying the next round of 20 high priority substances for chemical risk evaluations under TSCA. Will you commit to including mercury and mercury compounds among the 20 high priority substances to be designated in 2019, so that the U.S. can meet its international obligations? If you will not make such a commitment, please explain how the U.S. will meet its Minamata Convention obligations to reduce mercury use in products and processes without using its TSCA authorities to do so.

Although I have not been involved in the work leading up to the selection of high priority substances for risk evaluation under TSCA in my role as Region 1 Administrator, if confirmed, I look forward to being briefed on this issue and to following up with your office regarding these matters.

Senator BARRASSO. Thank you so much for your testimony.

Throughout this hearing and with questions for the record, the committee members will have an opportunity to learn more about your commitment to the public service and our great Nation. I would ask that you please respond both to the oral as well as the written questions that may be asked of you by the committee.

I have to ask several following questions that we ask all nominees on behalf of the committee. Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities?

Ms. DUNN. I do.

Senator BARRASSO. Do you agree to ensure that testimony, briefings, documents in electronic and other forms of communication of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. DUNN. Absolutely.

Senator BARRASSO. Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Ms. DUNN. I am not aware of any matters.

Senator BARRASSO. Thank you for the answers.

I am going to reserve the balance of my time for use during the hearing.

Senator CARPER. If you are confirmed for this position for which you might be moving out of your mom's house, does she know this? That is my first question.

[Laughter.]

Ms. DUNN. She is aware.

Senator CARPER. Is she OK with this?

Ms. DUNN. She is OK with it. I think she is going to miss me.

Senator CARPER. She will miss you when you are gone.

Getting on to a more serious note, I know you worked hard on the laws and you talked about it here today. Some of our staff members behind me and on either side of me worked with you in your previous capacities, and folks back in Delaware, several Secretaries of the Department of Natural Resources and Environmental Control, one of who is now leaving the National Wildlife Federation.

They know of your professionalism firsthand. We have heard a bunch of lovely testimonials about the work you have done and the way you have conducted yourself in your current capacity and previous capacities. Having said all that, none of that will matter if you cannot or do not make real changes in the agency's chemical safety efforts.

The first question is, can you tell us briefly what changes you intend to make if you are confirmed and what assurances you have from the political leadership at EPA that you will have the authority to make those changes?

Ms. DUNN. Senator, that is a very good question. If confirmed, I intend to immediately hold open door hours with the career staff at EPA. I want to find out where they are being listened to, how

they are being treated, and how their decisions are being valued by the team.

I intend to work closely with all members of this very large office, but I do want to be open to them. I have learned working in EPA New England that the EPA career staff are experts. They know what they are doing, they have great recommendations, and they work hard.

My first priority will be to connect with the career staff, let them know their opinions are valued, and let them know that, as a leader, I want to hear from them. I intend to, as Acting Administrator Wheeler has done, include career staff in briefings, and make sure we are listening to them. That is one change I intend to make. I do not know if it is a change but it is how I operate.

The second thing I would like to do is prioritize the workload that we have. As you know, the statute has a number of deadlines. We have 3 years of work that has occurred under the reauthorized law and we have more things happening in 2019.

I would like to work closely with you and your colleagues to find out where EPA can make the most impactful changes to the work that has occurred. Do we need to look backward or do we need to look forward? I am willing to do both but I think we have to prioritize which direction to go.

I intend, as a second action, to take a very, very comprehensive look at the workload and prioritize the tasks we need to implement.

Senator CARPER. Be very brief on the third thing because I have one more question I want to ask you before my time expires.

Ms. DUNN. The third thing I would commit to doing is maintaining regular contact both with this committee, and also certainly the members of the House who are passionate about this statute, to hear firsthand what you expected.

Senator CARPER. Thank you.

Less than a year ago, I think in your previous capacity, you sent to the EPA a letter stating that the law requires all uses of a chemical to be evaluated. I would ask unanimous consent for that letter to be submitted for the record.

Senator BARRASSO. Without objection.

[The referenced information follows:]

U.S. news**EPA eases path for new chemicals, raising fears of health hazards****Breaking News Emails**

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Jan. 17, 2018 / 4:28 AM EST / Updated Jan. 17, 2018 / 11:31 AM EST

By Suzy Khimm

WASHINGTON — The Environmental Protection Agency is shifting course under the Trump administration on how it assesses new chemicals for health and environmental hazards, streamlining a safety review process that industry leaders say is too slow and cumbersome.

But some former EPA officials, as well as experts and advocates, say the agency is skipping vital steps that protect the public from hazardous chemicals that consumers have never used before, undermining new laws and regulations that Congress passed with overwhelming bipartisan support in 2016.

According to these critics, that could mean that manufacturers might get approval to introduce a new chemical for one purpose, without getting a thorough, timely review of the chemical's safety if it is later used for a different purpose. Asbestos, for example, was commonly used in building insulation before the EPA cracked down on its use, but the carcinogenic chemical is still found in brake pads for automobiles — posing hazards for garage mechanics — and is widely used to manufacture chlorine.



This Aug. 29, 2017 file photo shows the TPC petrochemical plant, with downtown Houston in the background. David J. Phillip / AP file

In recent months, the EPA has quietly overhauled its process for determining whether new chemicals — used in everything from household cleaners and industrial manufacturing to children's toys — pose a serious risk to human health or the environment. Among other changes, the agency will no longer require that manufacturers who want to produce new, potentially hazardous chemicals sign legal agreements that restrict their use under certain conditions.

Such agreements, known as consent orders, will still be required if the EPA believes that the manufacturer's intended use for a new chemical poses a risk to the public health and the environment. But the agency won't require consent orders when it believes there are risks associated with "reasonably foreseen" uses of the new chemical — ones that go beyond what a manufacturer says it's intending to do, but which the agency believes are reasonable to anticipate in the future.

Instead the EPA will rely on a broader measure, known as significant new-use rules, to regulate chemicals that are likely to pose a risk if they're used for a different purpose. The agency typically has to issue these rules

whenever they want to restrict the broad use of potentially hazardous chemicals, since consent orders apply only to a single manufacturer.

Eliminating consent orders in these cases would be "more efficient," said Jeff Morris, director of the EPA's toxics program. He laid out the agency's shift to significant new use rules at a public meeting in early December: "It's our belief that they could be equally protective but eliminate this one step."

Chemical industry lobbyists had pushed for the change, arguing that the EPA's rising use of consent orders was unwarranted. Chemical manufacturers "are burdened by the delay of waiting for EPA to draft the orders, negotiating them with EPA, and then waiting for EPA to issue the orders," the American Chemistry Council, the industry's largest trade association, told the agency days before President Donald Trump took office.

But consumer advocates, along with some former agency officials and research experts, believe that EPA's moves are sabotaging a safety review process that Congress had taken great pains to bolster. Richard Denison of the Environmental Defense Fund, an advocacy group, points out that the 2016 law requires the EPA to assess the broad use of chemicals because manufacturers frequently find different uses for hazardous substances over time, as in the use of asbestos.

"EPA is explicitly disavowing and downplaying a tool that's really been a cornerstone of new chemical regulation," said Bob Sussman, a former EPA attorney under Obama and counsel for the Safer Chemicals, Healthy Families coalition, which represents environmental and public health advocates. "We believe EPA is taking a big step backward in the protection of health and the environment without an offsetting benefit."

'Playing a dangerous game'

Under EPA administrator Scott Pruitt's leadership, the agency has taken major industry-friendly steps to loosen its regulation of legacy chemicals. Last year, the EPA delayed bans on chemicals already in widespread use, including a lethal substance in paint strippers and a pesticide linked to developmental disabilities in children.

But the agency is also overhauling its process of reviewing new, unproven chemicals that have yet to hit the marketplace. The changes come in the wake of intense lobbying by the chemical industry, which complained that the EPA was taking too long to clear innovative new products for commercial use that the industry considered safe.

Environmental Protection Agency (EPA) Administrator Scott Pruitt testifies about the fiscal year 2018 budget during a Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies hearing on Capitol Hill in Washington on June 27, 2017. Saul Loeb / AFP - Getty Images file

"We were very concerned as an industry — that was one of our top priorities when I talked to the administration," said Robert Helminiak, a lobbyist for the Society of Chemical Manufacturers and Affiliates, who met with Pruitt last year.

When the Trump administration took office, the EPA was facing a serious backlog of new chemicals awaiting safety reviews. About 600 cases had piled up after Congress approved the sweeping reforms to the 1976 Toxic Substances Control Act (TSCA), which passed in June 2016 after decades of deliberation and was called the Frank R. Lautenberg Chemical Safety for the 21st Century Act, after the Democratic senator from New Jersey.

For the first time, the EPA under the act was required to make an explicit determination that a new chemical was safe before it could be sold to consumers, using stricter criteria to evaluate their health and environmental risks. The new law also required the EPA to evaluate the risks of chemicals already in commercial use, by specific deadlines.

<https://www.nbcnews.com/news/us-news/epa-eases-path-new-chemicals-raising-fears-health-hazards-n838201 4/11>

11/28/2018 EPA eases path for new chemicals, raising fears of health hazards

At the urging of industry, Pruitt promised to expedite the post-Lautenberg review process for new chemicals "to make the process faster and more efficient, while ensuring chemical safety." With great fanfare, he announced the EPA had cleared its backlog in August and unveiled its early reforms to the safety review process.

But some public-health experts and former officials say that the EPA's efforts to streamline the program are undermining its newly expanded authority to require testing when it believes there is insufficient data, or when future uses may pose a risk.

"What I'm observing is an effort by the agency and also some in the industry to turn back the clock and behave as though the Lautenberg Act was never passed in the first place," said Lynn Goldman, dean of George Washington University's school of public health and a former EPA official under Clinton. "The agency has been granted more authority to do testing, then it put hands in its pockets and said it doesn't want to use this authority."

Critics say there's a big difference between the consent orders they want the EPA to issue and the agency's proposed alternative. Consent orders often include mandatory testing of new chemicals for potential health and environmental hazards. By contrast, significant new-use rules typically don't require testing, though they can recommend that it should happen in the future if a manufacturer wants to use a restricted chemical.

At that point, however, the harm may have already been done, says Veena Singla, an environmental health researcher at the University of California, San Francisco. "Chemicals do end up being used for many different applications than what the manufacturer originally thought or intended," she said. "After the fact, we've seen what the problem is: The chemical is out there."



How Much Has the EPA Changed One Year Since the Election?

Nov. 8, 2017 02:42

' , (RB)

The Trump administration says that its safety reviews will be just as robust under its changes to the program. If a manufacturer wants to use a chemical for a new purpose that might be risky — say, by putting the substance in water — it's still legally required to seek the EPA's approval if there are significant new-use restrictions in place. The EPA can then mandate more testing at that point, said Morris: "The end result is that there would be the same amount of testing."

But public-health advocates say there's no guarantee that the EPA will require the same testing further down the line, arguing that consent orders provide far more assurance that the agency is properly scrutinizing toxic substances. They now fear that the EPA will go even further to relax the law: The agency is currently deciding whether it will allow manufacturers to commercialize new chemicals while it is still hammering out the rules restricting future, reasonably foreseen uses — something that industry groups are currently pushing for.

<https://www.nbcnews.com/news/us-news/epa-eases-path-new-chemicals-raising-fears-health-hazards-n838201 6/11>

11/28/2018 EPA eases path for new chemicals, raising fears of health hazards

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If the EPA lets these chemicals on the marketplace early, then it will be "blatantly violating the law" that Congress passed to tighten these safety reviews, said Sen. Tom Udall, D-N.M., who co-authored the Lautenberg Act and help push it into law after Lautenberg's death in 2013.

The new law requires the EPA "to review the safety of all uses of a new, and potentially dangerous, chemical before allowing it to be sold to consumers, not just selective uses," said Sen. Tom Carper, D-Del., the top-ranking Democrat on the Senate Environment and Public Works Committee. If the agency allows a chemical to be sold before putting all its restrictions into place, that "contradicts the spirit and letter of the law," he added.

"This may please Pruitt's corporate allies, but it is playing a dangerous game, with the safety of millions of Americans at stake," Udall said.

‘Regrettable substitutions’

Consumer advocates say that it’s critical for the EPA to be aggressive about putting the 2016 law into effect, given the agency’s past failures to protect the public from toxic chemicals.

Older flame retardants linked to cancer were phased out in the 1970s, only to be replaced by new flame retardants that were also linked to cancer, hormone disruption and development problems, despite passing the EPA’s safety review process.

-

Protestor Cathy McFeeters holds a sign up at the New Hanover County Government Complex on June 15, 2017 during a press conference after officials from Chemours Company meet with Wilmington area officials about GenX, a chemical the company’s plant in Fayetteville has been releasing into the Cape Fear River. The river water is used for drinking water in much of Southeastern North Carolina. Ken Blevins / The Star-News via AP

Other “regrettable substitutions” include bisphenol-S, which was intended to be a safe replacement for BPA; and GenX, a substitute for a carcinogenic substance used to make Teflon, only to be later linked to cancer as well. Right before Trump took office, the federal government agreed to pay more than \$2 billion to veterans who developed leukemia, liver cancer and Parkinson’s disease after exposure to water contaminated with trichloroethylene and other chemicals at a North Carolina military base.

Such horror stories helped build broad bipartisan support for the 2016 overhaul, which Congress passed on a nearly unanimous vote. Under the old regime, the EPA didn’t have to sign off on new chemicals if it concluded that they were likely to be safe. If the manufacturer never heard anything from the agency within 90 days, it could go ahead and start making its new product. Under the new law, the EPA has to make an affirmative decision that a new chemical is safe before it can be commercialized — the crux of its new safety review process.

Getting to market sooner

The chemical industry, however, insists that the 2016 overhaul was never intended to make radical reforms across the board. The new law “really doesn’t do very much for new chemicals — the process was the part of TSCA that was really working pretty well,” Helminiak said.

Before the EPA had unveiled its Trump-era changes, industry groups argued that the agency was taking a needlessly draconian approach toward new chemicals reviews, requiring consent orders where none were necessary. When a manufacturer wants the EPA to approve a new chemical, it describes its intended use for the substance. So the EPA “accomplishes nothing useful” by subjecting them to consent orders for other purposes they have no intention of pursuing, the American Chemistry Council (ACC) said in January. Instead, it would simply burden manufacturers with onerous testing requirements and other conditions that make it harder for them to sell innovative new products, industry groups said.

The EPA’s new approach is likely to reduce the testing that manufacturers who first bring these new chemicals to market are required to do. Using significant new-use rules (SNURs) “reduces the testing that the EPA is seeking to impose, because testing is rarely required in a SNUR,” said Richard Engler, a former EPA scientist who now works for Bergeson & Campbell, a law firm that represents chemical manufacturers. “If someone is of the view that every consent order should have testing in it, then yes, switching to SNURs is going to produce less data,” Engler said, though he believes EPA’s new approach will be just as protective.

But industry groups say the agency still hasn't gone far enough to speed up the safety review process, warning that the latest reforms could bring their own delays.

Significant new-use rules can take far longer to finalize than consent orders, since they are regulations subject to a public notice and comment period. If the EPA determines that a new chemical is safe for its intended use, a manufacturer should be able to start making and selling that product immediately, without waiting for the EPA to finalize its new rules for separate, reasonably foreseeable uses, said the ACC's Michael Walls: "There's got to be a way to get to market earlier."

Denison of the Environmental Defense Fund warns the EPA against giving the green light too early. Even if a company sticks to the use of a chemical that the agency has deemed safe, it can't predict what other parties might do with it once it's on the market, said Denison: "Companies say they can't control how chemicals are being used."

'This EPA has worked very well with industry'

The EPA says that it's still deliberating how long manufacturers will have to wait to bring their new chemicals to market. "This is an area that we are discussing," Morris said in December.

Consumer advocates fear the EPA will ultimately heed industry's call. Under the new administration, industry heavyweights have been able to appeal directly to their former colleagues: Trump appointee Nancy Beck, a former senior executive at the ACC, is now a top deputy for the EPA's chemical safety office. Trump's nominee to lead the office, Michael Dourson, spent decades conducting industry-friendly research for the ACC and Dow Chemical, among others. He worked as a senior EPA adviser for months before withdrawing his nomination in December, under fire for his industry ties.

In this video grab, Nancy Beck speaks about the use of science in the rule-making process on March 9, 2017 in Washington. U.S. Senate Committee Channel

In recent months, the agency has worked closely with the ACC to revamp the paperwork that manufacturers must submit to get new chemicals approved. With the group's help, the EPA consulted three industry giants — Dow Chemical, Procter & Gamble, and the BASF Corporation — to revise its new chemical application process.

"It's always important to get feedback from companies using the document," David Tobias, an EPA scientist, said at the agency's December meeting. "We've already made some changes based on this consultation." (The EPA declined to specify the changes it's made and said it is working with "a variety of stakeholders" on the new chemicals program.)

Industry groups say they're hardly getting a free pass: From their perspective, the EPA hasn't hesitated to tighten its scrutiny of new chemicals, placing more stringent restrictions on their use and expanding the scope of their reviews. But they acknowledge that Pruitt's EPA has been receptive to their concerns.

"This EPA has worked very well with industry," Helminiak said. "They really have certainly listened to what the specialty chemical industry has to say."

CORRECTION (11:30 a.m., Jan. 17, 2018): An earlier version of this article misstated a chemical that was considered a "regrettable substitution" for another chemical by advocates. It was bisphenol-S that replaced BPA, not the other way around. The article also misstated the chemical that contaminated a North Carolina military base. It was trichloroethylene, not GenX.

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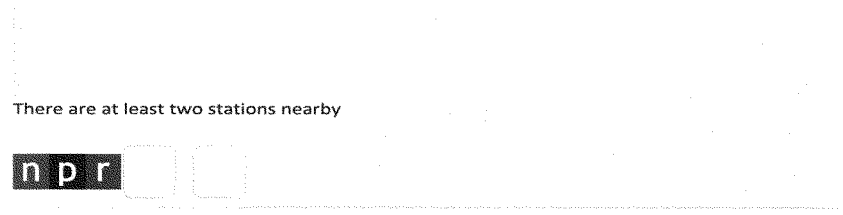
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 March 29, 2017 · 4:02 PM ET
 Heard on All Things Considered


DAN CHARLES



Pesticide warning sign in an orange grove. The sign, in English and Spanish, warns that the pesticide chlorpyrifos, or Lorsban, has been applied to these orange trees.

<https://www.npr.org/sections/thesalt/2017/03/29/521898976/will-the-epa-reject-a-pesticide-or-its-own-scientific-evidence> 1/11

11/26/2018 EPA Decides Not To Ban A Pesticide, Despite Its Own Evidence Of Risk : The Salt : NPR

Jim West/Science Source

Update 7:06 P.M. Eastern: The EPA says it's reversing course and keeping chlorpyrifos on the market.

That's despite the agency's earlier conclusion, reached during the Obama administration, that this pesticide could pose risks to consumers. It's a signal that toxic chemicals will face less restrictive regulation by the Trump administration.

In its decision, the EPA didn't exactly repudiate its earlier scientific findings. But the agency did say that there's still a lot of scientific uncertainty about the risks of chlorpyrifos, and it said that because of that uncertainty, the court had no right to set a firm deadline for a decision. A federal court had ordered the EPA to decide by midnight on Friday whether to ban chlorpyrifos. The Obama administration proposed this ban back in 2015.

The EPA says it will keep studying the chemical.

Patti Goldman, from the environmental group Earth Justice, calls the decision "unconscionable," and says that her group will fight it in court.

New EPA Administrator Scott Pruitt made his reputation opposing the agency's regulations, and many farm organizations expected him to renounce the proposed ban. But doing so would mean disregarding a substantial pile of scientific evidence that his agency has assembled on the risks of this chemical.

Article continues below

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11/26/2018 EPA Decides Not To Ban A Pesticide, Despite Its Own Evidence Of Risk : The Salt : NPR

Our original story continues.

Farmers have been using chlorpyrifos since 1965. Most of them know it by its trade name, Lorsban. When Wesley Spurlock, a farmer in the panhandle of Texas, sees worms on his corn or aphids on his wheat, this is the chemical that he typically loads into his sprayer.

"This chemical doesn't scare us at all," he says.

He does wear special clothing to protect himself, though. Because this chemical attacks the nervous systems of insects and people. It can cause dizziness, vomiting and diarrhea. So he's careful when handling it. "You don't spill any of it. It goes into the sprayer, we don't splash it around and make a mess," he says.

If he's spraying near the house, he might tell the kids to stay inside until the job is done. "By doing all this, it's a safe product," he says. "It's doing its job and it's doing it well."

Fruit and vegetable farmers use this chemical on citrus trees, strawberries, broccoli and cauliflower. This can leave residues on those foods in the supermarket. Several environmental advocacy groups have gone to court to force the EPA to ban the use of chlorpyrifos by farmers because of the risks that the chemical poses to consumers and to people who live near fields where it's used.

"Based on the harm that this pesticide causes, the EPA cannot, consistent with the law, allow it in our food," says Patti Goldman, an attorney with the environmental advocacy group Earthjustice.

More than a decade ago, the EPA banned the spraying of chlorpyrifos indoors to get rid of household bugs.

At that time, though, the EPA thought that use on the farm posed little risk. The agency was relying on scientific studies that directly measured the immediate effect of chlorpyrifos on the nervous system. Residues on food weren't nearly enough to keep

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nerves from working normally.

But then new evidence surfaced. Jim Jones, who was assistant administrator of the EPA and responsible for pesticide regulation before he left the agency in January, says the new evidence came from studies in which scientists followed hundreds of mothers and their newborn children, monitoring their exposure to lots of chemicals. One of these studies, by researchers at Columbia University, measured the levels of chlorpyrifos in blood taken from umbilical cords when babies were born.

While the study was going on, the ban on indoor uses of chlorpyrifos came into effect. So over the course of those years, scientists were able to gather data on children who had been exposed to very different levels of the pesticide.

They found that exposure to chlorpyrifos caused small but measurable differences in brain function. At age 7, the average IQ of children who had been exposed to high levels of chlorpyrifos was a few percentage points lower than children who hadn't been exposed to much of the chemical at all. Other studies showed that some people are much more vulnerable to chlorpyrifos because of their genetic makeup.

The studies suggested that this chemical was more dangerous than people had previously realized.

Jones says the EPA struggled to translate the findings of these studies into a prediction of risk from chlorpyrifos residues on food. For one thing, the agency had to come up with an estimate of how much chlorpyrifos the women had been exposed to, based on levels of chlorpyrifos in their blood.

"But once we cracked that nut, and you had the risk evaluated and in front of you, it became, in my view, a very straightforward decision, with not a lot of ambiguity in terms of what you would do," he says.

The law on pesticides is very strict: It requires "a reasonable certainty that no harm will result" to consumers or people living in the areas where pesticides are applied.

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In 2015, the EPA proposed a ban on chlorpyrifos.

Dow Agrosciences, the company that sells chlorpyrifos, insists that a ban is unjustified.

Jim Aidala, a former pesticide regulator at the EPA who now works as a consultant to Dow, says that many scientists — including those on a committee that the EPA asked to look at this question — aren't convinced by the scientific methods the EPA used. "There's a lot of controversy about this," he says.

But the EPA is facing a deadline, because of legal challenges from environmental groups, including Earthjustice, which have submitted a petition that the EPA ban chlorpyrifos. A federal judge ordered the agency to make a final decision on this petition by March 31.

"I'm waiting with bated breath for Friday, to see what they're going to go," Jones says. "I just don't know what basis they would have to deny the petition [to ban the chemical], given the vast scientific record that the EPA's got right now."

chlorpyrifos environmental protection agency pesticides

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NewsRoom

6/8/18 Boston Globe A 2018 WLNLR 17619810

Boston Globe (MA)
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June 8, 2018 Section: News

EPA eases rules on evaluating chemicals Air, ground, or water contact won't be weighed

Eric Lipton; **New York Times**

WASHINGTON — The Trump administration, after heavy lobbying by the chemical industry, is scaling back the way the federal government determines health and safety risks associated with the most dangerous chemicals on the market, documents from the Environmental Protection Agency show.

Under a law passed by Congress during the final year of the Obama administration, the EPA was required for the first time to evaluate hundreds of potentially toxic chemicals and determine if they should face new restrictions, or even be removed from the market. The chemicals include many in everyday use, such as dry-cleaning solvents, paint strippers, and substances used in health and beauty products like shampoos and cosmetics.

But as it moves forward reviewing the first batch of 10 chemicals, the EPA has in most cases decided to exclude from its calculations any potential exposure caused by the substances' presence in the air, the ground, or water, according to more than 1,500 pages of documents released last week by the agency.

Instead, the agency will focus on possible harm caused by direct contact with a chemical in the workplace or elsewhere. The approach means that the improper disposal of chemicals — leading to the contamination of drinking water, for instance — will often not be a factor in deciding whether to restrict or ban them.

The approach is a big victory for the chemical industry, which has repeatedly pressed the EPA to narrow the scope of its risk evaluations. Nancy B. Beck, the Trump administration's appointee to help oversee the EPA's toxic chemical unit, previously worked as an executive at the American Chemistry Council, one of the industry's main lobbying groups.

A spokesman for the EPA said that the Clean Air Act, the Clean Water Act and other laws already provided the agency with the authority to regulate chemicals found in the air, rivers, and drinking water, so there was no need to revisit them under the 2016 law, which updated the **Toxic Substances Control Act** of 1976.

The agency can "better protect human health and the environment by focusing on those pathways that are likely to represent the greatest areas of concern to EPA," said the spokesman, Jahan Wilcox.

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EPA eases rules on evaluating chemicals, 2018 WLNLR 17619810

But three former agency officials, including a former supervisor of the toxic chemical program, said that the EPA's approach would result in a flawed analysis of the threat presented by chemicals.

"It is ridiculous," said Wendy Cleland-Hamnett, who retired last year after nearly four decades at the EPA, where she ran the toxic chemical unit during her last year. "You can't determine if there is an unreasonable risk without doing a comprehensive risk evaluation."

Senator Tom Udall, Democrat of New Mexico, and Representative Frank Pallone Jr., Democrat of New Jersey, who played leading roles in passing the 2016 law, said the EPA was ignoring its directive for a comprehensive analysis of risks.

"Congress worked hard in bipartisan fashion to reform our nation's broken chemical safety laws, but Pruitt's EPA is failing to put the new law to use as intended," Udall said in a statement referring to Scott Pruitt, the EPA administrator.

A spokesman for Senator John Barrasso, Republican of Wyoming, who is chairman of the Senate committee that oversees the agency, did not respond to a request for comment.

Cumulatively, the approach being taken for the 10 chemicals means the EPA's risk analysis will not take into account an estimated 68 million pounds a year of emissions, according to an analysis by the Environmental Defense Fund, based on agency data.

Beck declined requests for comment. She had pushed the EPA during the Obama administration to narrow the scope of the risk evaluations, in a fashion similar to the approach under her watch.

Also helping oversee the risk evaluation effort is Erik Baptist, a former senior lawyer at the American Petroleum Institute, another big player in the chemical industry.

The American Chemistry Council said in a statement last week that the EPA's approach met "the requirements of the law," adding that it wanted the risk assessments to be "protective and practical."

Under the approach, the EPA will examine what harm can be caused, for example, to anyone directly exposed to perchloroethylene — a dry-cleaning solvent and metal degreaser designated by the EPA as a likely carcinogen — during manufacturing or when using it in dry cleaning, carpet cleaning, or handling certain ink-removal products.

But the agency will not focus on exposures that occur from traces of the chemical found in drinking water in 44 states as a result of improper disposal over decades, the EPA documents say. The decision conflicts with a risk assessment plan detailed by the agency a year ago, which included drinking water. And the change came after the American Chemistry Council argued in February last year that "the EPA has discretion to select the conditions of use that it will consider."

The most likely outcome of the changes will be that the agency finds lower levels of risks associated with many chemicals, and as a result, imposes fewer new restrictions or prohibitions, several current and former agency officials said.

"They don't want to open Pandora's box by looking comprehensively at the risk, as they may prove to be significant and then they have to deal with it," said Robert M. Sussman, a former chemical industry lawyer and EPA official who now works as a consultant to Safer Chemicals, Healthy Families, an advocacy group.

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ENVIRONMENT & CLIMATE

Sources: EPA blocks warnings on cancer-causing chemical

Burying the formaldehyde study is part of an effort by Pruitt and aides to undermine EPA's research program, current and former officials tell POLITICO.

By ANNIE SNIDER | 07/06/2018 05:07 AM EDT



Interfering with the formaldehyde study is one of several steps Trump's EPA has taken to side with the businesses the agency is supposed to regulate and undermine the agency's approach to science, critics say. | Pablo Martinez Monsivais/AP Photo

The Trump administration is suppressing an Environmental Protection Agency report that warns that most Americans inhale enough formaldehyde vapor in the course of daily life to put them at risk of developing leukemia and other ailments, a current and a former agency official told POLITICO.

tor Scott Pruitt are delaying its release as part of a campaign to undermine chemicals.

The warnings are contained in a draft health assessment EPA scientists completed just before Donald Trump became president, according

to the officials. They said top advisers to departing Administra the agency's independent research into the health risks of toxic

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Formaldehyde is one of the most commonly used chemicals in the country. Americans are exposed to it through wood composites in cabinets and furniture, as well as air pollution from major refineries. The new assessment would give greater weight to warnings about the

Andrew Wheeler, the No. 2 official at EPA who will be the agency's new acting chief as of Monday, also has a history with the chemical. He was staff director for the Senate Environment and Public Works Committee in 2004, when his boss, then-Chairman Jim Inhofe (R-Okla.), sought to delay an earlier iteration of the formaldehyde assessment.

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11/28/2018 Sources: EPA blocks warnings on cancer-causing chemical - POLITICO

chemical's risks and could lead to stricter regulations from the EPA or class-action lawsuits targeting its manufacturers, as frequently occurs after these types of studies are released.

"They're stonewalling every step of the way," the current official said, accusing political appointees of interfering with the formaldehyde assessment and other reports on toxic chemicals produced by EPA's Integrated Risk Information System. Industry has long faulted the IRIS program, the agency's only independent scientific division evaluating the health risks of toxic chemicals, whose assessments often form the basis for federal and state regulations.

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The current official and former official requested anonymity out of fear for their jobs and the impact that speaking out could have on the IRIS program.

Interfering with the formaldehyde study is one of several steps Trump's EPA has taken to side with the businesses the agency is supposed to regulate and undermine the agency's approach to science, critics say. Public health advocates also expressed alarm after Pruitt replaced academic scientists with industry advocates on the agency's influential science advisory boards and sought to limit the types of human health research the EPA can rely on in rulemakings.

The officials said Trump appointees have required that career officials receive their permission before beginning the required internal review of the formaldehyde study and have canceled key briefings that would have advanced it. That interference came after EPA career scientists revised the study once already last year to insulate it from political controversy, they said.

In a statement, EPA denied that the assessment was being held back.

"EPA continues to discuss this assessment with our agency program partners and have no further updates to provide at this time," EPA spokeswoman Kelsi Daniell said. "Assessments of this type are often the result of needs for particular rulemakings and undergo an extensive intra-agency and interagency process."

But as long ago as January, Pruitt told a Senate panel that he believed the draft assessment was complete.

Five months later, it has yet to see the light of day. Meanwhile, internal documents show, a trade group representing businesses that could face new regulations and lawsuits if the study were released had frequent access to top EPA officials and pressed them to either keep it under wraps or change its findings.

"As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical," Kimberly Wise White, who leads the American Chemistry Council's Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at the EPA. The panel represents companies including the Koch Industries subsidiary Georgia-Pacific Chemicals LLC that could face higher costs from stricter regulations or lawsuits.

EPA

Environmentalists: Pruitt's replacement "should scare anyone who breathes"

By ERIC WOLFF

Nearly a million jobs "depend on the use of formaldehyde," White's letter argued.

The holdup is attracting attention on Capitol Hill, where Democrats have already expressed alarm, arguing that the Trump administration has allowed politics to interfere in EPA's scientific assessments of threats such as toxic pollution and climate change.

The agency must "move past politics and focus on its job of protecting human health" by releasing the formaldehyde study, Sen. Ed Markey (D-Mass.) said in a statement to POLITICO.

"Because formaldehyde can be found in everything from wood products to women's hair straighteners, the public health risks are

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POLITICO



substantial," Markey said. "Delaying the EPA's latest assessment of the health risks of formaldehyde only further endangers the health of Americans."

<https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628> 2/5

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Public health advocates have similarly expressed fears that the Trump administration has allowed EPA to be captured by the industries it regulates. The revelations about the formaldehyde study come after Pruitt removed academic scientists from the agency's influential science advisory boards and in many cases replaced them with industry advocates, and after he proposed a policy to limit the agency's use of human health data while offering a carve-out for confidential industry studies.

"At every corner, you see the agency trying to either minimize the role of science or manipulate the role of science or just ignore the work of scientists in doing the critical work to ensure that human health and the environment is protected," said Jennifer McPartland, a senior scientist with the Environmental Defense Fund's health program.

POLITICO also reported in May that Trump administration officials, including EPA chief of staff Ryan Jackson, sought to delay an HHS study finding that nonstick chemicals pose health dangers at a lower level than EPA has said is safe.

Insiders anticipate few major policy changes under Wheeler, who is widely expected to continue Pruitt's deregulatory agenda and is well-versed in chemicals issues. He began his career in EPA's chemical safety office, and after leaving Inhofe's staff lobbied for several chemicals companies, including Celanese Corp., a major formaldehyde manufacturer and ICOR International, a refrigerants manufacturer that was recently acquired by Chemours Co., a DuPont spin-off. A Celanese spokesman said Wheeler worked only on the Renewable Fuels Standard for the company, although Wheeler's disclosure forms describe his lobbying as being on the broad topic of "chemicals issues." Wheeler is not barred from working on chemicals issues under the recusal statement he signed in May.

Decades' of research has linked formaldehyde to nose and throat cancer and respiratory problems, and newer research has suggested the connection to leukemia — controversial conclusions that would gain significant credence if EPA formally adopts them. The new assessment affirms those links to leukemia, nose and throat cancer and other ailments, according to the current and former officials familiar with its findings.

The new assessment could lead the EPA to impose stricter regulations of chemicals refineries or wood products and could spur class-action lawsuits from cancer patients attempting to hold companies responsible for their illnesses.

The agency officials said the political aides blocking the assessment include Jackson and Richard Yamada, a former staffer for House Science Chairman Lamar Smith (R-Texas) who is now a top official in EPA's Office of Research and Development. And they said Nancy Beck, who criticized the IRIS program in her previous job as a top chemical industry expert, is now helping to stymie the program's assessments in her new post as head of EPA's chemical safety office. Jackson, Yamada and Beck did not respond to requests for comment.

The EPA spokeswoman disputed the accusations and said Yamada and Jackson have, in fact, requested briefings on the assessment.

The current EPA official told POLITICO that political appointees have managed to avoid creating written evidence of their interference with the formaldehyde assessment by refusing to send emails or create other records that eventually could become public, instead using what the official described as "a children's game of telephone."

By blocking the report at the first step of the IRIS review process, political appointees are keeping it from being reviewed by the National Academies of Sciences, an independent panel of the country's top scientists that must weigh in on all such risk assessments. EPA has already paid the academies \$500,000 for that review, the highest level of scrutiny a scientific study can receive, but the work cannot start until Pruitt's aides send the study.

"If the administration was really keen on protecting public health, why wouldn't they send this to the National Academy and give it a really good review?" the former EPA official asked. "If it survives that review, then there's a public health problem that needs to be dealt with, and if it doesn't survive the review, then they can point the finger at IRIS and say, 'You're dead.'"

Energy & Environment

How Scott Pruitt blew it

By Alex Guillen and Andrew Restuccia

The former official said there would be only one reason not to ask the country's top experts whether they agree with the analysis: "You don't want the answer."

Public health advocates say the administration's attacks on science have had especially significant implications for the IRIS program. The small office of about 35 experts pores over the huge body of existing research on chemicals, including industry-backed studies aimed at proving the substances safe, to independently assess their risks. While purely scientific, the program's reviews are looked to by regulators

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<https://www.politico.com/story/2018/07/06/epa-formaldehyde-warnings-blocked-696628> 3/5

11/28/2018 Sources: EPA blocks warnings on cancer-causing chemical - POLITICO

The American Chemistry Council, Beck's former employer, spent more than \$7 million last year lobbying EPA and Congress on issues including IRIS, formaldehyde and the policy to limit EPA's use of human health research. Chemicals manufacturers, including Hexion, one of the country's largest manufacturers of formaldehyde, have also spent tens of thousands of dollars on lobbying related to the program this year.

A National Academies panel agreed with some of industry's criticisms of the IRIS program in a blistering review of an earlier iteration of the formaldehyde assessment that recommended major changes to how IRIS decides how much weight to give conflicting studies, although it did not attack the substance of its findings about the health effects of formaldehyde. Critics of the IRIS program have pointed to that review frequently as they have sought to kill it, including in an appropriations battle this spring. The EPA spokeswoman also pointed to that assessment in her statement. "The National Academy of Science and Congress in legislative reports have for years been highly critical of EPA's previous assessments involving formaldehyde," she said.

But the EPA has overhauled the program since then, hiring a new director for IRIS and a new head of the National Center for Environmental Assessment, in which it is housed. The changes have received high marks from the National Academies in two more recent reviews, one in 2014 and one this past April. The latest formaldehyde assessment is expected to demonstrate further progress implementing the academies' recommendations, potentially undermining industry critiques of the overall IRIS program if it were to be released.

Although efforts to kill EPA's independent scientific arbiter have so far failed, EPA officials and public health advocates say the program has been significantly hobbled under an administration with close ties to the chemicals industry.

White, the top staffer for the American Chemistry Council's Formaldehyde Panel, wrote the EPA three times between September 2017 and January 2018, urging the agency to incorporate industry-funded research that found no link between formaldehyde and leukemia, and arguing that the studies shifted the scientific consensus away from the conclusion that it does. In November, Pruitt appointed her to the agency's influential Science Advisory Board.

Less than a week after the council's Jan. 24 meeting with EPA, Pruitt himself confirmed that the report had been complete for months. During a Senate hearing at the end of January, Markey asked Pruitt for an update on the formaldehyde assessment, saying it was his understanding "that the EPA has finalized its conclusion that formaldehyde causes leukemia and other cancers and that [the] completed new assessment is ready to be released for public review, but is being held up."

"You know, my understanding is similar to yours," Pruitt replied, promising to follow up.

Markey reminded Pruitt of the exchange in a May 17 letter. In a response Thursday, the agency's principal deputy assistant administrator for science, Jennifer Orme-Zavaleta, said EPA "continues to discuss the formaldehyde assessment internally and has no further updates to provide at this time."

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11/28/2018 Trump administration lifts ban on pesticides linked to declining bee numbers | Environment | The Guardian

The Guardian

Trump administration lifts ban on pesticides linked to declining bee numbers

Environmentalists say lifting the restriction poses a grave threat to pollinating insects

Reuters

Fri 3 Aug 2018 23.03 EDT

The Trump administration has rescinded an Obama-era ban on the use of pesticides linked to declining bee populations and the cultivation of genetically modified crops in dozens of national wildlife refuges where farming is permitted.

Environmentalists, who had sued to bring about the two-year-old ban, said on Friday that lifting the restriction poses a grave threat to pollinating insects and other sensitive creatures relying on toxic-free habitats afforded by wildlife refuges.

“Industrial agriculture has no place on refuges dedicated to wildlife conservation and protection of some of the most vital and vulnerable species,” said Jenny Keating, federal lands policy analyst for the group Defenders of Wildlife.



Limited agricultural activity is authorized on some refuges by law, including cooperative agreements in which farmers are permitted to grow certain crops to produce more food or improve habitat for the wildlife there.

The rollback, spelled out in a US Fish and Wildlife Service memo, ends a policy that had prohibited farmers on refuges from planting biotech crops – such as soybeans and corn – engineered to resist insect pests and weed-controlling herbicides.

That policy also had barred the use on wildlife refuges of neonicotinoid pesticides, or neonics, in conjunction with GMO crops. Neonics are a class of insecticides tied by research to declining populations of wild bees and other pollinating insects around the world.

Rather than continuing to impose a blanket ban on GMO crops and neonics on refuges, Fish and Wildlife Service deputy director Greg Sheehan said decisions about their use would be made on a case-by-case basis.

Sheehan said the move was needed to ensure adequate forage for migratory birds, including ducks and geese favored and hunted by sportsmen on many of the nation's refuges. US interior secretary Ryan Zinke, whose department oversees the Fish and Wildlife Service, has made expansion of hunting on public lands a priority for his agency.

Sheehan wrote that genetically modified organisms have helped “maximize production, and that neonicotinoids might be needed “to fulfill needed farming practices”.

It marked the latest in a series of Obama-era environmental restrictions to be reversed under Trump, who campaigned on a pledge to roll back government regulations.

In a 2014 Obama administration memo announcing plans to phase in the ban, Jim Kurth, head of the refuge system, wrote that seeds treated with neonics give rise to plants whose tissues contained compounds that could harm “non-target” species. He also said, “refuges throughout the country successfully meet wildlife management objectives without” GMOs or neonics.

Thursday's memo named more than 50 national wildlife refuges across the country where the revised policy now applies. The entire system consists of 560 refuge units encompassing roughly 150 million acres nationwide.

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A Strong Case Against a Pesticide Does Not Faze E.P.A. Under Trump - The New York Times



HEALTH

A Strong Case Against a Pesticide Does Not Faze E.P.A. Under Trump

By RONI CARYN RABIN MAY 15, 2017



Chlorpyrifos is still on the market as an agricultural pesticide, routinely sprayed on common crops like apples, oranges, strawberries and broccoli. Gerry Broome/Associated Press

Some of the most compelling evidence linking a widely used pesticide to developmental problems in children stems from what scientists call a “natural” experiment.

Though in this case, there was nothing natural about it.

Chlorpyrifos (pronounced klor-PYE-ruh-fahs) had been used to control bugs in homes and fields for decades when researchers at Columbia University began studying the effects of pollutants on pregnant mothers from low-income neighborhoods. Two years into their study, the pesticide was removed from store shelves and banned from home use, because animal research had found it caused brain damage in baby rats.

Pesticide levels dropped in the cord blood of many newborns joining the study. Scientists soon discovered that those with comparatively higher levels weighed less at birth and at ages 2 and 3, and were more likely to experience persistent developmental delays, including hyperactivity and cognitive, motor and attention problems. By age 7, they had lower IQ scores.

The Columbia study did not prove definitively that the pesticide had caused the children's developmental problems, but it did find a dose-response effect: The higher a child's exposure to the chemical, the stronger the negative effects.

That study was one of many. Decades of research into the effects of chlorpyrifos strongly suggests that exposure at even low levels may threaten children. A few years ago, scientists at the Environmental Protection Agency concluded that it should be banned altogether.

Yet chlorpyrifos is still widely used in agriculture and routinely sprayed on crops like apples, oranges, strawberries and broccoli. Whether it remains available may become an early test of the Trump administration's determination to pare back environmental regulations frowned on by the industry and to retreat from food-safety laws, possibly provoking another clash with the courts.

In March, the new chief of the E.P.A., Scott Pruitt, denied a 10-year-old petition brought by environmental groups seeking a complete ban on chlorpyrifos. In a statement accompanying his decision, Mr. Pruitt said there "continue to be considerable areas of uncertainty" about the neurodevelopmental effects of early life exposure to the pesticide.

<https://www.nytimes.com/2017/05/15/health/pesticides-epa-chlorpyrifos-scott-pruitt.html> [1/24/2018 4:02:01 PM]
A Strong Case Against a Pesticide Does Not Faze E.P.A. Under Trump - The New York Times

Even though a court last year denied the agency's request for more time to review the scientific evidence, Mr. Pruitt said the agency would postpone a final determination on the pesticide until 2022. The agency was "returning to using sound science in decision-making — rather than predetermined results," he added.

Agency officials have declined repeated requests for information detailing the scientific rationale for Mr. Pruitt's decision.

Lawyers representing Dow and other pesticide manufacturers have also been pressing federal agencies to ignore E.P.A. studies that have found chlorpyrifos and other pesticides are harmful to endangered plants and animals.

A statement issued by Dow Chemical, which manufactures the pesticide, said: "No pest control product has been more thoroughly evaluated, with more than 4,000 studies and reports examining chlorpyrifos in terms of health, safety and environment."

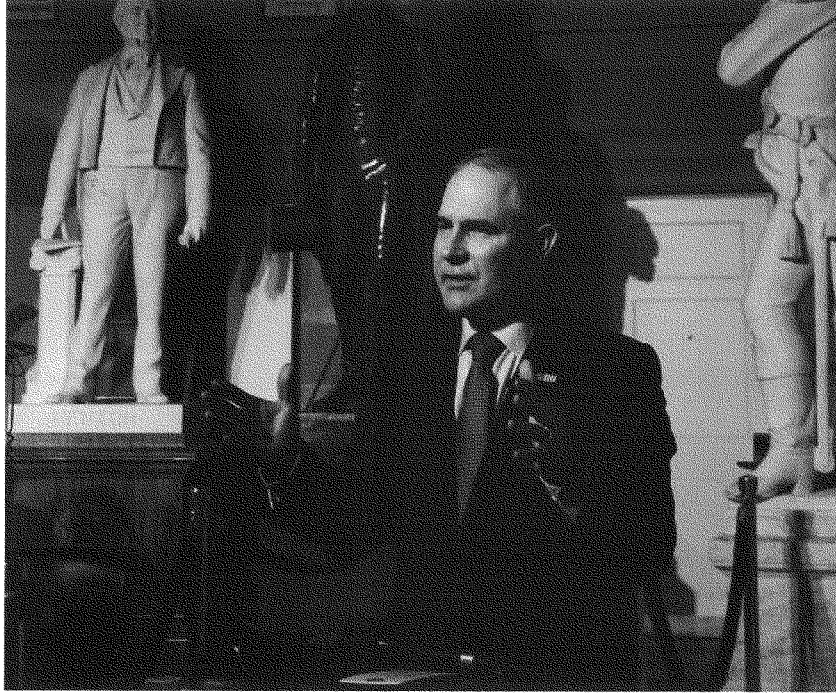
A Baffling Order

Mr. Pruitt's decision has confounded environmentalists and research scientists convinced that the pesticide is harmful.

Farm workers and their families are routinely exposed to chlorpyrifos, which leaches into ground water and persists in residues on fruits and vegetables, even after washing and peeling, they say.

Mr. Pruitt's order contradicted the E.P.A.'s own exhaustive scientific analyses, which had been reviewed by industry experts and modified in response to their concerns.

In 2015, an agency report concluded that infants and children in some parts of the country were being exposed to unsafe amounts of the chemical in drinking water, and to a dangerous byproduct. Agency researchers could not determine any level of exposure that was safe.



In March, Scott Pruitt, the new administrator of the Environmental Protection Agency, denied a petition brought by environmental groups seeking a complete ban on chlorpyrifos. Stephen Crowley/The New York Times

An updated human health risk assessment compiled by the E.P.A. in November found that health problems were occurring at lower levels of exposure than had previously been believed harmful.

Infants, children, young girls and women are exposed to dangerous levels of chlorpyrifos through diet alone, the agency said. Children are exposed to levels up to 140 times the safety limit.

“The science was very complicated, and it took the E.P.A. a long time to figure out how to deal with what the Columbia study was saying,” said Jim Jones, who ran the chemical safety unit at the agency for five years, leaving after President Trump took office.

The evidence that the pesticide causes neurodevelopmental damage to children “is not a slam dunk, the way it is for some of the most well-understood chemicals,” Mr. Jones conceded. Still, he added, “very few chemicals fall into that category.”

But the law governing the regulation of pesticides used on foods doesn’t require conclusive evidence for regulators to prohibit potentially dangerous chemicals. It errs on the side of caution.

The Food Quality Protection Act set a new safety standard for pesticides and fungicides when it was passed in 1996, requiring the E.P.A. to determine that a chemical can be used with “a reasonable certainty of no harm.”

The act also required the agency to take the unique vulnerabilities of young children into account and to use a wide margin of safety when setting tolerance levels.

Children may be exposed to multiple pesticides that have the same toxic mechanism of action at the same time, the law noted. They’re also exposed through routes other than food, like drinking water.

Environmental groups returned last month to the United States Court of Appeals for the Ninth Circuit, asking that the E.P.A. be ordered to ban the pesticide. The court has already admonished the agency for what it called “egregious” delays in responding to a petition filed by the groups in 2007.

The E.P.A. responded on April 28, saying it had met its deadline when Mr. Pruitt denied the petition.

Erik D. Olson, director of the health program at Natural Resources Defense Council, one of the groups petitioning the E.P.A. to ban chlorpyrifos, disagreed.

“The E.P.A. has twice made a formal determination that this chemical is not safe,” Mr. Olson said. “The agency cannot just decide not to act on that. They have not put out a new finding of safety, which is what they would have to do to allow it to continue to be used.”

Devastating Effects

Chlorpyrifos belongs to a class of pesticides called organophosphates, a diverse group of compounds that includes nerve agents like sarin gas.

It acts by blocking an enzyme called cholinesterase, which causes a toxic buildup of acetylcholine, an important neurotransmitter that carries signals from nerve cells to their targets.

Acute poisoning with the pesticide can cause nausea, dizziness, convulsions and even death in humans, as well as animals.



The use of chlorpyrifos has been declining in California, where farmers have responded to rising demand for organic produce and to concerns about organophosphates. Lucy Nicholson/Reuters, via Newscom

But the scientific question has been whether humans, and especially small children, are affected by chronic low-level exposures that don't cause any obvious immediate effects — and if so, at what threshold these exposures cause harm.

Scientists have been studying the impact of chlorpyrifos on brain development in young rats under controlled laboratory conditions for decades. These studies have shown that the chemical has devastating effects on the brain.

“Even at exquisitely low doses, this compound would stop cells from dividing and push them instead into programmed cell death,” said Theodore Slotkin, a scientist at Duke University Medical Center, who has published dozens of studies on rats exposed to chlorpyrifos shortly after birth.

In the animal studies, Dr. Slotkin was able to demonstrate a clear cause-and effect relationship. It didn't matter when the young rats were exposed; their developing brains were vulnerable to its effects throughout gestation and early childhood, and exposure led to structural abnormalities, behavioral problems, impaired cognitive performance and depressive-like symptoms.

And there was no safe window for exposure. “There doesn't appear to be any period of brain development that is safe from its effects,” Dr. Slotkin said.

Manufacturers say there is no proof low-level exposures to chlorpyrifos causes similar effects in humans. Carol Burns, a consultant to Dow Chemical, said the Columbia study pointed to an association between exposure just before birth and poor outcomes, but did not prove a cause- and-effect relationship.

Studies of children exposed to other organophosphate pesticides, however, have also found lower IQ scores and attention problems after prenatal exposure, as well as abnormal reflexes in infants and poor lung function in early childhood.

“When you weigh the evidence across the different studies that have looked at this, it really does pretty strongly point the finger that organophosphate pesticides as a class are of significant concern to child neurodevelopment,” said Stephanie M. Engel, an associate professor of epidemiology at University of North Carolina at Chapel Hill.

Dr. Engel has published research showing that exposure to organophosphates during pregnancy may impair cognitive development in children.

But Dr. Burns argues that other factors may be responsible for cognitive impairment, and that it is impossible to control for the myriad factors in children’s lives that affect health outcomes. “It’s not a criticism of a study — that’s the reality of observational studies in human beings,” she said. “Poverty, inadequate housing, poor social support, maternal depression, not reading to your children — all these kinds of things also ultimately impact the development of the child, and are interrelated.”

While animal studies can determine causality, it’s difficult to do so in human studies, said Brenda Eskenazi, director of the Center for Environmental Research and Children’s Health at the University of California, Berkeley.

“The human literature will never be as strong as the animal literature, because of the problems inherent in doing research on humans,” she said.

With regard to organophosphates, she added, “the animal literature is very strong, and the human literature is consistent, but not as strong.”

If the E.P.A. will not end use of the pesticide, consumer preferences may.

In California, the nation’s breadbasket, use of chlorpyrifos has been declining, Dr. Eskenazi said. Farmers have responded to rising demand for organic produce and to concerns about organophosphate pesticides.

She is already concerned about what chemicals will replace it. While organophosphates and chlorpyrifos in particular have been scrutinized, newer pesticides have not been studied so closely, she said.

“We know more about chlorpyrifos than any other organophosphate; that doesn’t mean it’s the most toxic,” she said, adding, “There may be others that are worse offenders.”

Correction: May 18, 2017

An article on Tuesday about the pesticide chlorpyrifos described acetylcholine incorrectly. It is an ester of choline and acetic acid, not a protein. The article also misstated part of the name of a court that was asked to ban the pesticide. It is the United States Court of Appeals for the Ninth Circuit, not the Ninth District.

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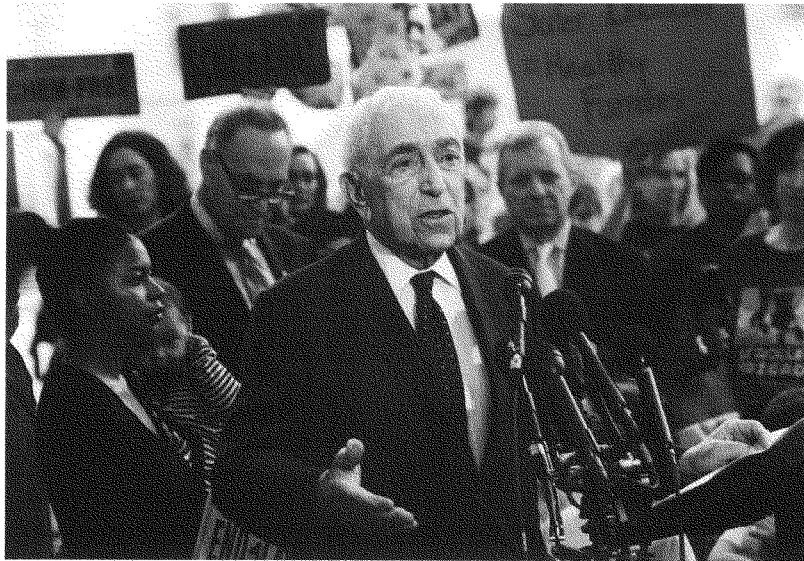
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E.P.A. Delays Bans on Uses of Hazardous Chemicals - The New York Times



HEALTH

E.P.A. Delays Bans on Uses of Hazardous Chemicals

By SHEILA KAPLAN DEC. 19, 2017



Senator Frank Lautenberg, Democrat of New Jersey, on Capitol Hill in 2012, a year before his death. He urged the stricter regulation of toxic chemicals. Chris Maddaloni/CQ Roll Call, via Getty Images

The Environmental Protection Agency will indefinitely postpone bans on certain uses of three toxic chemicals found in consumer products, according to an update of the Trump administration's regulatory plans.

Critics said the reversal demonstrated the agency's increasing reluctance to use enforcement powers granted to it last year by Congress under the Toxic Substances Control Act.

E.P.A. Administrator Scott Pruitt is "blatantly ignoring Congress's clear directive to the agency to better protect the health and safety of millions of Americans by more effectively regulating some of the most dangerous chemicals known to man," said Senator Tom Carper, Democrat of Delaware and the ranking minority member on the Senate Environment and Public Works committee.

The E.P.A. declined to comment. In a news release earlier this month, the agency wrote that its "commonsense, balanced approach carefully protects both public health and the environment while curbing unnecessary regulatory burdens that stifle economic growth for communities across the country."

Agency officials dropped prohibitions against certain uses of two chemicals from the administration's Unified Agenda of Regulatory and Deregulatory Actions, which details short- and long-term plans of the federal agencies.

The third ban was dropped in the spring edition of that report.

The proposed bans targeted methylene chloride and N-methylpyrrolidone (NMP), ingredients in paint strippers, and trichloroethylene (TCE), used as a spot cleaner in dry-cleaning and as a degreasing agent.

Under an overhaul of the Toxic Substances Control Act last year, the E.P.A. initially is reviewing the risks of ten chemicals, including other uses of these three. The updated law is known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act, named after the late New Jersey senator who had long championed an overhaul of the loophole-ridden toxic substances law.

The revised law had strong bipartisan support. The Senate passed the measure on a voice vote; the House approved it 403 to 12. The intention was to give the E.P.A. the authority necessary to require new testing and regulation of thousands of chemicals used in everyday products, from laundry detergents to hardware supplies.



E.P.A. Administrator Scott Pruitt testifying before a House committee earlier this month. The E.P.A. has declined to pursue bans on certain uses of three toxic chemicals. Pete Marovich/Getty Images

In a compromise that disappointed some environmental advocates, the law required the E.P.A. to examine about 20 chemicals at a time, for no longer than seven years per chemical. But the law expressly allowed for faster action on high-risk uses of methylene chloride, NMP and TCE.

Public health experts had been pushing for faster review of methylene chloride-based paint strippers after several deaths from inhalation, among them a 21-year-old who died recently after stripping a bathtub.

It has been several years since the E.P.A. first declared these applications of the three chemicals to be dangerous. The agency itself has found TCE “carcinogenic to humans by all routes of exposure” and has reported that it causes developmental and reproductive damage.

“Potential health concerns from exposure to trichloroethylene, based on limited epidemiological data and evidence from animal studies, include decreased fetal growth and birth defects, particularly cardiac birth defects,” agency officials noted in 2013.

Methylene chloride is toxic to the brain and liver, and NMP can harm the reproductive system.

Michael Dourson, President Trump's nominee to oversee the E.P.A.'s chemical safety branch, in 2010 represented the Halogenated Solvents Industry Alliance before the E.P.A., which was considering restrictions on TCE.

Mr. Dourson, who withdrew his name from consideration last week, had been working as an E.P.A. adviser while awaiting confirmation. The agency did not respond to a query about whether Mr. Dourson had been involved in the evaluation of TCE.

The E.P.A. now describes the enforcement actions regarding TCE, methylene chloride and NMP as "long-term actions" without a set deadline.

"The delays are very disturbing," said Dr. Richard Denison, lead senior scientist of the Environmental Defense Fund. "This latest agenda shows that instead of using their expanded authorities under this new law, the E.P.A. is shoving health protections from highly toxic chemicals to the very back of the back burner."

Representative Frank Pallone, Democrat of New Jersey and the ranking minority member of the House Energy and Commerce committee, agreed, saying, "These indefinite delays are unnecessary and dangerous."

"The harmful impacts of these chemicals are avoidable, and E.P.A. should finalize the proposed rules as soon as possible," he added.

A version of this article appears in print on December 20, 2017, on Page A16 of the New York edition with the headline: In Reversal, Chemicals Are Cleared For Use. Order Reprints Today's Paper Subscribe

The New York Times

Pesticide Studies Won E.P.A.'s Trust, Until Trump's Team Scorned 'Secret Science'

Backed by agrochemical companies, the current administration and Congress are moving to curb the role of human health studies in regulation.

By Danny Hakim and Eric Lipton

Aug. 24, 2018

SALINAS, Calif. — José Camacho once worked the fields here in the Salinas Valley, known as “the Salad Bowl of the World” for its abundance of lettuce and vegetables. His wife still does.

But back in 2000, Mr. Camacho, who is 63, got an unusual phone call. He was asked if he wanted to work for a new project studying the effects of pesticides on the children of farm workers.

“This seemed really crazy,” he recalled saying at the time, since he barely spoke English. “A research study?”

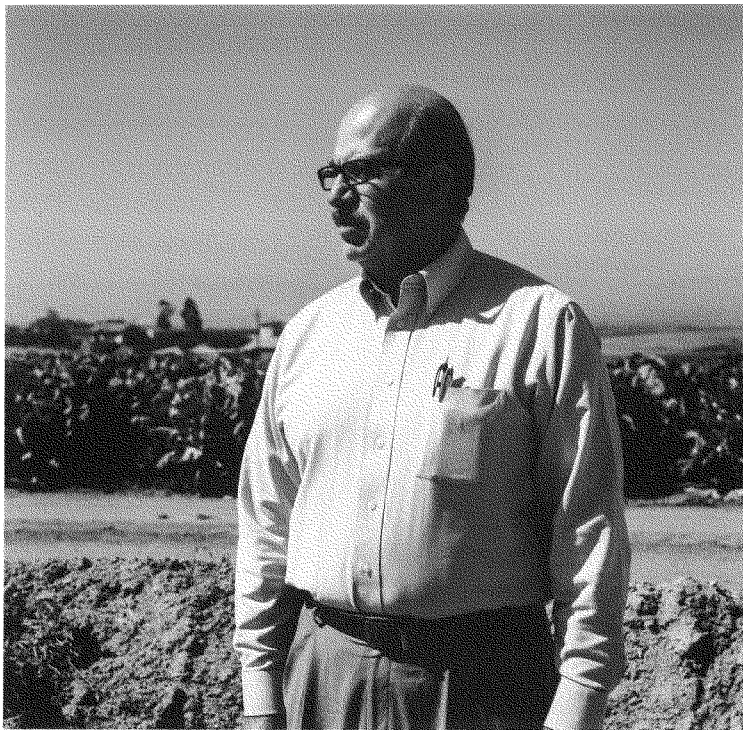
The project, run by scientists from the University of California, Berkeley, and funded in part by the Environmental Protection Agency, is still going all these years later. Known as Chamacos, Spanish for “children,” it has linked pesticides sprayed on fruit and vegetable crops with respiratory complications, developmental disorders and lower I.Q.s among children of farm workers. State and federal regulators have cited its findings to help justify proposed restrictions on everything from insecticides to flame-retardant chemicals.

But the Trump administration wants to restrict how human studies like Chamacos are used in rule-making. A government proposal this year, called Strengthening Transparency in Regulatory Science, could stop them from being used to justify regulating pesticides, lead and pollutants like soot, and undermine foundational research behind national air-quality rules. The E.P.A., which has funded these kinds of studies, is now labeling many of them “secret science.”

Studying disease trends in specific groups of people — a branch of medicine known as epidemiology — started to gain currency at the E.P.A. in recent years. These studies can be difficult because they require adjusting for all the various substances people are exposed to beyond pesticides. But researchers had amassed years of data from a wave of compelling chemical studies begun in the 1990s, giving regulators a new body of research to incorporate into their decision-making.

Under the Obama administration, the E.P.A., which had long favored tests on rats and other laboratory animals in its pesticide regulation, began considering epidemiological studies more seriously. The agency leaned on this type of research in proposing to ban an insecticide called chlorpyrifos in late 2016, and has been repeatedly prodded to take action on the chemical by federal courts.

But weeks after Donald J. Trump was elected president, CropLife America, the main agrochemical trade group, petitioned the E.P.A. to “halt regulatory decisions that are highly influenced and/or determined by the results of epidemiological studies” unless universities were forced to share more of their data.



<https://www.nytimes.com/2018/08/24/business/epa-pesticides-studies-epidemiology.html> 2/13
11/28/2018 Pesticide Studies Won E.P.A.'s Trust, Until Trump's Team Scorned 'Secret Science' - The New York Times

José Camacho was asked in 2000 to participate in the study, which tracks families as they go about their normal lives. Such research was embraced by the E.P.A. during the Obama administration.

Carlos Chavarria for The New York Times

Industry leaders aggressively challenged such studies in high-level meetings and emails with

E.P.A. leaders, according to thousands of pages of documents obtained through Freedom of Information Act requests. One trade group invited a top E.P.A. official to meet with its Washington lobbyist last year, complaining that “carefully controlled” animal studies were giving way to “conclusions reflected in epidemiological papers.”

Gary W. Van Sickle, executive director of the California Specialty Crops Council, wrote to the agency last September that “there have been serious flaws with E.P.A.’s conclusion to use these data.”

The council, representing growers of crops as diverse as carrots, garlic, pears and peppers, cited “inappropriate use of the epidemiology.”

The E.P.A., whose new leadership is seeded with industry veterans, has responded. In a mid-July assessment of atrazine, a widely used weed killer long banned in Europe, the agency reviewed and dismissed 12 recent epidemiological studies linking the herbicide to such ailments as childhood leukemia and Parkinson’s disease. It echoed the conclusions of research funded by Syngenta, atrazine’s manufacturer, finding the chemical unlikely to cause cancer.

Before scandals forced Scott Pruitt out last month as head of the E.P.A., he proposed the transparency regulation. It would ban many epidemiological studies, and other outside research, unless more data behind the studies was made public. In doing so, he revived a strategy advanced for years by congressional Republicans and corporate interests like tobacco companies.

“The era of secret science at E.P.A. is coming to an end,” Mr. Pruitt proclaimed at the time. The agency’s new acting administrator, Andrew R. Wheeler, says he’s moving forward with the proposal, as the agency re-evaluates a class of widely used insecticides, called organophosphates, that have been the subject of numerous epidemiological studies like Chamacos.

Nancy B. Beck, a chemical industry veteran who is the E.P.A.’s deputy assistant administrator, said there was no attempt to thwart epidemiology, adding that the agency was committed to “the best available science in the most transparent manner.”

But academics and state health officials say universities are being pressured to release data that would ultimately divulge the identities of study participants, a

strategy once used by tobacco companies seeking to undermine research on the dangers of smoking. While participant data is shared with regulators in drug trials, academics fear that the E.P.A.'s proposal would additionally require divulging confidential personal information, potentially violating privacy regulations for federally funded research.

Ana Lilia Sanchez, a farmworker and the mother of a participant in the Salinas Valley study, said her family took precautions to avoid pesticide contamination. Carlos Chavarria for The New York Times

"It is a naked attempt to use a false claim that something nefarious is going on with these studies in an effort to allow industry to challenge conclusions that are not in their favor," said James Kelly, a manager of environmental surveillance at the Minnesota Department of Health.

A Wave of Studies, an Uneasy Industry

An advertisement in a Nebraska student newspaper was looking for people who wanted to "earn extra money." Thirty-six college student volunteers and others from the community who responded were paid \$460 to drink gelatin capsules filled with the pesticide chlorpyrifos, at up to 300 times levels the E.P.A. considered safe, without a full discussion of the risks.

Sponsored by Dow Chemical, this study, conducted in 1998, was one of the last of its kind. That year, the E.P.A. banned the use of studies exposing people to pesticides, and it continues to severely restrict them.

Epidemiology, which has been used to examine everything from the effects of climate change to childhood obesity, offered a way to continue studying disease trends, amid new legal requirements to examine how pesticides particularly affect infants and children. And it could do so by tracking people during their normal lives instead of treating them as if they were lab rats. Chamacos and other studies began almost immediately, although it took decades to collect sufficient data and study how participants changed over time.

One study by Columbia University researchers linked an insecticide to developmental delays in toddlers. Another, by scientists at the University of California, Los Angeles, connected pesticides to Parkinson's disease. Academics at the University of Rochester found that pesticides lower sperm counts in men, while researchers from the Harvard School of Public Health found lower fertility in women.

By 2015, there was a growing body of research, often funded in part by the E.P.A. The agency decided that year to consult epidemiology more seriously in its evaluation of glyphosate, the world's most popular weed killer and the active ingredient in Monsanto's Roundup.

“This is a watershed event in our Program, and one which I feel particularly proud to be a part (go epi!!),” Carol Christensen, then an E.P.A. epidemiologist, wrote in a 2015 email to a colleague — using “epi” as shorthand for epidemiology. “In the 35 year history of our program, this will be the FIRST time epi studies are actively considered in the decision making.”

Yet even then, there was friction over what to make of studies aiming to determine whether glyphosate causes cancer.

One E.P.A. division, the Office of Research and Development, closely examined epidemiological research and came to believe either that glyphosate was likely to cause cancer or that there was at least some evidence suggesting a problem. But another division, the Office of Pesticide Programs, was dismissive of epidemiological studies and determined that glyphosate was not a carcinogen, a view that prevailed at the E.P.A., according to interviews, emails and an internal memo obtained by The New York Times. Those involved in the agency’s debates on epidemiology spoke on the condition of anonymity because the discussions weren’t public.

Monsanto said in a statement that “we cannot speak to the internal E.P.A. discussions” but emphasized the agency’s ultimate finding that glyphosate was not likely to cause cancer.

The cancer question received renewed attention this month when a California jury awarded \$289 million to a groundskeeper who alleged that the chemical had sickened him. In his closing argument, the plaintiff’s attorney, R. Brent Wisner, called epidemiology one of “the three pillars of cancer science” that the case relied on.

At the E.P.A., the debate swung in favor of epidemiology. While such studies are often complex and can be of varying quality, the agency was reluctant in the past to give them as much weight as lab experiments on animals. But by the Obama administration’s final months, the agency moved for the first time to ban a pesticide largely because of epidemiological research.

The pesticide, chlorpyrifos, was the same one ingested years earlier by unwitting Nebraskans. It is applied to crops like apples, oranges and strawberries to combat insects like spider mites and sap-sucking bugs.

In California alone, chlorpyrifos was sprayed on 640,000 acres in 2016, according to state data. And research from Salinas, and the Chamacos study, became a central element in the E.P.A.’s recommendation.

“There is a breadth of information available on the potential adverse neurodevelopmental effects in infants and children as a result of prenatal exposure to chlorpyrifos,” the agency concluded in 2016, also citing epidemiological

research from Columbia University and the Icahn School of Medicine at Mount Sinai.

The pesticide industry's reaction was loud and intense.

Monsanto, in emails with the E.P.A., was dismissive of critical epidemiological research related to Roundup, writing that "such studies are well known to be prone to a number of biases."

A Trump administration proposal would prevent the E.P.A. from using many epidemiological studies, like the one in Salinas, unless more data behind them was made public.
Carlos Chavarria for The New York Times

Dow Chemical said in reports submitted to the E.P.A. that "the evidence from these studies is insufficient" and called chlorpyrifos a "proven first-line of defense" against new pest outbreaks.

A month after taking over the E.P.A., Mr. Pruitt acted. He disregarded agency scientists and rejected the proposed chlorpyrifos ban, later calling for "a new day, a new future, for a common-sense approach to environmental protection."

View From the Field

Ana Lilia Sanchez, 50, has worked in the fields in Salinas more than half her life, and one of her daughters has been a Chamacos study participant.

Ms. Sanchez has learned to watch for drifting droplets or the whirl of a helicopter spraying overhead.

"Sometimes when we feel it, or we hear it, we start talking about it," she said recently, sitting with her 5-month-old granddaughter at her home on a Salinas cul-de-sac. "Why wouldn't they tell us, you know, to get out of here, to not come today?" she asked. "Women, they cover themselves, but men are working in short sleeves, so they are more exposed."

Insecticides like chlorpyrifos are organophosphates, from the same chemical family as nerve agents like sarin and Novichok, the Russian-developed compound linked to recent attacks in Britain. While the safety of insecticides is extensively tested, long-term health impacts, or even how far pesticides drift, are the subject of continuing disagreement.

Ms. Sanchez showers after work, before touching her granddaughter.

“I also put my clothes aside,” she said. “We separate the clothes we use when we’re working, both my husband and I, and wash them separately so they’re not contaminated.”

While some human studies examine potential harm from pesticide residue found on fruits and vegetables, the Chamacos project is more personal, following hundreds of children in the heart of where American food is grown. California has the nation’s largest agricultural industry and uses more than 200 million pounds of pesticides annually.

Brenda Eskenazi, the director of the Salinas Valley project, said that “well-controlled epidemiologic studies” were essential for understanding “how things affect human health.” Carlos Chavarria for The New York Times

For locals, pesticides are part of life. “It’s a big difference from when I was working,” Mr. Camacho said, while standing in a strawberry field framed on three sides by distant hills. Men and women were bent over nearby, pulling weeds. “My supervisor would say: ‘That’s not dangerous. Just keep working.’ There was no information.”

Chamacos is built on an unsettling premise: What happens to children of pregnant mothers certain to have pesticides in their bloodstreams? The E.P.A. and other government agencies have spent millions of dollars funding Chamacos.

Half the Chamacos children have been tracked since before birth. Researchers have collected 350,000 samples of blood, urine, breast milk and even household dust and spent nearly two decades studying maturing children. They perform neurodevelopmental and physical assessments and study factors like diet and school performance. After nearly two decades, the study’s data appears in more than 160 academic papers.

During a visit to the Chamacos office in Salinas, Brenda Eskenazi, the director of the project and a professor of epidemiology at Berkeley, was testing out brain monitoring equipment, wearing what looked like a black swim cap strewn with knobs and wiring. She has long been fascinated with cognitive development, going back to when she saw a Woodstock reveler — one having a bad acid trip — dive into pavement.

“Why did he do that?” Ms. Eskenazi remembers wondering at the time. “What was he thinking? What’s going on in that brain?”

“Any science is imperfect,” she said, but stressed that “well-controlled epidemiologic studies” were essential for understanding “how things affect human health.” She added, “Otherwise you’re just making huge assumptions that a rodent is the same as a human.”

A Bitter Debate

The day after Mr. Pruitt made his March 2017 decision to reject a ban on chlorpyrifos, he hosted top executives from one of the nation's largest farming and pesticide trade organizations for a closed-door conversation.

Near the top of the meeting agenda was "Epidemiology Study Policy" in the aftermath of the "chlorpyrifos matter," according to internal records.

"There are no guideposts, if you will, for what is a legitimate, useful epidemiology study and what is not," Jay Vroom, CropLife America's president, said in an interview, explaining what he had told agency officials at this and other meetings.

In a subsequent letter to the E.P.A., a CropLife America lobbyist said the agency was relying on a "shortsighted approach," and the group submitted formal proposals to curb the embrace of epidemiology the E.P.A. undertook under the Obama administration.

Mr. Pruitt responded with his proposal, made this past spring, to ban epidemiological and other studies that did not make study details public, including at least some information on study participants.

Academics have resisted previous requests to review their data, notably at Columbia University. In a 2016 letter to the agency, a university official wrote that it could not provide "extensive individual level data to E.P.A. in a way that ensures the confidentiality" of "our research subjects."

David Michaels, an epidemiologist at George Washington University's School of Public Health and head of the Occupational Safety and Health Administration during the Obama administration, said Mr. Pruitt's plan was not about transparency but about discrediting studies that made pesticides look bad.

"The underlying justification for this 'transparency' proposal is a caricature of how science really works," Mr. Michaels said at a recent hearing. "The cynical approach proposed by E.P.A. can be best described as 'weaponized transparency.'"

It is no coincidence, he said, that the term "secret science" was also used in the 1970s when the tobacco industry was trying to forestall critical research about smoking.

Researchers have had wins. This month, a federal appeals court ordered the E.P.A. to ban chlorpyrifos, citing findings from human studies. The Trump

administration is mulling whether to appeal.

But epidemiologists are unsettled. In mid-July, after nearly two decades of work on Chamacos, the E.P.A. emailed Ms. Eskenazi requesting “the original data” from her research, citing “uncertainty around neurodevelopmental effects associated” with pesticides she has studied. The agency made a similar request to Columbia.

Ms. Eskenazi, worried about her study participants’ privacy, alerted university lawyers. She is now concerned that the E.P.A. may try to undermine her study’s repeated findings that some pesticides may be harming children.

“I knew this was going to come sooner or later,” she said. “And here it is.”

Danny Hakim reported from Salinas, and Eric Lipton from Washington.

A version of this article appears in print on Aug. 26, 2018, on Page BU1 of the New York edition with the headline: Once-Trusted Studies Are Scorned by Trump’s E.P.A.

TRUMP RULES

Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots

A scientist who worked for the chemical industry now shapes policy on hazardous chemicals. Within the E.P.A., there is fear that public health is at risk. (At right, a signing ceremony for new rules on toxic chemicals.)

By ERIC LIPTON OCT. 21, 2017

WASHINGTON — For years, the Environmental Protection Agency has struggled to prevent an ingredient once used in stain-resistant carpets and nonstick pans from contaminating drinking water.

The chemical, perfluorooctanoic acid, or PFOA, has been linked to kidney cancer, birth defects, immune system disorders and other serious health problems.

So scientists and administrators in the E.P.A.'s Office of Water were alarmed in late May when a top Trump administration appointee insisted upon the

rewriting of a rule to make it harder to track the health consequences of the chemical, and therefore regulate it.

The revision was among more than a dozen demanded by the appointee, Nancy B. Beck, after she joined the E.P.A.'s toxic chemical unit in May as a top deputy. For the previous five years, she had been an executive at the American Chemistry Council, the chemical industry's main trade association.

The changes directed by Dr. Beck may result in an "underestimation of the potential risks to human health and the environment" caused by PFOA and other so-called legacy chemicals no longer sold on the market, the Office of Water's top official warned in a confidential internal memo obtained by The New York Times.



Dr. Beck testifying at a Senate hearing in March. She joined the E.P.A. in May after working as an executive at the American Chemistry Council, the chemical industry's main trade association. U.S. Senate Committee Channel

The E.P.A.'s abrupt new direction on legacy chemicals is part of a broad initiative by the Trump administration to change the way the federal government evaluates health and environmental risks associated with hazardous chemicals, making it more aligned with the industry's wishes.

It is a cause with far-reaching consequences for consumers and chemical companies, as the E.P.A. regulates some 80,000 different chemicals, many of them highly toxic and used in workplaces, homes and everyday products. If chemicals are deemed less risky, they are less likely to be subjected to heavy oversight and restrictions.

The effort is not new, nor is the decades-long debate over how best to identify and assess risks, but the industry has not benefited from such highly placed champions in government since the Reagan administration. The

cause was taken up by Dr. Beck and others in the administration of President George W. Bush, with some success, and met with resistance during the Obama administration. Now it has been aggressively revived under President Trump by an array of industry-backed political appointees and others.

Dr. Beck, who has a doctorate in environmental health, comes from a camp

— firmly backed by the chemical industry — that says the government too often directs burdensome rules at what she has called “phantom risks.”

Other scientists and administrators at the E.P.A., including Wendy Cleland- Hamnett, until last month the agency’s top official overseeing pesticides and toxic chemicals, say the dangers are real and the pushback is often a tactic for deflecting accountability — and shoring up industry profits at the expense of public safety.

DOCUMENT

E.P.A.'s Decision Not to Ban Chlorpyrifos

The New York Times requested copies of email correspondence related to the March 2017 decision by the E.P.A. to reject a decade- old petition to ban chlorpyrifos, a widely used pesticide that research suggests may cause developmental delays in children exposed to it in drinking water or in farming communities. Here are those documents.

To: Dravis, Samantha<dravis.samantha@epa.gov>
 From: Jackson, Ryan
 Sent: Wed 5/8/2017 2:11:56 AM
 Subject: Re: Chlorpyrifos - Administrator Briefing

I'm kidding. Wendy is actually very helpful. I think I did scare them or surprise them Friday. They are getting us information from Friday but they know where this is headed and they are documenting it well.

Ryan Jackson
 Chief of Staff
 U.S. EPA
 (202) 564-6999

On Mar 7, 2017, at 8:58 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

They are trying to strong arm us. I scared them Friday.

Ryan Jackson
 Chief of Staff
 U.S. EPA
 (202) 564-6999

Dravis, Samantha<dravis.samantha@epa.gov> wrote:
 Ryan tell her the administrator needs a
 OPEN DOCUMENT

Since Mr. Trump's election, Dr. Beck's approach has been unabashedly ascendant, according to interviews with more than two dozen current and former E.P.A. and White House officials, confidential E.P.A. documents, and materials obtained through open-record requests.

In March, Scott Pruitt, the E.P.A. chief, overrode the recommendation of Ms. Hamnett and agency scientists to ban the commercial use of the pesticide chlorpyrifos, blamed for developmental disabilities in children.

The E.P.A.'s new leadership also pressed agency scientists to re-evaluate a plan to ban certain uses of two dangerous chemicals that have caused dozens of deaths or severe health problems: methylene chloride, which is found in paint strippers, and trichloroethylene, which removes grease from metals and is used in dry cleaning.

"It was extremely disturbing to me," Ms. Hamnett said of the order she received to reverse the proposed pesticide ban. "The industry met with E.P.A. political appointees. And then I was asked to change the agency's stand."

The E.P.A. and Dr. Beck declined repeated requests to comment that included detailed lists of questions.

"No matter how much information we give you, you would never write a fair piece," Liz Bowman, a spokeswoman for the E.P.A., said in an email. "The only thing inappropriate and biased is your continued fixation on writing elitist clickbait trying to attack qualified professionals committed to serving their country."

Before joining the E.P.A., Ms. Bowman was a spokeswoman for the American Chemistry Council.

The conflict over how to define risk in federal regulations comes just as the E.P.A. was supposed to be fixing its backlogged and beleaguered chemical regulation program. Last year, after a decade of delays, Congress passed bipartisan legislation that would push the E.P.A. to determine whether dozens of chemicals were so dangerous that they should be banned or restricted.

The E.P.A.'s Top 10 Toxic Threats, and Industry's Pushback

The chemical safety law was passed after Congress and the chemical industry reached a consensus that toxic chemical threats — or at least the fear of them — were so severe that they undermined consumer confidence in products on the market.

But now the chemical industry and many of the companies that use their

compounds are praising the Trump administration's changed direction, saying new chemicals are getting faster regulatory reviews and existing chemicals will benefit from a less dogmatic approach to determining risk.

"U.S. businesses, jobs and competitiveness depend on a functioning new chemicals program," Calvin M. Dooley, a former congressman who is president of the American Chemistry Council, said in a statement. It was issued in June after Dr. Beck, his recent employee, pushed through many industry-friendly changes in her new role at the E.P.A., including the change in tracking legacy chemicals such as PFOA.

Anne Womack Kolton, a vice president at the council, said on Wednesday that Dr. Beck's appointment was a positive development.

"We, along with many others, are glad that individuals who support credible science and thorough analysis as the basis for policymaking have agreed to serve," she said in an email. "Consistency, transparency and high quality science in the regulatory process are in everyone's interests."

The Trump administration's shift, the industry has acknowledged, could have financial benefits. Otherwise, the industry may lose "millions of dollars and years of research invested in a chemical," the American Chemistry Council and other groups wrote in a legal brief defending the changes Dr. Beck had engineered.

But consumer advocates and many longtime scientists, managers and administrators at the E.P.A. are alarmed by the administration's priorities and worry that the new law's anticipated crackdown on hazardous chemicals could be compromised.

Dr. Beck, left, and Ms. Hamnett, center, who clashed over changes to new toxic chemical rules, attended a signing ceremony with Mr. Pruitt. Video by U.S. Environmental Protection Agency. Video by U.S. Environmental Protection Agency

“You are never going to have 100 percent certainty on anything,” Ms. Hamnett said. “But when you have a chemical that evidence points to is causing fatalities, you err more on the side of taking some action, as opposed to ‘Let’s wait and spend some more time and try to get the science entirely certain,’ which it hardly ever gets to be.”

The divergent approaches and yearslong face-off between Ms. Hamnett and Dr. Beck parallel the story of the chemical industry’s quest to keep the E.P.A.’s enforcement arm at bay.

The two women, one a lawyer from New Jersey, the other a scientist from Long Island, have dedicated their lives to the issue of hazardous chemicals. Each’s expertise is respected by her peers, but their perspectives couldn’t be more dissimilar.

Ms. Hamnett, 63, spent her entire 38-year career at the E.P.A., joining the agency directly from law school as a believer in consumer and environmental protections. Dr. Beck, 51, did a fellowship at the E.P.A., but has spent most of her 29-year career elsewhere: in a testing lab at Estée Lauder, as a toxicologist in the Washington State Health Department, as a regulatory analyst in the White House and most recently with the chemical industry’s trade group.



Ms. Hamnett in Falls Church, Va. Last month, she retired as the top official overseeing pesticides and toxic chemicals at the E.P.A. "I had become irrelevant," she said about changes there under the Trump administration.
Jared Soares for The New York Times

Before Mr. Trump's election, Ms. Hamnett would have been regarded as the hands-down victor in their professional tug of war. Her decision to retire in September amounted to a surrender of sorts, a powerful acknowledgment of the two women's reversed fortunes under the Trump administration.

"I had become irrelevant," Ms. Hamnett said.

Her farewell party in late August was held in the wood-paneled Map Room on the first floor of the E.P.A. headquarters, the same room where Mr. Trump had signed an executive order backed by big business that called for the agency to dismantle environmental protections.

Dr. Beck was among those who spoke. She thanked Ms. Hamnett for her decades of service. "I don't know what I am going to do without her," she said, according to multiple

people who attended the event.

Ms. Hamnett, in an interview, said she had little trouble envisioning the future under the new leadership. “It’s time for me to go,” she said. “I have done what I could do.”

‘Unreasonable Risk of Injury’

Chemical regulation was not part of the E.P.A.’s original mission. But several environmental disasters in the early 1970s prompted Congress to extend the agency’s authority.

Industrial waste, including highly toxic PCBs, led to fish kills in the Hudson River. Chemicals from flame retardants were detected in livestock in Michigan, contaminating food across the state. And residents in Niagara Falls, N.Y., first started to notice a black, oily liquid in their basements, early hints of one of the worst environmental disasters in United States history: Love Canal.

President Gerald R. Ford signed the Toxic Substances Control Act in October 1976, giving the E.P.A. the authority to ban or restrict chemicals it deemed dangerous. It was hailed as a public health breakthrough.

“For the first time, the law empowers the federal government to control and even to stop production or use of chemical substances that may present an unreasonable risk of injury to health or environment,” a federal report said.

A few years later, after graduating from George Washington University Law School in 1979, Ms. Hamnett landed at the E.P.A. She arrived fully embracing its enhanced mission.

She had grown up in Trenton, where the words “Trenton Makes, the World

Takes” are affixed in neon to the side of a railroad bridge spanning the Delaware River.



A bridge over the Delaware River in Trenton, N.J., says, "Trenton Makes, the World Takes." The Roebling Steel Company plant brought prosperity to the region, but also contaminated soil and groundwater with hazardous chemicals.

Mel Evans/Associated Press

Her childhood memories included passing by the 200-acre Roebling Steel Company plant — named after the designer of the Brooklyn Bridge. At its peak, the plant was Trenton's largest employer, and it helped spread prosperity to the region.

But the company was also a chronic polluter. For decades, it dumped arsenic, chromium, lead and other hazardous chemicals, contaminating soil and groundwater. Ultimately, the pollution was so pervasive that the E.P.A. declared the property a Superfund cleanup site.

It was this legacy, as well as the congressional directive to the E.P.A. to protect the public from harm, that Ms. Hamnett said guided her.

During the Bush administration, she was drawn into a contentious debate

involving lead paint that highlighted her resolve — and that of her opponents.

Few environmental hazards are as well understood as the dangers of lead in paint. Since it was first used in homes in the United States, more than a century ago, it has poisoned children. Even after it was banned in the late 1970s, it remained a threat, particularly when renovations took place in the tens of millions of homes with lead-based paint.

The E.P.A. set out to establish standards governing home renovations, and Ms. Hamnett came to the discussions with a strong perspective.

“What is the effect of exposure likely to be?” she recalled asking. “If it is likely to be a severe effect and result in a significant number of people exposed, if so, I am going to err on the side of safety.”

While the evidence was solid that lead caused learning disabilities and other problems for children, it was less definitive on whether it was also a factor in adult diseases.

To Ms. Hamnett and her colleagues, the results of multiple studies were compelling enough to establish an apparent link to cardiovascular disease in adults. They concluded in a report in 2006 that there was “stronger evidence for a relationship between lead exposure and blood pressure for adults,” citing it as a factor for aggressive safety requirements.

The home renovation industry filed protests over the “inappropriate and costly” rule with the Bush administration and Congress. Taking up its cause was a White House official with a reputation for assessing risk much differently: Dr. Beck.

Throwing ‘Sand in the Gears’

As the Bush administration took office, John D. Graham, who ran the White House office overseeing regulations, unveiled a plan to ease the government’s burden on business by reining in “the regulatory state.”

To that end, Mr. Graham hired scientists to review major federal regulations and make recommendations about their worthiness, something the E.P.A.

itself had done over the years.

Dr. Beck, Mr. Graham said, was an excellent addition to his staff.

She had grown up in Oyster Bay, N.Y., an affluent suburb on Long Island, earned an undergraduate microbiology degree in 1988 from Cornell and a doctorate from the University of Washington a decade later. Her

dissertation, which examined how the sedative phenobarbital impacts the metabolism of the liver, started with words still relevant to her today: “Each day the human body is confronted with many potentially toxic substances in the form of food items, medicinal products and environmental agents.”

She started her career at Estée Lauder, where she helped develop preservatives used to extend the shelf life of cosmetics, and also designed laboratory tests to determine if products caused adverse reactions when applied to skin.

When Mr. Graham hired her, she had been working as a science fellow at the E.P.A.’s center for environmental reviews. He described her as having “street smarts and thick skin,” someone who did not need the limelight to be effective.

“Dr. Beck is easy to underestimate,” Mr. Graham said in an email. When the proposed

lead paint rule came along in 2006, Dr. Beck, in her White House role, pressed Ms. Hamnett and others in the E.P.A. to revise the language to diminish the link to cardiovascular disease in adults, Ms. Hamnett recalled, before letting the rule go into effect.

That was one marker in Dr. Beck’s journey to redefine the way the government evaluates risk. Though they repeatedly found themselves on opposite sides, Ms. Hamnett said that, in a way, she admired Dr. Beck’s effort during those years.

She described Dr. Beck as a voracious reader of scientific studies and agency reports, diving deep into footnotes and scientific data with a rigor matched by few colleagues. She combed through thousands of comments submitted

on proposed rules. And she had a habit of reading the Federal Register, the daily diary of new federal rules.

All of it made Dr. Beck an intimidating and confident adversary, Ms. Hamnett recalled. “She’s very smart and very well informed,” she said.

But there was a destructive side to that confidence, others said. In particular, Dr. Beck was seen as an enemy of scientists and risk assessors at the E.P.A., willing to challenge the validity of their studies and impose her own judgment, said Robert M. Sussman, a lawyer who represented chemical industry clients during the Bush administration and later became an E.P.A. lawyer and policy adviser under the Obama administration.

“Her goal was to throw sand in the gears to stop things from going forward,” said Mr. Sussman, who now is counsel to Safer Chemicals, Healthy Families, a coalition of consumer and environmental groups.

Jack Housenger, a biologist who served as the director of the E.P.A.’s pesticide program, had a more positive recollection. He said Dr. Beck asked reasonable questions about his findings related to a wood preservative used in playgrounds and outdoor decks that was being pulled from the market.

“She wanted us to present the uncertainties and ranges of risk,” said Mr. Housenger, who retired this year. “She was trying to understand the methodology.”

Paul Noe, a lawyer who worked with Dr. Beck during the Bush administration, also said her critics got her wrong.

“What you really want to do as a government is to set priorities,” he said. “If you don’t have a realistic way of distinguishing significant risks from insignificant ones, you are just going to get bogged down and waste significant resources, and that can impede public health and safety.”

One of the harshest criticisms of Dr. Beck's tenure in the Bush White House came in 2007 from the nonpartisan National Academy of Sciences, which examined a draft policy she helped write proposing much stricter controls over the way the government evaluates risks.

"The committee agrees that there is room for improvement in risk assessment practices in the federal government," the review said, but it described Dr. Beck's suggestions as "oversimplified" and "fundamentally flawed." It recommended her proposal be withdrawn.

DOCUMENT

E.P.A. and Toxic Chemical Rules

An internal struggle has broken out in the Environmental Protection Agency over how to regulate toxic chemicals. These documents tell the backstory of the tension, which emerged after the Trump administration named an industry insider as a top agency regulator.

To: Beck, Nancy <Nancy.Beck@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Schmit, Ryan
 <rschmit.ryan@epa.gov>; Smith, Aimeah <Aimeah.Smith@epa.gov>; Smith, Peter
 <Smith.Peter@epa.gov>; Chun, Melissa <Chun.Melissa@epa.gov>; Green, Teresa
 <Green.Teresa@epa.gov>; Strauss, Linda <Linda.Strauss@epa.gov>; Dunton, Cheryl
 <Cheryl.Dunton@epa.gov>; Martin, Jeff <Jeff.Martin@epa.gov>; Neff, Tanya
 <Tanya.Neff@epa.gov>; Cunningham-Ho, Barbara <Barbara.Ho@epa.gov>; Blunck,
 Christopher <Chris.Blunck@epa.gov>; Pierce, Alison <Alison.Pierce@epa.gov>; Doo, Maria
 <Maria.Doo@epa.gov>; Canover, Sheila <Sheila.Canover@epa.gov>; Henry, Tyle
 <Tyle.Henry@epa.gov>; Benone, Sean <Sean.Benone@epa.gov>; McKean, Kevin
 <Kevin.McKean@epa.gov>; Grant, Brian <Brian.Grant@epa.gov>; Owens, Nicole
 <Nicole.Owens@epa.gov>; Curry, Bridget <Bridget.Curry@epa.gov>; Cooperstein, Sharon
 <Sharon.Cooperstein@epa.gov>; OP ADP Calendar <OP_ADP_Calendar@epa.gov>; OCSPP-RCS <OCSPP-RCS@epa.gov>
 Subject: RE: 5/30/17: EXPEDITED Tier 2 Final Agency Review (SAN 5947) - Final Rule: Procedures for
 Chemical Risk Evaluation under Amended TSCA

Confidential Attorney Client Communication
 Do Not Release Under FOIA

OGC concurs with comment on the FAR package for Final Agency Review (SAN 5947) - Final Rule:
 Procedures for Chemical Risk Evaluation under Amended TSCA.

As we have discussed, we have concerns that several provisions of the final rule - most significantly, the
 definition of "chemical" - are on the ground that they differ so
 greatly from the "logical outgrowth" of the proposal
 that they lack an adequate rationale for a
 change from the proposal. These are identified
 in the attached "Comments." We will continue to work with your office while the rule is at OMB to try to

OPEN DOCUMENT

Dr. Beck was so aggressive in second-guessing E.P.A. scientists that she became central to a special investigation by the House Committee on Science and Technology.

The committee obtained copies of her detailed emails to agency officials and accused her of slowing progress in confirming drinking-water health threats presented by chemicals like perchlorate, used in rocket fuel. "Suppression of Environmental Science by the Bush Administration's Office of Management and Budget," the committee wrote in 2009, before describing Dr. Beck's actions.

The opposition became so intense that Dr. Beck's efforts started to get shut down.

First, the new risk assessment policy she had proposed was formally withdrawn. Then, after Mr. Obama took office in 2009, Mr. Sussman recalled going to the White House along with Lisa P. Jackson, the new E.P.A. administrator, to ask for a commitment to curb Dr. Beck's power.

"We told them that we need the White House out of the E.P.A. science program," Mr. Sussman said. "We demanded that. And we got it."

Continuing the Fight

During Mr. Obama's first term, Dr. Beck left the White House for the American Chemistry Council, whose members include Dow, DuPont and dozens of other major manufacturers and chemical companies.

As the trade association's senior regulatory scientist, she was perfectly positioned to continue her second-guessing of the E.P.A.'s science.

Now her detailed criticisms of the agency came on trade association letterhead and in presentations at agency meetings and events.

"If the same person says the same thing three times, does this create a weight of evidence?" Dr. Beck said in a presentation in 2013, essentially mocking the scientific standards at the agency.

E.P.A. records show her challenging the agency's scientific conclusions related to arsenic (used to manufacture semiconductors), tert-Butanol (used in perfumes and as an octane booster in gasoline), and 1-bromopropane (used in dry cleaning).

Her point was often the same: Did the scientists producing work that federal regulators relied on adequately justify all of the conclusions about any risks?

"Scientists today are more prolific than ever," she said in a November 2014 presentation, later adding that "unfortunately, many of the scientific studies we read about in the news were not quite ready for prime time."

But at the same time, the industry was confronting a much larger existential problem.

E.P.A. and government-funded academic researchers were raising serious health questions about the safety of a range of chemicals, including flame retardants in furniture and plastics in water bottles and children's toys. Consumer confidence in the industry was eroding.

Some state legislatures, frustrated by the E.P.A.'s slow response and facing a consumer backlash, moved to increase their own authority to investigate and act on the problems — threatening the chemical industry with an

unwieldy patchwork of state rules and regulations.

Dr. Beck and other chemical industry representatives were dispatched to the E.P.A. and Congress to press for changes to the federal regulatory system that would standardize testing of the most worrisome existing chemicals and improve and accelerate the evaluation of new ones.

The resulting law, passed last year with Democratic and Republican support, gave both sides something they wanted. The chemical industry got pre-emption from most new state regulations, and environmentalists got assurances that new chemicals would be evaluated on health and safety risks alone, not financial considerations.

It was the most significant overhaul of the Toxic Substances Control Act since its enactment in the 1970s, and once again Ms. Hamnett was prepared to help shepherd it into place. The task was shaping up to be what she considered her final, crowning act at the E.P.A.

Ms. Hamnett was invited to the Eisenhower Executive Office Building, a part of the White House complex, to be present as Mr. Obama signed the bill into law. She was so excited that she arrived early and sneaked up to the stage to look at the papers Mr. Obama would be signing.



President Barack Obama signing a chemical safety bill in June last year. Zach Gibson for The New York Times

“Protecting people and the environment for decades to come,” she said, recalling her thoughts, as she excitedly stood on the stage. “At least, that is what we planned.”

Turning the Tables

They gathered in early June around a long conference table at the E.P.A. headquarters, the sunlight shining in from Constitution Avenue. In the crowd were Dr. Beck, Ms. Hamnett and other top agency officials charged with regulating toxic chemicals, as well as environmentalists worried about last-minute changes to rules being pushed by the chemical industry.

Olga Naidenko, an immunologist specializing in children’s health, said she was struck by the head-spinning scene. Dr. Beck, who had spent years trying to influence Ms. Hamnett and others to issue rules friendly to the chemical industry, was now sitting at the conference table as a government decision maker.

“I am running the show. I am now in the chair. And it is mine,” Dr. Naidenko said, describing her impressions of Dr. Beck at the gathering.

The Obama-era leadership at the E.P.A., in its last weeks, had published drafts of two critical rules needed to start the new chemical program. The rules detailed how the

agency would choose the most risky chemicals to be tested or evaluated and how the hazards should be judged.

It would be up to Mr. Pruitt, the new E.P.A. chief, and his team to complete the process in time for a June deadline, set in the legislation.

Dr. Naidenko, a staff scientist at the Environmental Working Group, was there to plead with the agency to ignore a request from the American Chemistry Council to make more than a dozen last-minute changes, some pushed by Dr. Beck while she was at the council.

Dr. Beck did not seem convinced, recalled Dr. Naidenko and one of her colleagues, Melanie Benesh, a lawyer with the same organization.

“Tell me why you are concerned. What is it about?” Ms. Benesh and Ms. Hamnett each said they recalled Dr. Beck saying.

In fact, behind the scenes, the deed was already done.

Before Dr. Beck’s arrival, representatives from the E.P.A.’s major divisions had agreed on final wording for the rules that would be sent to the White House for approval. But they were told to wait until May 1, when Dr. Beck began her job as the acting assistant administrator for chemical safety.

Dr. Beck then spent her first weeks on the job pressing agency staff to rewrite the standards to reflect, in some cases, word for word, the chemical industry’s proposed changes, three staff members involved in the effort said. They asked not to be named for fear of losing their jobs.

Dr. Beck had unusual authority to make it happen.

When she was hired by the Trump administration, she was granted the status of “administratively determined” position. It is an unusual classification that means she was not hired based on a competitive process — as civil servants are — and she was also not identified as a political appointee. There are only about a dozen such posts at the E.P.A., among the 15,800 agency employees, and the jobs are typically reserved for technical experts, not managers with the authority to give orders.

Crucially, the special status meant that Dr. Beck did not have to abide by the ethics agreement Mr. Trump adopted in January, which bars political appointees in his administration from participating for two years “in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.”

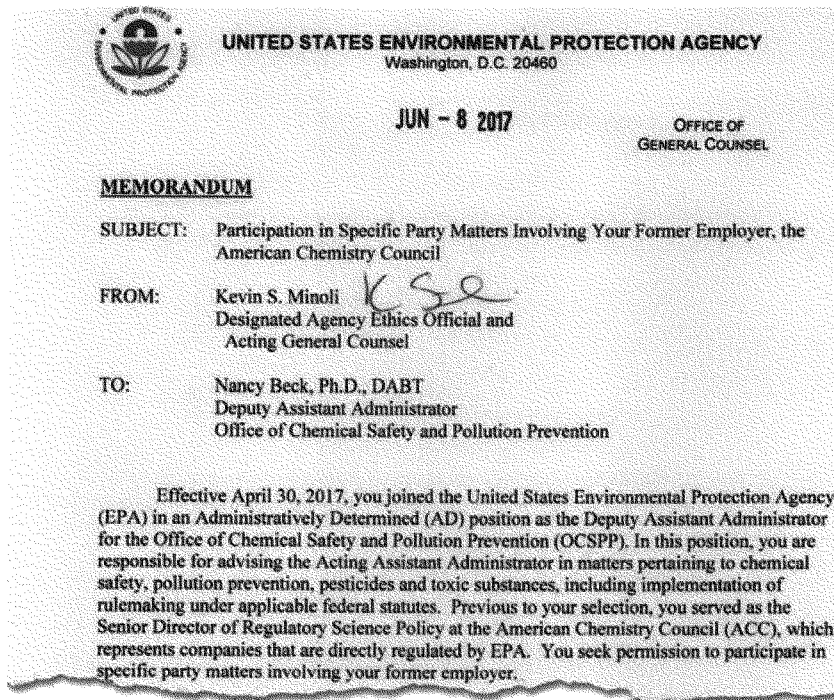
Her written offer of employment, obtained through a Freedom of Information Act request, also made it clear that Dr. Beck’s appointment was junior enough not to require Senate confirmation, which would have almost certainly delayed her arrival at the agency

and prevented her from making changes to the rules ahead of the June deadline.

None of these arrangements raised concerns with the E.P.A.'s acting general counsel, Kevin S. Minoli, who issued a ruling on her unusual employment status. Mr. Minoli saw Dr. Beck's background as a benefit, according to a memo he wrote that was reviewed by The Times.

"You have extensive prior experience with the regulated industry's perspective and are already familiar with (and may well have authored) A.C.C. comments now under consideration," he wrote, referring to the American Chemistry Council.

He added that Dr. Beck's "unique expertise, knowledge and prior experience will ensure that the agency is able to consider all perspectives, including that of the regulated industry's major trade association."



In a letter, an E.P.A. official addressed Dr. Beck's ability to be involved in matters affecting her former employer.

Others at the E.P.A., however, were stunned at the free pass given to Dr. Beck.

"It was a clear demonstration this administration has been captured by the industry," said Elizabeth Southerland, who served as the director of science and technology in the Office of Water until her retirement in July.

Getting Her Way

In the weeks leading up to the June deadline, Dr. Beck made clear what changes she wanted.

The conversations were polite, and Dr. Beck listened to counterarguments that Ms. Hamnett and her team made, Ms. Hamnett said. But in most cases, Dr. Beck did not back

down, demanding a variety of revisions, particularly related to how the agency defined risks.

It all had a familiar ring. Ms. Hamnett and the others had fielded many of the same demands from the American Chemistry Council and from Dr. Beck herself when she worked there. Ms. Hamnett took detailed notes in spiral notepads, excerpts from which she showed The Times.

One area of contention was Dr. Beck's insistence that the E.P.A. adopt precise definitions of terms and phrases used in imposing rules and regulations, such as "best available science" and "weight of the evidence."

The agency had repeatedly rejected the idea, most recently in January, in part because the definitions were seen as a guise for opponents to raise legal challenges.

"These terms have and will continue to evolve with changing scientific methods and innovation," the agency said in a Jan. 17 statement in the Federal Register, three days before Mr. Trump was sworn in. "Codifying specific definitions for these phrases in this rule may inhibit the flexibility and responsiveness of the agency to quickly adapt to and implement changing science."

Another area of dispute involved the "all uses" standard for evaluating health threats posed by chemicals. Under that standard, the E.P.A. would consider any possible use of a chemical when determining how to regulate it; Dr. Beck, like the chemical industry, wanted the E.P.A. to limit the evaluations to specific intended uses.

"There is no way we can look at thousands of uses," Dr. Beck told Ms. Hamnett in one meeting in mid-May, according to Ms. Hamnett and her notes. "We can't chase the last molecule."

DATE	5/12	TIME	
<p>FW Check-In</p> <ul style="list-style-type: none"> • QUB Bridging - CCC - David F. <ul style="list-style-type: none"> - logical outgrowth - A range of risk - depending on which change Same ver 			
<p>• QUB Re. RE & P: Rules</p> <ul style="list-style-type: none"> • Prerequisites: Pre-prerequisite - ED definitions impossible, many still have outgrowth issues, per QUB CCC. Reviewed with all • RE: - Case of Use ^{not in but not used} <ul style="list-style-type: none"> - Life: - requested ^{at 100,000 lbs} - Scenarios: ^{not in but not used} - Interagency collab. ^{not in but not used} - Key ^{not in but not used} - Comments ^{not in but not used} - Will ^{not in but not used} • EO 13777 - Big ^{not in but not used} - burden exemption ^{not in but not used} - to Angela: ^{not in but not used} - Danielle ^{not in but not used} - to consult ^{not in but not used} - Further ^{not in but not used} - Early: ^{not in but not used} - EO ^{not in but not used} - uses ^{not in but not used} - ex. ^{not in but not used} - \$50,000 ^{not in but not used} - annual cost ^{not in but not used} - as ^{not in but not used} - burden ^{not in but not used} • Guidance: ^{not in but not used} - can ^{not in but not used} - submit ^{not in but not used} - as ^{not in but not used} - supplemental ^{not in but not used} - doc ^{not in but not used} - or ^{not in but not used} - submit ^{not in but not used} - as ^{not in but not used} - exp. doc. ^{not in but not used} - Need ^{not in but not used} - to ^{not in but not used} - discuss ^{not in but not used} - together ^{not in but not used} 			

Ms. Hamnett's notes from meetings where changes in toxic chemical rules were discussed at the request of Dr. Beck, who had a history of second-guessing the E.P.A.'s scientists.

As the June deadline under the new law approached, Dr. Beck took control of the rewriting herself, a highly unusual step at the E.P.A., where expert Civil Service employees traditionally hold the rule-writing pen.

Ms. Hamnett said she did not try to stop Dr. Beck given she had the support of the agency's new leadership.

Mr. Noe, the lawyer who worked with Dr. Beck during the Bush administration, was not involved in the rewriting of the new rules. But he said it was wrong to interpret Dr. Beck's actions as pro-industry; instead, he said, she was a defender of rigorous science.

"Anyone who would question Nancy's ability or integrity does not know her at all and just has a political ax to grind," he said.

Ms. Hamnett's handwritten notes, however, record increasingly urgent objections from across the agency, including from the Waste and Chemical Enforcement Division, the Office of Water and the Office of General Counsel.

"Everyone was furious," said Ms. Southerland, the official from the Office of Water. "Nancy was just rewriting the rule herself. And it was a huge change. Everybody was stunned such a substantial change would be made literally in the last week."

The general counsel's objections to the substance of the changes were among the most alarming.

Laurel Celeste, an agency lawyer, questioned whether the last-minute changes would leave the agency's rule-making open to legal challenges. Her objections were outlined in a memo reviewed by The Times that was marked "confidential attorney client communication. Do not release under FOIA," referring to the Freedom of Information Act.

Federal law requires rules to be a "logical outgrowth" of the administrative record. But Dr. Beck had demanded changes that the staff had rejected,

meaning that the rule contained items that "differ so greatly from the proposal that they cannot be considered to be the 'logical outgrowth' of the proposal and the comments," Ms. Celeste said.

Her memo, sent by email on May 30 to Dr. Beck and more than two dozen agency scientists and staff members, also raised concerns about the preamble, an important piece of any regulation that must accurately reflect its contents.

“We are also concerned that, as currently drafted, the preamble lacks an adequate rationale for a number of final rule provisions that have changed significantly from the proposal,” Ms. Celeste wrote.

The objections were strongly worded, but they fell short of an important legal threshold — the formal filing of a “nonconcurrence” memo — that would have triggered further review of Dr. Beck’s actions. Several E.P.A. staff members said in interviews that they had been told by Mr. Pruitt’s top deputies to air their concerns in so-called concur-with-comment memos, which put objections on the record but allowed the process to move forward.

The rules, with Dr. Beck’s changes, were sent to the White House and approved by the June deadline. Mr. Pruitt assembled the team in late June for a brief ceremony to celebrate the completion of the work.

“Everybody here worked very, very hard,” Ms. Hamnett said, as Mr. Pruitt signed his name, according to a video of the ceremony posted by the E.P.A.



Calvin M. Dooley, a former congressman who is president of the American Chemistry Council. In May, Dr. Beck, his recent employee, pushed through many industry-friendly changes at the E.P.A. Jabin Botsford/The New York Times

‘Not One of My Best Days’

Environmentalists were dismayed, but Ms. Hamnett emerged from the whirlwind process with some confidence that all was not lost.

While she disagreed with a number of Dr. Beck’s changes, she trusted that the E.P.A. staff would maintain its commitment to honor Congress’s intent in the 2016 legislation. That would translate into a rigorous crackdown on the most dangerous chemicals, regardless of the changes.

But her confidence in the E.P.A.’s resolve was fragile, and it had been shaken by other actions, including the order Ms. Hamnett received to reverse course on banning the pesticide chlorpyrifos.

The order came before Dr. Beck’s arrival at the agency, but Ms. Hamnett saw the industry’s fingerprints all over it. Mr. Pruitt’s chief of staff, Ryan Jackson, instructed Ms. Hamnett to ignore the recommendation of agency scientists, she said.

The scientists had called for a ban based on research suggesting the pesticide might cause developmental disabilities in children.



Farm workers in a field picking berries. Chlorpyrifos, a pesticide blamed for developmental disabilities in children, is still widely used in agriculture. In March, Mr. Pruitt overrode agency scientists' recommendation to ban it.

Jim Wilson/The New York Times

To keep the pesticide on the market, under E.P.A. guidelines, the agency needed to have a "reasonable certainty" that no harm was being caused.

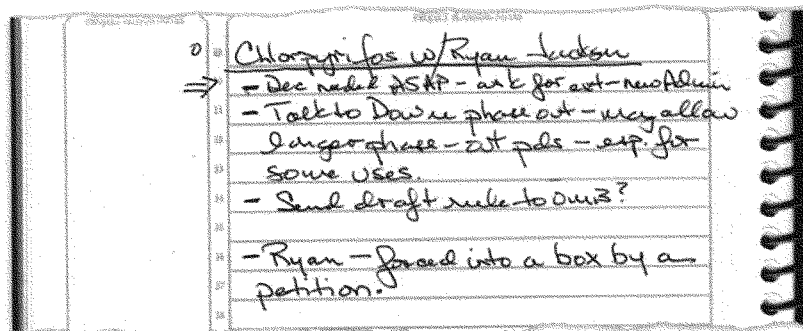
"The science and the law tell us this is the way to go," Ms. Hamnett said of a ban.

But the reaction from her superiors was not about the science or the law, she said. Instead, they queried her about Dow Chemical, the pesticide's largest manufacturer, which had been lobbying against a ban.

The clash is recorded in Ms. Hamnett notebook as well as in emails among Mr. Pruitt's top political aides, which were obtained by The Times.

"They are trying to strong arm us," Mr. Jackson wrote after meeting with Ms. Hamnett, who presented him with a draft petition to ban the pesticide.

Mr. Jackson, Ms. Hamnett's notebook shows, then asked her to come up with alternatives to a ban. He asserted, her notes show, that he did not want to be "forced into a box" by the petition.



Ms. Hamnett recorded Mr. Jackson's reaction to a pesticide ban in her notebook.

"I scared them," Mr. Jackson wrote in an email to a colleague about his demands on Ms. Hamnett and her team.

As a possible compromise, Ms. Hamnett's team had been talking to Dow about perhaps phasing out the pesticide instead of imposing an immediate ban. But Dow, after Mr. Trump's election, was suddenly in no mood to compromise, Ms. Hamnett recalled. Dow did not respond to requests for comment.

She now knew, she said, that the effort to ban the pesticide had been lost, something Mr. Jackson's emails celebrated.

"They know where this is headed," Mr. Jackson wrote.

Just over a week later, Ms. Hamnett submitted a draft order that would deny the request for a ban.

"It was hard, very hard," she said, worrying that the pesticide would continue to harm children of farmworkers. "That was not one of my best days."

The episode is one reason she worries the E.P.A. will defer to the chemical industry as it begins to evaluate toxic chemicals under the standards created by the new law. She became particularly concerned because of a more recent exchange with Dr. Beck over methylene chloride, which is used in paint removers.

After more than a decade of research, the agency had concluded in January that methylene chloride was so hazardous that its use in paint removers should be banned.

Methylene chloride has been blamed in dozens of deaths, including that of a 21-year-old Tennessee man in April, who was overwhelmed by fumes as he was refinishing a bathtub.

"How is it possible that you can go to a home improvement store and buy a paint remover that can kill you?" Ms. Hamnett asked. "How can we let this happen?"

Furniture-refinishing companies and chemical manufacturers have urged the E.P.A. to focus on steps like strengthening warning labels, complaining that there are few reasonably priced alternatives.

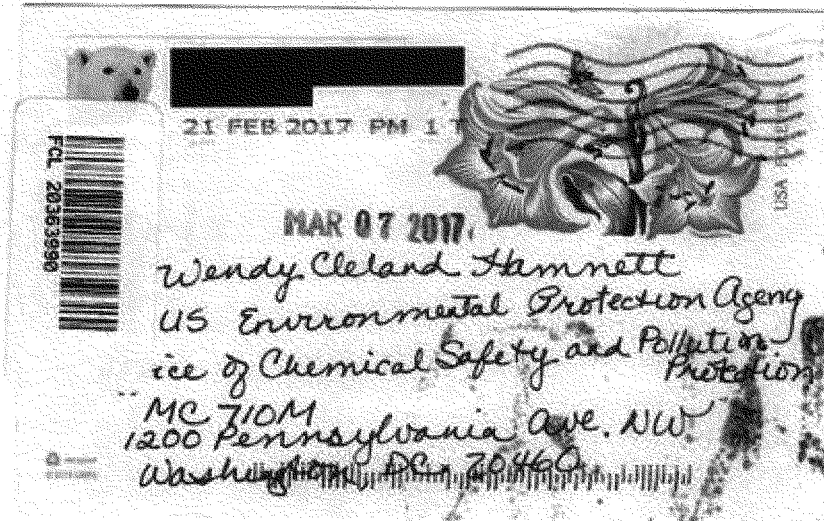
Ms. Hamnett said Dr. Beck raised the possibility that people were not following the directions on the labels. She also suggested that only a small number of users had been injured. "Is it 1 percent?" Ms. Hamnett recalled Dr. Beck asking.

Ms. Hamnett said she was devastated by the line of questioning.

After years of successfully fending off Dr. Beck and her industry allies, the balance of power at the agency had shifted toward the industry.

Hello,
 I do not know me. However,

you do not know me.
 I would expect that your job
 possibly has become more
 difficult under this new
 administration. I want you to
 know that I support you in
 any endeavors to help protect our
 environment from toxics and
 pesticides, backed up by actual
 scientific facts. I applaud you,
 and hope your voice prevails.
 Thank you, [REDACTED]



A postcard received by Ms. Hamnett during the early months of the Trump administration, urging her to stay the course. The sender's information has been redacted by The New York Times.

She had long planned to wrap up her work at the agency soon, as her husband, David, had retired three years ago. On Sept. 1, Ms. Hamnett turned in her badge and joined him.

Mr. Pruitt has selected a replacement for Ms. Hamnett: Michael L. Dourson, a toxicologist who has spent the last two decades as a consultant helping businesses fight E.P.A. restrictions on the use of potentially toxic compounds. He is already at work at the agency in a temporary post while he awaits Senate confirmation.

The American Chemistry Council, and its members, are among the top private-sector sponsors of Mr. Dourson's research. Last year, he collaborated on a paper that was funded by the trade group. His fellow author was Dr. Beck.

Sheila Kaplan contributed reporting.

Follow Eric Lipton on Twitter: [@EricLiptonNYT](https://twitter.com/EricLiptonNYT).

A version of this article appears in print on October 22, 2017, on Page A1 of the New York edition with the headline: Chemical Industry Insider Now Shapes E.P.A. Policy. Order Reprints | Today's Paper | Subscribe

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11/28/2018 Trump's EPA is suppressing a report about formaldehyde and cancer - Vox

Vox

Formaldehyde causes cancer. The EPA doesn't want to acknowledge it.

The Trump administration is reportedly suppressing a report about the chemical's health harms.

By Julia Belluz @juliaoftoronto julia.belluz@voxmedia.com Jul 6, 2018, 3:10pm EDT



Formaldehyde is used in household products, including antiseptics, medicines, and cosmetics. | Getty Images/Cultura RF

Trump administration officials at the Environmental Protection Agency (EPA) are reportedly suppressing a highly anticipated report that would warn Americans about the cancer risks that come with one of the most common chemicals in our environment.

The draft risk assessment, from the EPA's Integrated Risk Information System, is expected to show that ingesting formaldehyde — breathing it in through car and furniture emissions, or slathering it on our skin via cosmetics — can cause leukemia and nose and throat cancers. The report was completed last fall, and slated to move on to the National Academies of Science for external peer review.

But more than five months after Scott Pruitt, the former EPA chief who resigned Thursday, told a Senate panel that he believed the report was ready, it still hasn't seen the light of day.

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Politico broke the story today that helps explain why: Top advisers to Pruitt have been dragging their feet in order to protect the chemical industry from damning revelations that would prompt stricter regulations and possibly class-action lawsuits by cancer patients.

In a statement, an EPA spokesperson told Vox, "EPA continues to discuss this assessment with our Agency program partners and have no further updates to provide at this time.

Assessments of this type are often the result of needs for particular rulemakings and undergo an extensive intra-agency and interagency process."

But according to Politico, and a May letter from US senators to Pruitt, internal documents about the report tell a different story.

Here's the May letter from Sens. Ed Markey (D-MA), Sheldon Whitehouse (D-RI) and Tom Carper (D-DE):

"We have learned ... that multiple political appointees within EPA have expressed reluctance to move the assessment through the agency review process, have repeatedly set up briefings on the assessment only to later cancel them, and/or have insisted that IRIS first set up briefings for industry stakeholders before completing agency review. ...

We have also learned that, at the same time as EPA political appointees' requests were delaying the formaldehyde assessment's movement through the agency review process, the American Chemistry Council (ACC) as well as interested corporation such as ExxonMobil have been pressuring EPA not to release the assessment for public comment as drafted.

Politico's Annie Snider, meanwhile, reports that a trade group representing chemical businesses frequently contacted top EPA officials and asked them to avoid releasing the report:

"As stated in our meeting, a premature release of a draft assessment ... will cause irreparable harm to the companies represented by the Panel and to the many companies and jobs that depend on the broad use of the chemical," Kimberly Wise White, who leads the American Chemistry Council's Formaldehyde Panel, wrote in a Jan. 26 letter to top officials at the EPA. The panel represents companies including Exxon Mobil and the Koch Industries subsidiary Georgia-Pacific Chemicals LLC that could face higher costs from stricter regulations or lawsuits.

The story paints a pretty disturbing picture: Trump's EPA seems to be keeping information from Americans about their exposure to a ubiquitous cancer-causing chemical — and staving off regulations that would protect them. And given that Trump's appointee to

oversee the EPA's toxic chemical unit, Nancy Beck, used to be an executive at the American Chemistry Council, the industry trade association for American chemical companies, this might not come as a surprise.

The dangers of formaldehyde have long been known

Formaldehyde is a colorless gas that's used to make building materials like particleboard, plywood, and fiberboard — so it's found in our houses and furniture. It's present in car emissions, industrial fungicide and disinfectant, and many household products (including cleaners, medicines, soaps, and cosmetics), according to the National Cancer Institute. It's also an ingredient in cigarettes, and some e-cigarette products.

Products that contain formaldehyde release the chemical as a gas or vapor, so people can breathe it in or absorb it through the skin when it's in liquid form.

In the short term, when formaldehyde is in the air at levels more than 0.1 ppm, exposure can cause "watery eyes; burning sensations in the eyes, nose, and throat; coughing; wheezing; nausea; and skin irritation," NCI says.

Long-term exposure is known to cause leukemia and nose and throat cancer. (Though it's not known how much of the chemical is needed to become harmful and for how long a person would need to be exposed.) The National Toxicology Program says formaldehyde is "known to be a human carcinogen"; the Centers for Disease Control and Prevention says it causes cancer; and the World Health Organization's International Agency for Research on Cancer calls the chemical "carcinogenic to humans."

The EPA has lagged behind these other agencies on naming formaldehyde's cancer risks outright, calling it instead a "probable" human carcinogen. Since the EPA regulates environmental exposures, this distinction about the chemical's cancer risk matters for public health and the chemical industry: elevating formaldehyde to a known carcinogen would likely prompt class-action lawsuits from cancer patients, as well as tougher regulations.

What's next for the risk assessment isn't clear. Andrew Wheeler, EPA deputy administrator and a former coal lobbyist, will take the helm of the EPA as acting director on Monday.

Wheeler is expected to continue carrying out the Trump administration's deregulatory agenda, including weakening chemical regulators. So the question of whether the report will see the light of day may be more a matter of "if" than "when."



EPA needs to get its SNURs in order under TSCA

By Richard Denison / Bio / Published: September 4, 2018

Stephanie Schwarz, J.D., is a Legal Fellow. *Richard Denison, Ph.D.*, is a Lead Senior Scientist.

On Friday EDF submitted comments to EPA on a batch of Significant New Use Rules (SNURs) the Environmental Protection Agency (EPA) published on August 1 pursuant to the Toxic Substances Control Act (TSCA).

The SNURs relate to 145 new chemicals for which EPA had earlier issued consent orders that imposed certain conditions on the substances. Those consent orders date back to when EPA was still pursuing the development of such orders for many new chemicals it reviewed, and prior to the recent “pivots” it has been making in an effort to avoid issuing orders by circumventing the requirements of the TSCA provisions governing new chemicals.

TSCA anticipates that EPA will promulgate SNURs to follow up on

consent orders. In fact, TSCA section 5(f)(4) requires that when EPA

issues an order, EPA must either promulgate a SNUR or provide a statement explaining why EPA is not doing so. And when EPA does promulgate such a SNUR, the SNUR must “identif[y] as a significant

new use any manufacturing, processing, use, distribution in commerce, or disposal of the chemical substance *that does not conform to the restrictions imposed by the ... order.*”

EDF strongly supports EPA's use of SNURs to follow up on consent orders it issues. That is because the order only applies to the original company that submitted a premanufacture notice (PMN) to EPA for a new chemical. A proper SNUR then requires that company or any other company that seeks to deviate from the conditions in the order to first notify EPA, triggering a review of that "significant new use."

While EDF supports EPA's issuance of SNURs for these 145 new chemicals, our review of the proposed SNURs raised concerns, prompting us to file "adverse" comments. Our comments raise two major concerns:

First, EPA has adopted an *ad hoc* testing policy in the direct final rule that does not comply with the requirements of TSCA, without sufficient explanation, and without providing any notice and opportunity for public comment on the policy. EPA needs to avoid adopting such an *ad hoc* policy.

Second, as noted above, TSCA (as well as EPA's longstanding policy) requires SNURs to "conform" to the restrictions in the corresponding orders. Yet we identified numerous inconsistencies between the orders and SNURs. EPA must ensure that the final SNURs identify as a significant new use any activity that is not consistent with the restrictions in the corresponding consent orders.

See [our comments for details](#).

NOTE: EPA had published the SNURs both as a direct final rule and as a proposed rule, noting that if it received any adverse comments, it would withdraw the direct final rule and consider the comments received in the process of finalizing the proposed rule. We expect EPA will now pursue this course.



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<http://blogs.edf.org/health/2018/09/04/epa-needs-to-get-its-snurs-in-order-under-tsca/> 3/3

11/26/2018 EPA's new rules under TSCA put public health at risk: Here's what Silent Spring is doing about it | Silent Spring Institute

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EPA's new rules under TSCA put public health at risk: Here's what Silent Spring is doing about it

By Silent Spring Institute | Wednesday, February 28, 2018



Over the past year, the U.S. Environmental Protection Agency (EPA) under administrator Scott Pruitt has been rolling back a number of key environmental protections, from reversing the ban on the toxic pesticide known as chlorpyrifos to weakening emissions standards for vehicles and power plants. As scientists, it is critical that we track these changes closely in order to fully understand their impact on human health.

In our last blog post, we systemically documented the influence of industry on EPA's handling of the chemical safety law known as the Toxic Substances Control Act (TSCA) ("TSCA rules weakened under pressure from industry"). And we've been pushing back on the agency's decisions by submitting official comments on its proposed rules for regulating chemicals.

In our comments to EPA, we've highlighted the impact of environmental chemicals on women's health, specifically on breast cancer. Five of the first 10 chemicals EPA has prioritized for review under TSCA are mammary carcinogens. As a scientific research organization focused on breast cancer prevention, it is our duty to call out EPA for its proposed handling of these particular chemicals, which we feel does not adequately protect women from breast cancer.

In other words, we are putting the agency on notice. Our comments are critical at this particular time not only because EPA is required to respond to our concerns, but also because our comments could help lay the groundwork for lawsuits by other organizations in the future.

Here's a roundup of what we've submitted to EPA so far:

The worst offenders: EPA has all the evidence it needs to regulate PBTs (Persistent, Bioaccumulative, and Toxic chemicals)

Under TSCA, EPA has new authority to put PBT chemicals on a fast track for regulation. PBTs are toxic chemicals that are highly persistent in the environment and bioaccumulate in people and in wildlife. One of the PBT chemicals selected by the agency for this process is a flame retardant in the polybrominated diphenyl ether (PBDE) family, called decaBDE. Studies show decaBDE impacts the nervous system, disrupts hormones, and causes reproductive and developmental problems. DecaBDE is used in textile backings and electrical equipment.

Because the chemical leaches out of products and into the environment, we consistently find decaBDE in dust samples from our household exposure studies. In a recent study we did on college campuses, we found high levels of decaBDE in student dormitories—the highest levels ever reported in a residential setting. **Given the weight of scientific evidence demonstrating its pervasiveness in the environment and its effects on human health, we support regulating decaBDE under TSCA.**

The first ten chemicals: Don't ignore breast cancer

EPA has picked a first set of 10 chemicals to review, five of which are mammary carcinogens. **When making decisions about how these chemicals should be regulated, we urge EPA to consider the total impact of all exposure sources on developing breast tissue and other systems.** We combed through the first draft of EPA's risk evaluations for these five chemicals and alerted the agency to the various ways in which its process will miss the risks these chemicals pose to public health.

- We asked EPA to evaluate the total impact of each chemical from all sources combined, so that, for instance, a woman who is exposed to these chemicals in her workplace, through her consumer products, and in the air she breathes and the water she drinks every day, will be protected.

<https://silentspring.org/blog/epa%E2%80%99s-new-rules-under-tsc-put-public-health-risk-here%E2%80%99s-what-silent-spring-doing-about-it-2/>
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- We said EPA should require that the chemicals that companies put into products are safe enough to be used under a range of real-world conditions. For example, a worker who uses a methylene chloride-based paint stripper to re-finish a bathtub should not die from harmful fumes because the bathroom was too small or not well enough ventilated.

- **We asked EPA to consider the safety of sensitive populations.** Certain groups of people are more vulnerable to environmental chemicals than others. The body is also more susceptible to exposures during key developmental stages in life. For example, during development in the womb, during puberty and throughout the reproductive years, the breast is vulnerable to carcinogens and this increased susceptibility should be considered when evaluating these five mammary carcinogens.
- For these five chemicals, we listed all the various health effects (including developmental and reproductive problems as well as cancer) that were missing from EPA's draft of health data.

Prioritizing chemicals: A chance to get it right

Moving forward, EPA asked for input on how to decide which chemicals will be considered high-versus low-priority. We commented that EPA's process for making these decisions must consider vulnerable populations. We also said that **EPA should use exposure data in people, such as biomonitoring (e.g. blood and urine samples), as well as indoor air and dust measurements, to estimate how much people are exposed to certain chemicals.** EPA should flag chemicals for which data on health effects is lacking early on, and not assign a chemical to a low- priority classification without adequate toxicity and exposure studies. For example, we commented that EPA should not give a chemical a low-priority pass based on limited evidence from computer model projections, which aren't yet strong enough to predict whether a chemical is safe, especially for deciding breast cancer risk.

New chemicals framework: Public left in the dark

Under the new TSCA law, EPA has the authority to regulate new chemicals coming onto the market; however, **this process lacks transparency and does not include all foreseeable uses of the new chemicals, contrary to the law's intent.**

Alarmingly, EPA has already been using this proposed framework to review new chemicals, and their decision-making process is not yet available to the public. As of writing this, we know about the status of very few of the 250 chemicals that have been reviewed under this framework since July 2017. The National Resources Defense Council (NRDC) is now suing EPA for using this new framework before the public comment process was complete.

In our comments on EPA's process for approving new chemicals, we said:

- Making non-binding agreements with chemical manufacturers (e.g. specifications in regards to production volume and occupational exposures) leaves the public vulnerable. **There's nothing to stop manufacturers from deviating from such agreements, resulting in unapproved and unsafe exposures.**
- EPA's process will limit public information on new chemical reviews. For example, the final conditions agreed to between manufacturers and EPA may not be made public, and most of the process and information used to evaluate a new chemical will remain behind the curtain.

Now more than ever, it is important for EPA to hear from scientists, advocates, lawyers, and the general public, to ensure that the agency is putting public health and safety first. We need to hold

the agency accountable and we need to hold it to the highest standard possible. For if we don't stand up for public health, women's health, and breast cancer prevention, who will?

Jessica Helm, PhD, is a postdoctoral research fellow at Silent Spring Institute. She studies the sources and mechanisms of environmental effects on health, and created the Detox Me app for exposure reduction.

Kathryn Rodgers, MPH is a staff scientist at Silent Spring Institute. Her work focuses on measuring exposures to endocrine disrupting chemicals.

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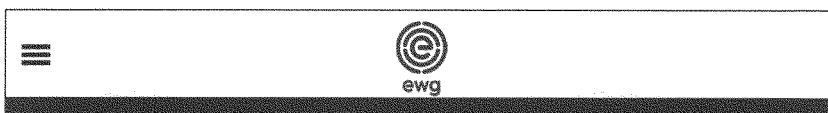
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POLICY ANALYSIS

By Melanie Benesh, Legislative Attorney

FRIDAY, JUNE 22, 2018

On June 22, 2016, President Obama **signed into law** a significant overhaul of the Toxic Substances Control Act, or TSCA, the nation's primary chemical safety law. It was the first update to the law, which was widely considered to be the **least effective environmental law on the books**, in 40 years.

The **updated TSCA** is supposed to regulate thousands of chemicals used industrially and also in an **array of consumer products** like paint, cleaning products, mattresses, clothes, insulation and more.

But under Administrator Scott Pruitt's leadership, the Environmental Protection Agency has taken every opportunity to undermine, not enhance, chemical safety. Two years later, here are 10 ways Pruitt's EPA has failed to protect Americans under the new law:

1. Rubber-stamping new chemicals

The update to TSCA required the EPA to make affirmative safety decisions about new chemicals for the first time. At first, the EPA appeared to be taking this responsibility seriously by rigorously reviewing new chemicals before they could come onto the market. However, in August 2017, the Pruitt EPA fundamentally changed the way it was reviewing these new chemicals and eliminated a backlog of **600 new chemicals overnight**. Since June 2016, the EPA has reviewed **more than 2,000 new chemicals**, more than half of which have been approved to come onto the market. In January, the Natural Resources Defense Council **sued the EPA** over its actions on new chemicals.

2. Delaying a ban on a toxic paint-stripping chemical that has caused four deaths in one year

the EPA signaled in December that the ban would be delayed indefinitely. **At least four people** have died using paint Methylene chloride is a highly toxic chemical used in paint strippers that until recently most consumers could buy at their local hardware stores. In the waning days of the Obama administration, the EPA proposed banning it. However, [Sign Up!](#) [Donate](#) strippers containing the chemical since the ban was proposed, and **more than 50 people** have died from it since 1980. Although the EPA recently reversed course and **announced** it would be taking action on methylene chloride after

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meeting with victims' families, **many important details** remain unknown. In the absence of EPA action, several retailers – including Lowes, Sherwin Williams and Home Depot – have taken steps to **remove methylene chloride** paint strippers from their shelves.

The fate of N-methyl-2-pyrrolidone, another toxic paint-stripping chemical the EPA previously considered banning, remains uncertain.

3. Abandoning proposed bans on uses of TCE, the chemical from “A Civil Action”

Trichloroethylene, or TCE, is a known carcinogen made infamous in the book and movie “A Civil Action.” It has caused various cancers in former residents of the **Camp Lejeune** military base in North Carolina, and it contaminates **military bases** throughout the U.S. TCE is also linked to birth defects, hormone disruption, Parkinson’s disease, and damage to the immune system and kidneys. The EPA **proposed banning** some uses of TCE in aerosol degreasing, spot cleaning and vapor degreasing, in December 2016 and January 2017. But earlier this month, the Pruitt EPA signaled that it would delay or even scrap these proposed bans. The EPA also laid the groundwork to ignore a key study linking TCE to **birth defects**.

4. Gutting proposed “framework rules”

The updated TSCA requires the EPA to develop two so-called “framework rules” governing how the EPA chooses chemicals to assess and how it conducts those assessments. The EPA issued two proposed framework rules that were robust and health protective in the final days of the Obama administration. However, in July 2017, **the Pruitt EPA** gutted those proposed rules before finalizing them to be in line with the **chemical industry’s priorities**. More than a dozen environmental and public health groups **have sued the EPA** in response.

5. Cooking the books on risk assessments by excluding key exposures

The updated TSCA requires the EPA to, for the first time, systematically and comprehensively assess chemicals already on the market by looking at all uses and exposures to a chemical. However, when the EPA released key

scoping documents for its assessments of the first 10 chemicals last year, it excluded critical sources of exposures – like **asbestos** in old building materials, and **1,4-dioxane** in personal care and cleaning products. In so-called “problem formulations” released earlier this month, the EPA narrowed these assessments even further and excluded major routes of chemical exposure like air pollution, waste disposal and even drinking water. **An analysis** by the Environmental Defense Fund found that the EPA will ignore more than 68 million pounds of seven out of the 10 chemicals released into air, water and land every year.

6. **Stacking leadership positions with industry-friendly nominees and appointees**

The EPA has also looked to industry advocates to fill leadership positions in the offices responsible for implementing the new law. **Nancy Beck**, who holds a leadership position in the EPA’s chemical safety office, came to the agency directly from the American Chemistry Council, where she lobbied for weaker chemical safety regulations. **Michael Dourson** was nominated for the top post in the EPA’s chemical safety office after a long career of doing junk science for the chemical industry. He **withdrew his nomination** after significant public backlash.

7. **Protecting “secret chemicals”**

The updated TSCA limits the amount of information the EPA can keep secret about chemical information submitted to the agency, including safety studies. However, an analysis earlier this year found that the EPA is **routinely ignoring** this change in the law, and is failing to release health and safety studies provided with new chemical filings. In recent guidance, the EPA also **failed to acknowledge** its obligation to give certain government and medical professionals access to chemical information the agency possesses.

8. **Cutting critical agency resources**

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The new law imposes many new requirements on the agency. To meet these new obligations, the agency needs adequate resources. Nonetheless, the fee rule proposed by Pruitt’s EPA **dramatically underestimates** costs and lets the industry get away without paying its fair share. Additionally, the president’s **budget**, released in February, proposed significant cuts to the EPA – including deep cuts to programs that remediate lead in homes and research hormone-disrupting chemicals. Additionally, the EPA has put significant pressure on employees to leave the agency with early buyouts, putting the agency at its **lowest staffing levels** since 1988.

9. **Undermining EPA science**

At the end of April, the EPA proposed **radically changing** the kinds of science the agency can rely on to guide decision-making. This so-called “secret science” rule would prevent the agency from relying on studies based on confidential medical data – even if those studies are thoroughly peer-reviewed. The proposed rule would also restrict some studies that haven’t been published. Even Nancy Beck acknowledged that these draconian measures would make it more difficult to make decisions under TSCA. In emails released to the Union of Concerned Scientists, she **warned** the proposed rule would “jeopardize our entire pesticide registration/re-registration review process and likely all TSCA risk evaluations.”

10. **Failing to adequately consider vulnerable populations**

The updated TSCA requires the EPA to explicitly consider and mitigate risks to vulnerable populations like children, pregnant women, workers and the elderly. But by excluding key sources of exposure from its chemical safety evaluations, the EPA fails to protect these susceptible populations. For example, **children drink more water** per pound of bodyweight than adults. By excluding drinking water from its chemical risk evaluations, the EPA is failing to account for particular risks to children. By excluding waste disposal and air pollution from its evaluations, the EPA is failing to consider special risks for fence-line communities, where there may be higher concentrations of chemicals in the air or soil.

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

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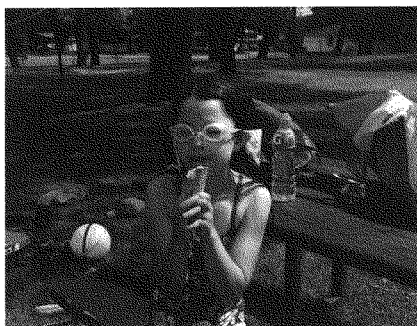
Trump EPA Weakens TSCA Rules to Favor Chemical Industry

June 22, 2017

[Jennifer Sass](#)

The Trump-Pruitt Environmental Protection Agency (EPA) issued a set of rules today that will make it easier to ignore chemical risks and disregard harmful exposures. The final rules introduce loopholes that could allow EPA to ignore important exposure routes and chemical product uses. This opens the door for EPA to disregard exposures to the most vulnerable and susceptible populations such as pregnant women and children or highly-exposed workers, which the Toxics Substances Control Act (TSCA) had sought to protect.

<https://www.nrdc.org/experts/trump-epa-weakens-tsca-rules-favor-chemical-industry> 1/5
11/26/2018 Trump EPA Weakens TSCA Rules to Favor Chemical Industry | NRDC



Children's products that may contain hazardous chemicals

These are the first rules released since a Chemical Industry lobbyist took charge of the EPA toxics office and its process for evaluating toxic chemicals.

The rules finalized today describe how EPA will evaluate the health threats from chemicals under the Toxic Substances Control Act (TSCA). The prioritization rule codifies the general process by which EPA will sort chemicals into "high priority" and "low priority" buckets. High priority chemicals will move forward into the risk evaluation process, while low priority chemicals will not (though the classification can change based on new evidence). The risk evaluation rule codifies the general process by which EPA will assess a chemical's hazards and exposures, then determine if the chemical poses an unreasonable risk of injury to human health or the environment.

The draft version of these rules were the result extensive public consultation that including chemical industry manufacturers, retailers, health impacted groups, medical professionals, and public interest groups. They had bipartisan support from Congress and the Obama White House and were applauded by health experts for creating a rigorous process to identify and control harmful exposures to toxic chemicals linked to significant health threats link cancer, reproductive disease, and learning disabilities.

Unfortunately, the versions released today have been extensively tampered with outside of the public view by the Trump-Pruitt EPA with Nancy Beck at the helm of the

<https://www.nrdc.org/experts/trump-epa-weakens-tsca-rules-favor-chemical-industry> 2/5
11/26/2018 Trump EPA Weakens TSCA Rules to Favor Chemical Industry | NRDC

agency's toxics program—recently rotated in from the industry trade group the American Chemistry Council (ACC).

A report in POLITICO noted that Nancy Beck had been “very involved” with these rules since moving from the chemical industry ACC to the EPA, and that she did not recuse herself because the rules are “matters of general applicability”. Moreover, Beck was cleared to talk with her recent past employer, ACC, about the rules (Politico 6/21/2017 by Annie Snider and Alex Guillen).

Concerns about Beck’s obvious industry bias and conflicts of interest regarding her involvement in TSCA rules were raised by Representative Frank Pallone, the top Democrat on the House Energy and Commerce Committee (D-NJ). Beck now serves as EPA’s Deputy Assistant Administrator in the Office of Chemical Safety and Pollution Prevention (OCSPP), and oversees finalizing the TSCA rules that she had lobbied on while at ACC. Rep. Pallone noted that, “the role she appears to be playing in finalizing the Toxic Substances Control Act (TSCA) framework rules threaten the success of the TSCA Reform legislation passed last year”. It seems that the threat has become a reality.

Sadly, the new rules on prioritization and risk evaluation have been weakened and are now much more favorable to the chemical industry than the versions agreed upon through the public consultation process.

The science is clear: exposures to toxic chemicals in the products we use every day are harming our health and contributing to disease. These rules will favor the continued use of chemicals that should be taken off the market. We will continue to hold EPA accountable to its job to protect public health.

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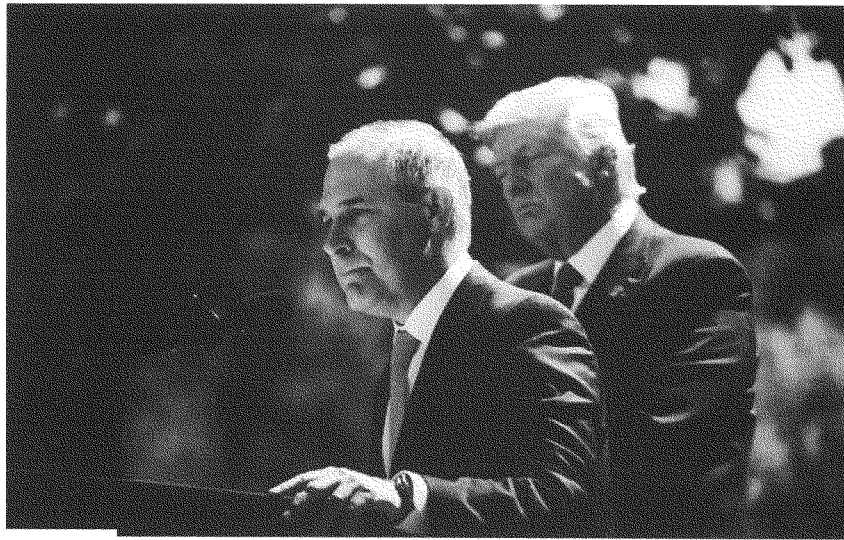
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Trump's EPA May Be Weakening Chemical Safety Law

The agency has released controversial new rules for evaluating a chemical's risk

By Annie Sneed on August 16, 2017



<https://www.scientificamerican.com/article/trump-s-epa-may-be-weakening-chemical-safety-law/>

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health and ecosystems under the revamped Toxic Substances Control Act (TSCA). Congress overhauled the chemical safety law last summer, with wide bipartisan and industry support. Many viewed the legislation as a much-needed update to old, feeble regulations. Now, though, the Trump administration may be undermining the reformed law.

After Congress amended the old chemical safety act, it tasked the EPA with writing what are called the “framework” rules for how the agency will implement the reformed law. Outside experts and environmental groups express deep concern that the EPA’s new framework rules for TSCA, which took effect in July, could seriously subvert the law’s purpose in favor of industry. “These are major rules that will set the conditions for how TSCA is implemented—potentially for the next few decades,” says Noah Sachs, director of the University of Richmond Law School’s Center for Environmental Studies.

The TSCA framework rules establish formal guidelines for how the EPA will assess tens of thousands of existing chemicals. For the most part, they specify how the agency will prioritize and evaluate chemicals for risks. The Obama administration had already proposed a version of the rules. The current administration took over and finalized them—but not without significantly rewriting them first. “The law is much, much less stringent” with the latest rules, says Rena Steinzor, a professor of law at the University of Maryland.

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One of the most controversial parts of the framework is how the EPA changed a key term known as the “conditions of use.” It defines which applications of a chemical the EPA will examine in risk evaluations. For a given chemical, usages could range widely —from a consumer product like a kitchen countertop cleaner to various business and industrial applications. “Uses are critical, because they define exposure” to people and the environment, Steinzor says.

The Obama administration interpreted “conditions of use” broadly, experts say, but Pres. Trump’s EPA has significantly narrowed the term. For instance, the definition now excludes “legacy” applications—a past use of a chemical that has been discontinued. One example of this is a class of chemicals called polybrominated phenyl ethers used as flame retardants, which were added to furniture cushions until recently. Experts say the EPA still needs to consider exposure to these legacy uses. “When you’re assessing a chemical, it’s important to look at all the uses to understand the actual risk in the real world.” says Richard Denison, a lead senior scientist at the Environmental Defense Fund. That’s because previous or ongoing exposure to a legacy use of a chemical could complicate a person’s exposure to the

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The framework rules do specify that EPA may consider background exposure to legacy uses of a chemical on a case-by-case basis, but Denison is skeptical about this approach. The rules “don’t provide any criteria as to how they would make that decision—when something would be considered and when it would not be,” he says.

Critics also claim the EPA is giving itself an alarming amount of discretion to decide in general what qualifies as a “condition of use” and what does not. In essence, Denison says, the agency can decide not to look at something because it does not think it is important. He notes the EPA has not provided criteria for how it would make this decision. “It could do anything it wants,” he says.

"I thought they were clearer, cleaner and more focused," says Lynn Bergeson, a lawyer whose firm [Bergeson & Campbell](#) specializes in chemical issues. She adds the new rules will result in a "better use of EPA resources." Schmidt says the law will allow the agency to focus on the highest risks, rather than getting bogged down in looking at all the different uses for a substance. "A chemical might be used in hundreds, thousands of commercial applications," she notes. "Risk evaluations need to be driven by public health..., and also yield results on a timeline."

The EPA maintains its rules will support TSCA. "The agency will make determinations for chemical substances in ways that are both protective and efficient," an EPA spokesperson wrote to *Scientific American* in an e-mail. "This means directing greatest attention to those uses that pose the greatest potential for risk to health and the environment."

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Other experts point to the Trump administration's pro-industry stance as well as its connections with the chemical business as motivation for rewriting the rules. "Industry wants to control what the use is stated to be," Steinzor says. They point to Nancy Beck, who previously worked for the ACC and is now deputy assistant administrator for the [EPA office](#) that oversees TSCA. "Our concerns are magnified by the fact that...Nancy Beck, who has a reputation over many years of being very favorable toward industry..., is in charge of implementing TSCA at EPA," Steinzor

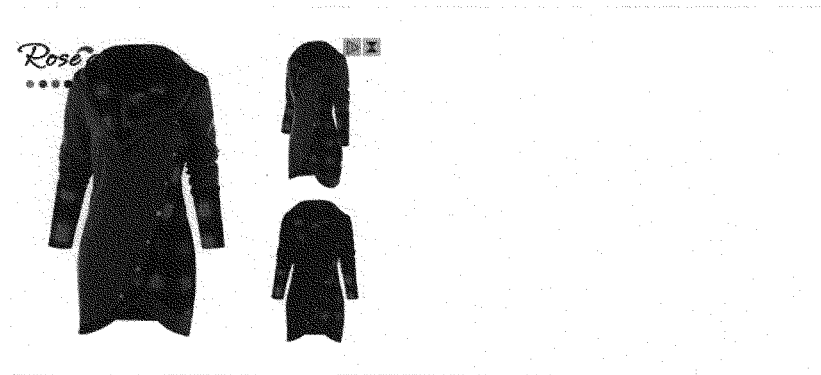
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funding. “My worries go beyond the wording of the framework rules to things like the budget and personnel who head the office,” Sachs says. Environmental groups, however, intend to make sure the EPA fully enforces the TSCA—last week the [Environmental Defense Fund, the Natural Resources Defense Council and others](#) filed lawsuits intended to force the EPA to strengthen the framework rules.



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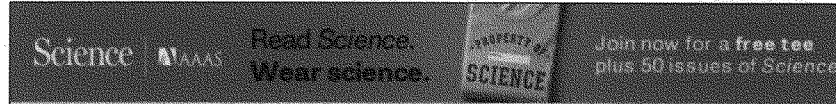
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Chlorpyrifos is one of the most common pesticides sprayed on U.S. farms. ROGER SMITH/FICKR (CC BY-NC-ND 2.0)

In battle over pesticide ban, Trump's EPA aims to undermine the science

By Corbin Hiar, E&E News Aug. 23, 2018 , 2:15 PM

Originally published by E&E News

President Donald Trump's administration is assailing the science behind an influential study that helped lead to a ban on a widely used insecticide linked to brain damage in children, mirroring arguments made by the pesticide industry.

A federal appeals court this month dealt a blow to Trump's team when it ordered the U.S. Environmental Protection Agency (EPA) to implement a full prohibition of the bug killer

chlorpyrifos. The ban was proposed by former President Barack Obama's administration but rejected when then-

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437 EPA Administrator Scott Pruitt called for studying the insecticide for another five years (Greenwire, Aug. 9).

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After the court's rebuke, EPA took aim at a study from Columbia University's Center for Children's Environmental Health in New York City that showed the troubling real-world impacts of chlorpyrifos on children that helped prompt the ban.

"The Columbia Center's data underlying the Court's assumptions remains inaccessible and has hindered the Agency's ongoing process to fully evaluate the pesticide using the best available, transparent science," EPA spokesman Michael Abboud said in a statement to E&E News.

The comment echoes an argument made by CropLife America, a Washington, D.C.-based pesticide industry trade group whose leaders have met several times behind closed doors with Pruitt and his successor, acting EPA Administrator Andrew Wheeler.

In a 2016 request, CropLife America asked the Obama EPA to scrap its proposed ban and any other regulations that rely on Columbia's chlorpyrifos research, which has produced several additional papers published in peer-reviewed journals.

"Neither EPA nor interested stakeholders ... have been granted access to the Columbia Study's underlying data," CropLife said. "Thus, EPA could not have adequately evaluated the data to determine its validity, completeness, and reliability."

One of CropLife's member companies is a DowDuPont subsidiary that sells chlorpyrifos under the brand name Dursban. Created by Dow Chemical in the 1960s, chlorpyrifos is now one of the nation's most widely used insecticides, sprayed in over 40 states on everything from apples and oranges to soybeans and corn.

The pesticide works by blocking an enzyme that controls messages sent between nerve cells. The blockage causes the nervous system to malfunction and eventually kills pests exposed to it.

EPA hasn't formally responded to CropLife's request, according to a spokeswoman for the trade group.

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11/26/2018 In battle over pesticide ban, Trump's EPA aims to undermine the science | Science | AAAS

437 But the agency's controversial scientific transparency policy proposal would effectively satisfy the 369 pesticide industry's desires by make it much harder for EPA to use epidemiological studies based on confidential medical records, such as the ones Columbia had done on chlorpyrifos (Climatewire, April 25).

The 2006 Columbia study was the first to clearly show that children born to women who were exposed to chlorpyrifos during their pregnancies had a higher likelihood of suffering from developmental delays and attention problems.

“We cannot submit this extensive individual level data to EPA in a way that ensures the confidentiality of the children and mothers who are our research subjects.”

Linda Fried, Columbia University

The groundbreaking study—based on a series of tests given over three years to more than 250 mothers and children of color in low-income New York City communities and published in the peer-reviewed journal *Pediatrics*—helped spur a 2007 **petition** from environmental groups to completely outlaw chlorpyrifos. EPA had already prohibited indoor uses of the insecticide in 2000 due to the acute poisoning risks, but the agency continued to allow farmers to spray it on their fields.

The Columbia study was also a key piece of evidence that led the Obama administration in 2015 to finally agree to the petition and propose the full ban on chlorpyrifos.

Later studies from Columbia and other institutions have **found** chlorpyrifos exposure is linked to structural abnormalities in children's brains, diminished IQ scores and Parkinson's disease in adults.

Long-running data dispute

The fight over chlorpyrifos data comes as the Trump EPA is seeking to overhaul which science can be used in regulations by relying only on studies in which the underlying data are made publicly available. This pesticide disagreement shows how that policy might play out in shaping public health rules, where patient information is often kept confidential.

EPA has justified its concerns about the Columbia study by **pointing back** to data requests that the university rebuffed during the Obama administration.

"We cannot submit this extensive individual level data to EPA in a way that ensures the confidentiality of the children and mothers who are our research subjects," Dr. Linda Fried, the dean of Columbia's Mailman School of Public Health, told the agency in May 2016.

⁴³⁷ "These individuals live in a geographically limited community in New York City, and the data ³⁶⁹ ~~is~~ a large number of detailed sociodemographic and health-related data elements that could potentially be used—alone or in combination with other data sources—to identify research participants," she said in a letter. "The disclosure of this data would therefore constitute an unwarranted invasion of the personal privacy of these children and their mothers."

At the same time, Fried floated the idea of working with EPA to develop "properly de-identified" data sets so the agency could conduct its own analyses and invited "EPA staff to review and/or re-analyze the original individual-level data in a secure data enclave onsite at Columbia."

EPA ultimately sent researchers up to New York but continued to press the university for its full data set.

"We thought that it was better to have the data for transparency reasons than to just go into a room, manipulate it and then come out," Jack Housenger, the former director of EPA's pesticides office, explained in an interview. He retired in February 2017 after four decades at the agency.

Asked to elaborate on the "transparency reasons" for EPA needing the data, Housenger acknowledged it was largely to address industry concerns.

"If you're taking action on a chemical company's compound, they want to be able to say, 'Hey, we looked at these data and our scientists say this,'" he said.

Companies often told Housenger "we want to be able to analyze these data and defend our chemical," he said.

Industry influence

To environmentalists, the chlorpyrifos data dispute is evidence that CropLife and its member companies have been effective at convincing regulators to pressure scientists to turn over confidential medical information.

"There has been a long history of EPA and other agencies using published, peer-reviewed scientific literature to make decisions," said Erik Olson, a senior director at the Natural Resources Defense Council (NRDC) in Washington, D.C., one of the groups that filed the 2007 petition calling for the chlorpyrifos ban. "It's really only been recently that the chemical industry has been pushing very hard to ask—or demand, frankly—that agencies request and reanalyze all of the data from all the studies."

Olson, who leads NRDC's advocacy efforts on health, food and agriculture issues, argues that the leaders of EPA and the U.S. Department of Agriculture (USDA) pesticide programs have effectively kept chlorpyrifos on the market for years longer than it should have been.

"Their line scientists have long been fine with—in fact, supported—banning chlorpyrifos," Olson said. "It's been some of the people in management that have been pretty tight with the chemical industry and took on some of those arguments."

For instance, Sheryl Kunickis, the career official in charge of USDA's Office of Pest Management Policy, in January 2017 said in a **letter** to Housenger that she had "grave concerns about the EPA process" for evaluating chlorpyrifos' health risks and "severe doubts about the validity of the scientific conclusions underpinning" its proposed ban.

Three months later, when Pruitt reversed course on chlorpyrifos, Kunickis got a note from former CropLife lobbyist Rebeckah Adcock praising the move, EPA records show.

"Thank you!" Kunickis wrote from an email address that was redacted for personal privacy reasons. "It is a great week for our growers and the decision is much appreciated."

She copied EPA Chief of Staff Ryan Jackson on her response along with her USDA email account, where all work-related communications are supposed to be directed.

In April 2017, Adcock joined the Trump administration and became Kunickis' boss. The former CropLife lobbyist is now a senior adviser to Agriculture Secretary Sonny Perdue. She attracted congressional scrutiny last November, after *The New York Times* reported she had met with her former industry allies despite signing an ethics agreement in which she promised to limit such interactions.

Access to Trump's EPA

Since President Trump took office, CropLife has had several opportunities to press top EPA leaders on its interests, according to calendars obtained via the Freedom of Information Act.

Pruitt met with then-CropLife head Jay Vroom and a handful of agriculture industry group chiefs less than two weeks before he rejected the petition to ban chlorpyrifos and then saw Vroom and other agriculture leaders again a day after the decision was made.

Two months later, Pruitt also met with a top CropLife executive at a meeting about reaffirming the "risk-based approach to regulating pesticides," his personal calendar records show.

Wheeler, who became acting administrator July 7 after his scandal-plagued predecessor was forced to resign, also sat down with CropLife behind closed doors.

EPA hasn't responded to E&E News' requests for the personal calendar of Pruitt's former deputy. But Wheeler's public calendar lists a June 12 "stakeholder meeting" with the CEOs of the Production Agriculture Council.

"I don't think they're going to give in. So I expect we'll see some motions."

Patti Goldman, Earthjustice

"Administrator Wheeler discussed a variety of agricultural issues during his meeting with the Production Agriculture Council co-chairs Jay Vroom, Chris Novak and Zippy Duvall from CropLife America, National Corn Growers Association and American Farm Bureau Federation respectively," EPA said in a statement. Earlier this week, Novak took over Vroom's position as president and CEO of CropLife.

In his new role as EPA chief, Wheeler also met with "agricultural stakeholders" on Aug. 6 and with "agriculture commodity groups" at the Iowa State Fair the following week, EPA's website shows.

It's unclear whether CropLife was present at either of those meetings, but Vroom said he had attended another meeting with Wheeler after June 12.

"The subsequent meeting was with a different coalition group which addressed other matters altogether," he said in an email. "That coalition was diverse and included one environmental [nongovernmental organization]."

Vroom added that CropLife "meets almost daily with government officials to offer scientific and agricultural production information on all manner of public policy issues."

EPA didn't provide any additional information about Wheeler's agriculture meetings since taking charge of the agency and declined to comment on evidence it was provided of the Trump administration's strong ties to CropLife.

Now, advocates of a full ban on chlorpyrifos are waiting for the administration's next move.

The 9th U.S. Circuit Court of Appeals ordered the agency to finalize the ban proposal within 60 days. But EPA could file a motion challenging the ruling at the appeals court level or seek a hearing in the Supreme Court.

"They've got some other avenues they can pursue," said Patti Goldman, the Earthjustice lawyer who argued the case on behalf of NRDC and Pesticide Action Network North America.

Goldman doesn't expect that the administration, with its deep connections to the pesticide industry, will force the neurotoxic pesticide off the market unless it has no other choice.

"I don't think they're going to give in," she said. "So I expect we'll see some motions."

Reporter Kevin Bogardus contributed.

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November 26, 2018

The Honorable John Barrasso, Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper, Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

RE: Alexandra Dunn EPW Committee Nomination Hearing

Dear Chairman Barrasso and Ranking Member Carper,

As the largest asbestos victims' organization in the United States, the Asbestos Disease Awareness Organization (ADAO) is closely following the nomination of Alexandra Dunn for the position of Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) at the Environmental Protection Agency (EPA).

Americans demand and deserve a political appointee that will place the health of the public and our environment before corporate profits. Thursday's hearing on her nomination is an important opportunity to ensure that Ms. Dunn meets these demands.

As you already know, OCSPP plays a vital role in protecting the public from the dangers of asbestos and, if confirmed, Ms. Dunn will be in charge of carrying out this responsibility.

There is overwhelming consensus in the scientific community that there is no safe level of exposure to asbestos. Despite the voluntary elimination of many asbestos products, the death toll from asbestos exposure remains alarmingly high. At the 14th Annual Asbestos Disease Awareness Conference in Washington D.C. this year, Dr. Jukka Takala DSc, MSc, BSC, President of the International Commission of Occupational Health, reported that asbestos-related deaths in 2016, numbered 39,275, -- more than double the previous estimates of 15,000 per year.

As this Committee is aware, the failure of previous efforts to ban asbestos in the 1980s were a major motivation for overhauling the Toxic Substances Control Act (TSCA) in 2016. ADAO welcomed this bipartisan TSCA update, which strengthened the EPA's authority to protect Americans from asbestos in their homes, schools, workplaces, and our environment.

ADAO and many other observers expected that the new law would enable the EPA to reinstate the comprehensive ban on asbestos use it had imposed in 1989. The decision to include asbestos in the first 10 risk evaluations seemed to reinforce this hope.

Asbestos Disease Awareness Organization is a registered 501(c)(3) nonprofit organization
"United for Asbestos Disease Awareness, Education, Advocacy, and Community Support"
1525 Aviation Boulevard, Suite 318 · Redondo Beach · California · 90278 · (310) 251-7477
www.AsbestosDiseaseAwareness.org

RE: Alexandra Dunn EPW Committee Nomination Hearing

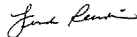
However, we have since been disappointed by the Agency's narrow and heedless approach to the asbestos risk evaluation. We are concerned that the EPA is on a path to ignore important exposure pathways and the populations they put at risk, as their current approach seems destined to reach dangerously inadequate conclusions about asbestos' ongoing and future dangers to public health. The flaws in the risk evaluation, in turn, could limit the Agency's ability to impose the comprehensive asbestos ban that is long overdue.

If confirmed, Ms. Dunn will have the opportunity to change course on asbestos and make protection of public health her top priority. As such, we believe the Committee should press Ms. Dunn on a number of important issues pertaining to asbestos regulation. We urge the Committee to question Ms. Dunn about whether she is prepared to strengthen and expand the ongoing asbestos risk evaluation under TSCA. Her willingness to reverse the troubling exclusions of legacy use and disposal from the evaluation must be discussed. Her view of the questionable proposed Significant New Use Rule should be examined, with the expectation being that she will move to permanently ban discontinued asbestos products. We ask you to call on Ms. Dunn to grant the ADAO Right-to-Know petition seeking to eliminate the asbestos loophole in TSCA reporting requirements. We urge the Committee to press the nominee to effectively implement the safeguards for school children and teachers in the Asbestos Hazard Emergency Response Act (AHERA). Finally, Ms. Dunn should also be asked whether she supports a comprehensive asbestos ban under TSCA.

By addressing these essential issues, ADAO believes that the Committee may best safeguard the health and security of American citizens. We look forward to working with the EPA and the EPW Committee to ban asbestos once and for all.

On behalf of your constituents, thank you for your leadership, perseverance, and dedication to protecting the health of Americans and our environment.

Sincerely,



Linda Reinstein, Asbestos Disease Awareness Organization, President and Cofounder 1525 Aviation Boulevard,
Suite 318
Redondo Beach, California, 90278 (310) 251-7477

Senator CARPER. Ms. Dunn, do you still agree that the law requires EPA to evaluate all the ways someone might be exposed to a chemical? If you are confirmed, what will you do to ensure that EPA follows that part of the law?

Ms. DUNN. If confirmed, Senator, I commit to implementing the law, following the law, and bringing all the provisions of the law to full effect.

Senator CARPER. The new law includes language, as you may recall, directing EPA to use the best available science as it evaluates a chemical's safety. Unfortunately, Trump's EPA is not implementing that part of the law well, at least in our estimation. Specifically, currently politically, the office you have been nominated to lead has developed a document that would have the result of systematically excluding scientific studies from being used as part of EPA's chemical safety effort.

For example, scientists at the University of California, San Francisco, reviewed high quality scientific studies that showed that exposure to some flame retardant was harmful to children, a conclusion that the National Academy of Sciences later said it agreed with but EPA's new process would actually prevent studies like that from being considered.

Don't you think that the best available science should mean that all relevant studies should be considered by EPA when it is assessing the safety of a chemical?

Ms. DUNN. Senator, I agree with you. EPA is a science-driven agency. That is why we were founded, to be based on science. I commit, if confirmed in this position, to using the best available science to make our decisions.

Senator CARPER. Thank you.

Senator BARRASSO. Thanks, Senator Carper.

I want to follow-up a bit about some of the things in the law. I want to discuss a class of about 5,000 chemicals known as PFAS, the polyfluoroalkyl substances. Members of the public, State officials and many in Congress are concerned about the threat that these chemicals pose to human health and the environment, an especially urgent concern among those living on or near military bases, which is a fundamental point here. At a minimum, I think the EPA must speak clearly about the level of risk associated with these chemicals and not just talk about it but take decisive action where it is warranted.

I know you have had experience with this issue as EPA's Region 1 Administrator. If confirmed, could you talk about how you intend to address these PFAS chemicals nationally?

Ms. DUNN. Thank you, Senator.

New England is often considered ground zero for the PFAS issue. We have many affected communities. All six New England States have detected the presence of PFAS in their communities.

As Regional Administrator, I was proud to be able to host the first national regional forum on PFAS constituents. We met for 2 days. We made sure that community groups were front and center at that event so that we could hear from, frankly, the groups of parents, mothers and true activists who have learned about the presence of these contaminants in their communities, and who have become environmental experts when that is not their day job.

They have researched and they have learned. We created a forum for them to bring forward those views.

At EPA, we now are working hard to complete a national action plan around PFOS and PFAS. My understanding is that national action plan will be ready soon.

Senator BARRASSO. I wanted to turn to TSCA which has already been raised by Senator Whitehouse in his introduction. It is something Congress passed in 2016, comprehensive legislation to reform a 40-year-old law.

Since then, the EPA's implementation has received some scrutiny. The environmentalists and chemical manufacturers have both been critical of EPA's implementation of the new chemical program for different reasons.

If confirmed, how do you intend to address the competing interests surrounding the TSCA reform legislation?

Ms. DUNN. Senator, this is a part of how I have operated throughout my entire career with very, very diverse opinions. I respect diverse opinions but I often find that if you have open and real conversation, you can reach a middle understanding.

What I would like to do is try to bring those groups together, if they can be brought together, then meet with them separately, hear their concerns and then work to find that path forward that allows EPA to make progress, meet our statutory deadlines, provide protection of the American public, but to keep the system moving forward.

Senator BARRASSO. I want to now discuss methylene chloride. I understand this chemical has been blamed in dozens of accidental deaths across the country. In 2017, at one point, the Obama administration proposed banning methylene chloride for use in consumer and chemical paint strippers. In May of this year, the EPA indicated it would finalize that ban. EPA has yet to do so. In the meantime, Home Depot, Lowe's and Sherwin Williams have announced they are going to remove these paint strippers from their shelves.

If confirmed, do you have plans for addressing this issue?

Ms. DUNN. Absolutely, Senator. I am absolutely aware of the dangers of this chemical and the widespread public concern regarding it. If confirmed to this position, I will make it a top priority to be briefed on where we stand in the process and report back to your office and any others on this committee who have an interest in the status of this work.

Senator BARRASSO. My final question is with regard to FIFRA. For years, members of the public have expressed concerns that EPA is not doing a better job addressing the hazards associated with pesticides. In many instances, the public has turned to State governments and even the courts for stricter controls on pesticides.

I think it is fair to say that a patchwork of State regulations is not what anyone wants in terms of what is out there on this specific topic. If confirmed, how would you boost the public's confidence in the EPA's regulation of pesticides under FIFRA?

Ms. DUNN. Currently, Senator, we are in a position to be retaining new expertise, bringing on additional staff so that we can be more timely with our work under FIFRA. Also, I believe we can communicate our work as expeditiously as possible. I agree that a

patchwork of regulations can be problematic and in fact, that is what TSCA was designed to try to address.

I commit to working with you and your office on ensuring that FIFRA works well.

Senator BARRASSO. Thank you for your answers.

Senator MERKLEY.

Senator MERKLEY. Thank you very much, Mr. Chairman.

Thank you so much for your service in the cause of trying to build a better world and a better environment.

To begin, the question I have is in regard to asbestos. Specifically, 60 countries have banned it, saying there is no safer controlled use of it. Now we have the EPA setting up a SNUR process that essentially lists 15 potential uses but anything outside of those 15 could be done without EPA review. It is like a free pass.

Why would we want to give a free pass to any potential use of asbestos in our environment? Is that something you have been briefed on and any concerns about?

Ms. DUNN. Senator, in my current role as Region 1 Administrator, I am not responsible for asbestos regulation. However, I commit to you that, if confirmed to this position, I will be immediately briefed on this matter.

I understand the great concern with asbestos in the environment and the deaths that have occurred due to asbestos exposure. I would like to work with your office on this.

Senator MERKLEY. From a philosophical point of view, though, you do not have any inclination that we should necessarily have new uses of asbestos that do not go through some form of chemical review?

Ms. DUNN. New uses of asbestos, my understanding is they would be reviewed through the significant new use rule.

Senator MERKLEY. Apparently not, according to the briefing we received on this, if outside the 15 listed uses. That is the concern.

There is also Section 6 in the law of TSCA. It says EPA has the authority to prohibit or limit the manufacture, processing, distribution, so on and so forth, of a chemical that represents an unreasonable risk to human health or the environment. That unreasonable risk has been demonstrated for asbestos time and time and time again.

Would you commit to looking at Section 6 as a pathway to possibly joining the other 60 nations that have banned asbestos in order to ban it here in the U.S.?

Ms. DUNN. Senator, I absolutely understand your concern with asbestos. I commit, if confirmed to this position, to being briefed on this matter, looking at all opportunities that we have under the law, the authorities we have to manage this risk, and immediately report back to your office.

Senator MERKLEY. Thank you.

One of the things that symbolically disturbed me is we do not manufacture asbestos in the U.S. anymore. It previously came from Brazil but they banned it because they said, no, this is hurting people.

Now we import it from Russia. Russia sent over their packing of asbestos with a picture of our President, with written in Russian

a word that represents endorsement, implying that our government endorses the use. Symbolically, that is not where we want to be.

The whole point of TSCA was to take chemicals that had not been reviewed in the past that were everyday household products and say, no, we are actually going to consider human safety in their use. It was in 1991, I believe, when the ship ran ashore on controlling toxic substances in everyday use.

Here we are a generation later, finally with this chance. You would be the captain of that ship. Can we count on you to be a good captain on this topic?

Ms. DUNN. Senator, you can definitely count on me to work with our team and come up with the most public health protective and environmental protective outcomes under the law.

Senator MERKLEY. Thank you, diplomatically stated.

I wanted to turn to the new chemicals. In this case, there is a process that has been underway in which the law said the chemical should be reviewed for proposed uses by the manufacturer, intended uses, but all other known or reasonably foreseen future uses.

That latter clause has been essentially nullified, dramatically changing the congressional intent. Can you take a look at that and make sure the law, as written, which said look at both what the manufacturer says it is going to be used for, but all other potential, reasonably foreseen uses or known uses and that full scope gets examined so we are not just looking at a single use as stated by a manufacturer?

Ms. DUNN. Senator, in my preparation for today, I learned that is an issue of great concern to many groups. If confirmed to this position, I commit to being briefed on the matter by our team, getting back to your office and answering your question directly.

Senator MERKLEY. Thank you.

Senator BARRASSO. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman. Thanks to the Ranking Member.

I want to thank our nominee. Thank you for your past service and future service. I think it is a great chance for us to get to hear from a very qualified nominee in Ms. Dunn. Thank you for being here.

I want to go back to PFAS. You and I visited in my office. I know before you were living with your mother, you were in Loudoun County and will be back to Loudoun, Virginia which is right across the way from where we have had some issues with PFAS in West Virginia.

This has already been touched on but it since it hits several communities in my State, I just want to reinforce my feelings and some frustrations we have had over the last year, I would say, in not getting the full picture and release of the full data around possible effects of PFAS in the communities.

Having said that, you have had a lot of experience with it but I would like to have your commitment that you will work with all of us and the public to make sure we are getting all of the released studies, recommended levels and all of those things and be able to make a fair comparison and also an informed decision.

Ms. DUNN. Absolutely, yes, Senator, I can commit to making sure the studies you are asking about are available and that we look at a full suite of information regarding these chemicals and their persistence in the environment. It is certainly something I have been working with in New England, as I mentioned, in all six of our States.

Senator CAPITO. It was mentioned that some of these are around military installations which is the case of our one in Martinsburg. I have to say we were able to get some concessions from the Department of Defense in the appropriations bill this past year to help these local communities on the cleanup of these areas.

I do not think it has completely taken care of all the issues but it is certainly a good start for our areas. I am pleased about that.

Let me ask you this. We have, from time to time and probably more times, conflicts between our State and Federal regulators, who has primacy, who has jurisdiction, and who is encroaching on who. I think it becomes a very sensitive issue at the State level certainly for all of us who work with our State regulators all the time.

You have a lot of experience in working with State regulators. I am sure you have experience in seeing the tensions that can exist from time to time. In your new role, how would you address that issue? How do you see your office, your new office, in terms of decisionmaking, overruling States, or working with States? How do you work out those issues because they can be very difficult from time to time?

Ms. DUNN. Yes, they can, Senator. I agree with you. States have assumed 98 percent of the delegable programs under Federal environmental law. States bring 90 percent of the enforcement actions.

Certainly coming from ECOS, I have a healthy respect for our State environmental agencies. They are truly the boots on the ground and do excellent work.

In New England, we have developed a real partnership where we consult with the State on matters. Sometimes the State asks for our help and we are happy to be there. However, we do not just assume that EPA is welcome. We ask the State if they need our resources and support.

For example, we have done that on PFAS or vapor intrusion where some of our New England States have specifically asked EPA to come in and assist them. We have that capability. Also, if a State is short on resources or needs our capacity, we are able to bring that additional capacity.

Our presumption has been that the State is able to take effective enforcement actions and they have largely proven that to be correct. Yes, the agency sometimes needs to over file if something is not going well in a State, but that is usually after consultation with the State. We speak with them and say it is now time that EPA has to step in and do this work.

In my new role, the chemicals and pesticides programs are a bit more headquarters-centric, not all the authorities are given to the States as they are under air, water, and land. Notwithstanding any actions we take, I will maintain open and regular communication with our State environmental officials.

Any State that would be impacted by our decision deserves early and open communication, not just being told what we are going to

do but being consulted and asked how it will impact the State and then making a decision that works for both.

Senator CAPITO. I think in terms of asking the State, working with the State is the way to go. I think some State regulators get very frustrated and feel they take opinions, they weigh in on certain actions and then it is like blowing in the wind, they do not either get a response or any feeling they are really a part of the process.

I think if we are going to expect to do the enforcement actions, the policing and have the work force to be able to do that, we have to work together on this. I appreciate that.

Thank you.

Senator BARRASSO. Thank you, Senator Capito.

Senator WHITEHOUSE.

Senator WHITEHOUSE. Thank you, Mr. Chairman.

Welcome, Ms. Dunn. It is good to see you here in Washington and not just up in Rhode Island, our wonderful New England region.

I have noticed, as the political staff have been working on this issue, in this Administration that there has been what I consider to be unnecessary and unjustified narrowing of the exposure pathways that EPA will consider in enforcing the TSCA risk evaluations.

I would ask whether, as the first Senate-confirmed Assistant in this Administration, you will review what has been done before you and come to your own conclusions about what those exposure pathways should be?

Ms. DUNN. Yes, Senator Whitehouse, I understand this is an issue of great concern. I have heard it raised by many of the environmental organizations I have spoken with. Yes, I confirm to be fully briefed on this matter, finding out exactly how and why we are taking the approach we have been taking, and then coming back and talking to you about whether there are alternate approaches we could implement.

Senator WHITEHOUSE. On another matter, the Lautenberg Act amendments that revived TSCA are fairly recent. On this committee are both Republican and Democratic staff who worked very carefully and well together to help us put together a bill that could pass with the strong support this received.

I would propose to you that might be something you could consider as a resource, particularly speaking with bipartisan groups of those staffers, as you and your team work through what our intention was in trying to amend and revive this law.

Ms. DUNN. We are of similar mind there, Senator, because I have thought that perhaps regular communication with the staff that helped draft the provisions and worked on the law, they know what they intended, that those kinds of conversations would be really important as we move forward with new obligations and new steps under the statute.

Senator WHITEHOUSE. Terrific. Thank you.

My last question is more of a process question. We have received a lot of reports about political staffers in EPA, including in your area, presuming you are confirmed, responsible to the office you will hold, refusing to put instructions to career staff in writing.

That sends up a bit of a red flag for many of us who think congressional oversight is an important responsibility. It also appears to run afoul of 36 CFR 1222.22 which is a regulation requiring Federal employees to "document the formulation and execution of basic policies and decisions, including all substantive decisions and commitments reached orally."

When you have political staff, many of whom have highly suspicious contacts with the regulated industry, who are dealing with officials and refusing to go on record, refusing to follow that regulation, as you can imagine, that sends up all kinds of warning signals.

These regulations are there for a reason. Congressional oversight exists for a reason. Presuming you are confirmed to this position, I hope you will be firm about assuring that the procedural requirements for agency decisionmaking are properly met.

Ms. DUNN. Senator, I am not in that office now, so I am not aware of the practices that have occurred but given my experience in EPA New England, whenever you work in a large office with multiple players, it is very important to be able to codify in writing what the manager is asking of the staff so that everyone is clear. It certainly seems reasonable to proceed in that direction.

Senator WHITEHOUSE. Last question is will you answer your mail?

Ms. DUNN. Any mail that I receive, I will absolutely answer the mail.

Senator WHITEHOUSE. Great. Thank you. God knows how many of our letters have gone into the great black hole of EPA with no response whatsoever from anyone. We would like to improve on that.

Ms. DUNN. I will answer your letters.

Senator WHITEHOUSE. Thank you.

Senator BARRASSO. Thank you, Senator Whitehouse.

Senator BOOZMAN.

Senator BOOZMAN. We appreciate that. Even if someone is on the other side of the aisle, that is something we all have in common. It really does not matter what Administration is in power at the time. It is frustrating not to get answers as to what is going on. We appreciate your willingness to do that.

It is good to have you here. We appreciate the great work you have been doing since being appointed as Regional Administrator for Region 1. You have many, many accomplishments.

You hosted a national summit to curb harmful chemicals in drinking water, issued a report outlining the agency's efforts to promote recycling, cleanup rivers and implemented a plan to reduce stormwater runoff. It is worth noting that you were able to accomplish these great things while earning praise from New England environmental leaders and Curt Spalding, your predecessor from the previous Administration.

I guess the question is how do you feel your current role as regional administrator has prepared you for the role of Assistant Administrator of the Office of Chemicals Safety and Pollution Prevention?

Ms. DUNN. Thank you, Senator, for that question.

Being a regional administrator is wonderful preparation for coming back to headquarters, if confirmed, to run what we call national programs. When you are in the regions, we have 520 career staff at EPA New England, and you realize how often you receive missives, directives, and memos from headquarters that ask the regions to take certain actions or various steps.

I have been able to see how those transmittals kind of ripple through the agency and through the staff. I have really learned, coming to Washington, the importance of clarity from what we are seeking as a national program out in the regions, if we need the regions to take certain steps, to be very clear about those steps.

The other thing I have really learned is when you become a regional administrator you are a solo political appointee essentially. You immediately work side by side, shoulder to shoulder with the EPA career staff. You cannot surround yourself with other appointees. There are no other appointees.

I learned that the career staff at EPA has the agency's and public health's best interests at heart. They want us to succeed. They want the appointee to succeed. They want to give us good advice.

I will bring back to headquarters great appreciation for the expertise of the career staff at EPA and will turn to them for good guidance and good input on the decisions we need to make.

Senator BOOZMAN. It seems you have had the ability to be able to work with both sides of the aisle, to reach across and get consensus. Tell us about that. What has been your secret in doing that and are you committed to doing that in the future?

Ms. DUNN. Maybe what I have learned reflects a time when I was at ECOS when we were in the middle of discussions about air quality and climate. We had a bit of a debate between the California EPA Secretary and the Texas Commissioner.

When I walked away from that, actually all of us listening walked away, realizing that both people had very, very good reasons for bringing the perspective they brought. The Texas Commissioner talked about issues surrounding Texas and energy that he was facing. The California Secretary had a different perspective.

What you walk away with from something like that is realizing that both perspectives are valid. If you immediately discount one or the other, you are really losing the opportunity to come up with an outcome that works for everyone. By not validating or seeing as valid an opinion that might differ from your own, I think you might run the risk of ending the conversation prematurely.

Senator BOOZMAN. I think that is well said. We do appreciate the fact that you are willing to take on a big job. This is very, very important.

Thank you, Mr. Chairman.

Ms. DUNN. Thank you.

Senator BARRASSO. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman.

Ms. Dunn, I have a working relationship with you in the EPA but it is a long way from Rockport to that seat.

Ms. DUNN. Yes, it is.

Senator MARKEY. A long way and a different environment in this committee, and I would like to go through a few issues with you.

I was the Ranking Member on the subcommittee with jurisdiction as this bill went through in 2015 and 2016. There were many things in the bill I wanted to make sure were included, but one thing was I wanted the firefighters to be happy. That goes to asbestos and formaldehyde.

I told them nothing would move and I would have to hold until we got what the firefighters would guarantee me would make them happy. It is in the bill. You need implementation.

I have repeatedly asked the EPA leadership, including Pruitt and Administrator Wheeler, to release an EPA analysis that indicates formaldehyde causes cancer. Administrator Pruitt even admitted this analysis had been completed but it is reportedly being suppressed by political staff.

Ms. Dunn, can you commit right now that you would release this analysis in your first month as Assistant Administrator, if confirmed? We need someone who is going to cut through political censorship at the EPA, not compound it. Will you release that report?

Ms. DUNN. Senator, I commit to you, if confirmed to this position, immediately finding out the status of the formaldehyde work, why it is not completed along the timeframe that you had heard it should be, and to getting right back to you and letting you know what timeframe it will be on.

Senator MARKEY. If it is completed, I expect it to get released. I will just say that to you right now.

The office you are nominated to lead decided to create its own method for evaluating scientific evidence. This method significantly diverges from standard review practices. This untested, unreliable system means, for example, that a recent study revealing damaging impact to children's intelligence from exposure to hazardous flame retardant might not be included in reviews required by the Toxic Substance Control Act.

Will you commit to having the TSCA systematic review process peer-reviewed by the experts at the National Academy of Sciences?

Ms. DUNN. Senator, I have heard a lot about the systematic review process that the office is currently implementing. It is not something I have been fully briefed on but I will commit to making it a top priority, if confirmed, and coming back to you and letting you know exactly what we can do to address your concerns.

Senator MARKEY. I want the National Academy of Sciences to review it because I want to know what chemicals are affecting the health of America's children. I want to know that the EPA is using sound science to deal with it.

Will you commit to using the National Academy of Sciences as a review back up?

Ms. DUNN. Senator, what I would like to do is learn why we may not be using the Academy right now. I have worked with the Academy before and they are an excellent entity. I will commit to getting back to you on whether that is a possibility.

Senator MARKEY. Since 2011, the EPA has warned that the toxic chemical trichloroethylene, TCE, causes cancer. The Environmental Working Group estimates that TCE contaminates the tap water of 14 million Americans.

This is one of the toxic substances found in Woburn, Massachusetts. I was on the committee that wrote that bill in 1980, so a lot

of that language was included in the original Superfund bill because of Woburn and my ability to get the language in. Woburn parents, like Anne Anderson, worked tirelessly to expose the link between hazardous waste and high rates of leukemia in their children.

The EPA, the Obama EPA, proposed to ban TCE in January 2017. In December 2017, the EPA, the Pruitt EPA, decided to indefinitely postpone the ban on this deadly chemical. We do not have time to waste. The victims of this toxic chemical deserve a resolution and deserve justice.

Ms. Dunn, if confirmed, can you commit to not delaying this ban any longer and finalize it immediately?

Ms. DUNN. Senator, Woburn was one of the first communities I visited when going to New England. You and I talked about how horribly the community was impacted by the presence of chemicals in their environment. Ms. Anderson is really a local hero. I understand the concern about exposures to these chemicals.

If confirmed to this position, I commit to you to find out where we are in the process of looking at the degreasing and dry cleaning elements of this chemical and getting back to you on a timeframe.

Senator MARKEY. Thirty years later, when I announced for the U.S. Senate in 2013, I asked Anne Anderson to introduce me as the candidate. That is how profoundly powerful that issue is for me. Her son, Jimmy, died and it was avoidable. You know Woburn and you know New England, so you know how important this issue is.

Ms. DUNN. Yes, I do.

Senator MARKEY. How we have to resolve it.

I am going to throw in methylene chloride and N-Methylpyrrolidine so that you also know that is on my list because they have to be banned. They have no place in our society.

I appreciate your work up in New England but the question is you might take over the Toxic Office or you could be taken over by the Toxic Office. That is going to be the challenge. Thus far, I am completely unsatisfied with what has happened.

A lot of work has gone into putting together a very good bill on a bipartisan basis with a consensus that we had to deal with these chemicals. You are the one person who can finally step up and tell the politicians in that agency to get out of the way and let science rule, let safety rule, let children be protected and firefighters be protected.

I thank you, Ms. Dunn, and thank you for your work with me over the years.

Ms. DUNN. Thank you, Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you very much, Senator Markey.

I would note that the Center for Biological Diversity supports Ms. Dunn's nomination. The director of the organization's Environmental Health Program writes "Ms. Dunn is a consummate professional and, at EPA Region 1, has taken her oath of office to uphold the laws and protect the environment seriously."

I ask unanimous consent to enter this letter into the record. Without objection, it is entered.

[The referenced information follows:]

Senator BARRASSO. Senator Booker.

Senator BOOKER. Thank you very much, Mr. Chairman.

Ms. Dunn, thank you so much for not only being here and stepping forward to serve in this position, but for your lifetime of service. It is so great to see a powerfully prodigious posse of people with you today.

I want to especially say I am grateful to see your husband here, who has one of the best haircuts in the room. It is nice to see people who give bald guys a chance. The Chairman has an offensive amount of hair for his age.

I would love to jump in and talk a bit about the Worker Protection Standard, Ms. Dunn. I know you are familiar with the Worker Protection Standard. It is the primary set of Federal standards that protects over 2 million farm workers, including half a million children, from the hazards of working with pesticides. I met with farm workers in my State and I know this is at the top of their concerns.

The EPA is now considering changes to the Worker Protection Standard, including lowering the minimum age requirement that prohibits children from handling dangerous pesticides if they are under 18 years old. This protection was put in place because pesticides can increase the risk of cancer and can impact very seriously the development of children.

Ms. Dunn, if you are confirmed will you commit to protecting the Worker Protection Standard and to withdraw any proposals to roll it back?

Ms. DUNN. Senator Booker, thank you so much for bringing up that question. In preparation for today, I talked with several organizations that are advocates for worker protection groups.

I think we can all agree that workers should be safe in their places of work. They should know that the chemicals they are applying will not adversely impact their health.

Senator, I can commit to you, if confirmed to this position, I will immediately find out the status of the rulemakings, the work we are doing, and get back to you on this. I think it is a very important issue.

Senator BOOKER. Thank you very much. It is very important and very much on the minds of folks who are concerned about their children. I appreciate that commitment at the very least.

PCBs in schools is another issue. If you are confirmed, will you commit to finalizing the rule requiring the replacement of light fixtures in schools and day care centers that contain PCBs?

Ms. DUNN. Yes, Senator, it is like worker safety. Where our children go to school should be a safe place. My understanding is that the issue of PCBs, light fixtures and ballasts is something, as a country, we should have taken care of some time ago. The dust can adversely affect our children. They are most sensitive populations.

I can commit to you, if confirmed to this position, immediately finding out where we are in the status of the PCBs and light fixtures in schools and working with your office to see if we can accelerate that process so that our children can be safe in school.

Senator BOOKER. Thank you so much.

We obviously heard a lot about the TSCA law today. Frank Lautenberg was my predecessor in this position, a lion as you know,

before me. I am concerned again with implementation, as others have already expressed in this hearing.

One area is the failure to consider all the sources of exposure that people might have to toxic chemicals. In our amended TSCA law, EPA was explicitly told by Congress to examine the safety of all known uses of chemicals and the combined impact of all exposures to a chemical when making a determination about whether a chemical presents unreasonable risk of harm.

The EPA's problem formulations have dramatically narrowed the exposures the agency will consider when evaluating the safety of the first ten TSCA chemicals. EPA is now saying it will ignore known exposures that come from land, air and water in deciding whether or not those first ten chemicals are safe.

Ms. Dunn, I know some of your past work has focused on environmental justice. Living in Newark, New Jersey, I see the awful, awful effects it has had on our children and others. I just believe this is an environmental justice issue often disproportionately impacting marginalized Americans, the poor, Native Americans, and people of color.

Communities around our country that are disproportionately harmed often see the brunt of the impact of our failure to act. Often those are not the people who have lobbyists here or the people who have high powered advocates. I am really concerned that the EPA's decision to ignore known exposures from land, air and water would really hurt communities like mine, where I live, and affect them in a more harmful way.

I know your heart, and having Senator Whitehouse speak so kindly of you encourages me a lot, but if confirmed, will you commit to me that the EPA will follow the clear statutory language of TSCA and comprehensively review the risk of chemicals by including known releases of the chemicals into our air, water and land that disproportionately affect those marginalized communities I mentioned?

Ms. DUNN. Senator, I, with you, having taught environmental justice at three law schools and published on it, I share your passion.

Senator BOOKER. You did not teach at Rutgers Law School.

Ms. DUNN. I did not teach at Rutgers. I can only aspire to teach at Rutgers Law School.

Senator BARRASSO. You will be happy to be a visiting professor.

Ms. DUNN. I absolutely hear what you are asking. In many meetings I had with environmental organizations leading up to today, I heard the concern about EPA's current approach to looking at exposures.

What I can commit to you today is making that a top priority. It is clearly an issue there is a lot of concern around. I would like to get fully briefed by our team, if confirmed, and then come back and work with your office, your staff and others who have these concerns, and see if we can reach resolution on this matter about which people feel very strongly.

Senator BOOKER. Thank you very much.

Ms. DUNN. Thank you, Senator.

Senator BARRASSO. Thank you.

Senator Carper, any final remarks?

Senator CARPER. We will probably have some questions for you for the record. I would appreciate your prompt response.

The point raised by Senator Whitehouse, the responsiveness of EPA to our inquiries or oversight letters has been better than it was but not good. Maybe you can set a good example for your colleagues there.

I also have some questions for the record for your mother. It is not what we normally do but since she has been a part of this hearing, I just want to give her a heads up. We will not put her under oath for any part of those responses.

Senator BARRASSO. We will also allow her to submit questions.

Ms. DUNN. She may have some for me and I am under oath, right?

Senator CARPER. On a more serious note, Mr. Chairman, I want to ask unanimous consent to submit for the record several reports discussing the Trump Administration's continued failure to properly implement the bipartisan Toxic Substances Control Act and failure to follow through on its duties to regulate pesticides.

Senator BARRASSO. Without objection.

[The referenced information follows:]

Senator CARPER. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you.

I have a slew of letters of support for Ms. Dunn. You have received many numbers of letters from enthusiastic supporters, individuals and organizations from all across the political spectrum. The Ranking Member and I would like to include these letters in the record.

Without objection, they will be included.

[The referenced information follows:]

Senator WHITEHOUSE. Mr. Chairman?

Senator BARRASSO. Senator Whitehouse.

Senator WHITEHOUSE. Mr. Chairman, late breaking news. Just today, I received notice that EPA Region 1 has recognized four projects for innovation in the region, one of them being the Wellington Avenue, Newport, Rhode Island Combined Sewer Overflow Innovation.

Thank you, Ms. Dunn, for that recognition. I guess that just happened in the last 24 hours and was just brought to my attention now. Congratulations, Newport, and thank you, Ms. Dunn.

Ms. DUNN. You are very welcome, Senator.

Senator CARPER. That causes me to share with all of you that I have served the people of Delaware as their Treasurer, Congressman and Senator. In all my years of service, 40 years of service almost, I have one thing named after me. It is a combined water-sewer overflow under the city of Wilmington.

Ms. DUNN. It does not get better than that, Senator.

Senator BARRASSO. If there are no more questions for today, members are going to be able to submit follow-up written questions for the record by 5 p.m. today, if your mom is going to do that. The nominee should respond to the questions by noon on Monday, December 3rd.

I want to thank you for your time and testimony, for bringing your friends and family, dog walker, friend from high school, soccer

mom, and the best hockey goalie in the eastern United States. Everyone, we are so grateful.

This hearing is adjourned.

[Whereupon, at 11:43 a.m., the committee was adjourned.]

[Additional material submitted for the record follows.]



ECOS

THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

50 F Street, N.W.
Suite 350
Washington, D.C. 20001

Tel: (202) 266-4920
Email: ecos@ecos.org
Web: www.ecos.org

Todd Parfitt
Director, Wyoming Department
of Environmental Quality
PRESIDENT

Becky Keogh
Director, Arkansas Department
of Environmental Quality
VICE PRESIDENT

Jim Macy
Director, Nebraska Department
of Environmental Quality
SECRETARY-TREASURER

John Line Stine
Commissioner, Minnesota
Pollution Control Agency
PAST PRESIDENT

Alexandra Dapolito Dunn
Executive Director &
General Counsel

December 11, 2017

Dr. Nancy B. Beck
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via regulations.gov: Docket ID No. EPA-HQ-OPPT-2016-0597

Subject: ECOS Comments on *Chemical Data Reporting: Requirements for Inorganic Byproduct Chemical Substances Negotiated Rulemaking*

Dear Dr. Beck:

The Environmental Council of the States (ECOS) was represented in the TSCA Chemical Data Reporting (CDR) Inorganic Byproduct Chemical Substances Reporting Negotiated Rulemaking Process and on the associated Federal Advisory Committee by state environmental agency staff from Minnesota and Massachusetts. These comments communicate to the U.S. Environmental Protection Agency (U.S. EPA) the positions of ECOS as a member of the Federal Advisory Committee and participant in the TSCA CDR Inorganic Byproduct Chemical Substances Reporting Negotiated Rulemaking Committee (Committee). The Committee was formed pursuant to Notice provided by U.S. EPA in 81 FR 90843 (December 15, 2016) and these comments are provided to Docket EPA-HQ-OPPT-2016-0597 pursuant to Notice provided by U.S. EPA in 81 FR 47423 (October 12, 2017).

The objective of the Negotiated Rulemaking Committee was to negotiate a proposed rule that would limit chemical data reporting requirements under section 8(a) of the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, for manufacturers of any inorganic byproduct chemical substances, when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. This Committee objective and the statutory mandate must be viewed in the context of the entire text of section 8(a), including other new language added in the Lautenberg Act revisions of 2016. The Committee objective and statutory mandate must also be viewed in the context of all rules related to section 8(a) reporting. Section 8(a) reporting rules are found primarily but not exclusively in 40 CFR 704, 710, 711, and 712.

TSCA Section 8(a)(6) NEGOTIATED RULEMAKING.—(A) The Administrator shall enter into a negotiated rulemaking pursuant to subchapter III of chapter 5 of title 5, United States Code, to develop and publish, not later than 3 years after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, a proposed rule providing for limiting the reporting requirements, under this subsection, for manufacturers of any inorganic byproducts, if the byproducts, whether by the byproduct manufacturer or by any other person, are subsequently recycled, reused, or reprocessed.

(B) Not later than 3 and one-half years after such date of enactment, the Administrator shall publish a final rule resulting from such negotiated rulemaking.

This Negotiated Rulemaking process was not successful, and issues within the scope of

this Congressional directive are also within the scope of Congress's overall mandate to U.S. EPA to re-evaluate all aspects of TSCA Chemical Data Reporting Requirements under the Lautenberg Act Revisions. Therefore, ECOS strongly recommends that no action be taken as a result of this process, and that all potential revisions to CDR inorganic byproduct reporting be addressed under U.S. EPA's overall TSCA/Lautenberg Act revision efforts. Further, on the basis of ECOS representatives' participation in this process, ECOS strongly believes that actions to maintain the current CDR byproduct or non-commercial use reporting exemptions, expand them, or establish new reporting exemptions or other revisions that would reduce data needed for U.S. EPA to effectively implement the Lautenberg Act, are not consistent with the spirit or letter of the law under the Lautenberg Act, which requires U.S. EPA to evaluate all conditions of use including all forms and pathways of use, disposal, combustion, reuse, recycling and reprocessing. All existing reporting exemptions should also be very closely scrutinized in the overall CDR evaluation that U.S. EPA will be undertaking. State representatives noted on more than one occasion that they are deeply concerned about and oppose revisions to CDR that limit the collection and availability of data that U.S. EPA uses to assess toxics and that the state representatives consider to be critical to effective implementation of the Lautenberg Act.

U.S. EPA has indicated that it relies on the data collected on inorganic byproducts to inform Agency decisions. U.S. EPA conducted a crosswalk of byproducts reported under TRI and CDR in order to gauge production volume of byproducts within various metal compound categories. The results showed significant non-overlap between TRI and CDR, indicating that considerable data could be lost if manufacturers do not report on inorganic byproducts through CDR, and that TRI is not capturing activities that are or could be subject to CDR. Due to the state preemption provisions adopted under the Lautenberg Act, a Cooperative Federalism relationship is mandated where states rely on U.S. EPA to collect and assess data on toxic chemicals. States have a deep interest in making sure that U.S. EPA obtains the data it needs to make effective decisions under the Act to protect public health and the environment from toxic chemicals.

In addition to these overall comments, under separate cover, ECOS will be sending to the Designated Federal Official for the Committee a summary of, and state representatives' comments on, the options that were discussed by the Committee.

Thank you for the opportunity to comment. ECOS looks forward to continuing to work with U.S. EPA on the implementation of TSCA including the amendments adopted under the Lautenberg Act.

Sincerely,



Alexandra Dapolito Dunn
ECOS Executive Director

cc: Dr. Michael Dourson, Adviser to the Administrator

November 28, 2018

The Honorable John Barasso, M.D.
Chairman, Committee on Environment
and Public Works
U.S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member, Committee on Environment
and Public Works
U.S. Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barasso and Ranking Member Carper:

The Agriculture CEO Council, which is comprised of leaders from national farm and agribusiness organizations, wishes to express its full support for President Donald Trump's nominations of Alexandra Dapolito Dunn as the Assistant Administrator (AA) of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP).

Ms. Dunn's accomplished environmental law and policy career spans nearly twenty-five years and she currently serves as Regional Administrator for EPA's Region 1. During her tenure at Region 1, Ms. Dunn has led the Region to achieving Superfund clean-up milestones, implemented flexible and common sense approaches to further water and air quality improvement goals, and promoted community revitalization, all while working cooperatively with states, environmental groups, industry, and academia. Ms. Dunn's collaborative and outcomes-and solutions-oriented approach has earned her widespread praise across environmental stakeholder groups and from the EPA career staff she leads in Region 1.

Prior to joining EPA, Ms. Dunn served as executive director and general counsel of the Environmental Council of the States (ECOS), a national, non-partisan, non-profit organization representing the major environmental regulatory agencies in all fifty U.S. states, territories, and the District of Columbia. Ms. Dunn's experience working with state environmental regulators across America has given her a deep understanding of the environmental challenges facing each region and industry sector, and communities from urban to rural America. Dunn has fostered collaboration across stakeholder groups to achieve regulatory and policy solutions that achieve sound environmental protection outcomes while preserving economic growth.

Ms. Dunn's many accomplishments include publications in the areas of environmental justice, urban sustainability, and cooperative federalism. She has taught environmental law courses at the Columbus School of Law at Catholic University of America; the Washington College of Law at American University; and the Elisabeth Haub School of Law at Pace University, where she served as dean of Environmental Law Programs. Dunn was elected to the American College of Environmental Lawyers in 2015, and has served as Chair of the American Bar Association's Section of Environment, Energy, and Resources.

As the leaders in our nation's agriculture and food sectors, the CEO supports the demonstrated leadership and experience Ms. Dunn would bring to OCSPP. We applaud the Committee for moving forward with scheduling her confirmation hearing later this month so that this critical post at EPA may be filled in the near future.

Sincerely,

American Farm Bureau Federation
American Soybean Association
CropLife America
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Corn Growers Association
National Milk Producers Federation
National Pork Producers Council
The Fertilizer Institute

JEANNE SHAHEEN
NEW HAMPSHIRE

SUITE SH-506
HART BUILDING
WASHINGTON, DC 20510
(202) 224-2841

United States Senate

WASHINGTON, DC 20510

November 29, 2018

The Honorable John Barrasso
Chairman
U.S. Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas Carper
Ranking Member
U.S. Senate Committee on Environment and
Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

I write in support of the nomination of Alexandra Dunn to the position of Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at the Environmental Protection Agency (EPA). Given the importance of the position, it is critical that the next assistant administrator understand the complexity of the role and how their decisions can impact the environment as well as health and safety of all Americans. Through her work as an environmental lawyer, Executive Director of the Environmental Council of States and as Regional Administrator for EPA Region 1, it is clear that Administrator Dunn is up to the task. I believe her diverse experience and nonpolitical approach make her an ideal candidate for this position.


In the past year of working with Administrator Dunn, it has become evident that she understands not only the scientific aspects of her work, but also the importance of community engagement. I can think of no better example than Administrator Dunn's efforts to address growing public health concerns related to per- and polyfluoroalkyl substances (PFAS) which have emerged as a widespread contaminant to ground and drinking water sources in several southern New Hampshire towns, and were responsible for the closing of a major water supply well located at the former Pease Air National Guard Base. Understandably, this contamination has raised concerns for many community members about the health and well-being of their children and families.

During her time at EPA Region 1, Administrator Dunn has not shied away from these concerns but rather has moved to address contamination issues head-on. She worked to bring the first PFAS Community Engagement Summit to Exeter, NH, this past summer, setting an example of how to appropriately engage with community members and ensure that they could contribute to the agency-wide PFAS effort. She has worked with advocacy groups in New Hampshire, such as Testing for Pease, to ensure the timely and appropriate exchange of information, holding several small group meetings throughout New Hampshire. Her accessibility has helped her to gain the trust of community members and her bipartisan manner has been an asset to the people of Region 1.

Regional Administrator Alexandra Dunn has been a dependable resource and advocate for the people of New Hampshire and EPA Region 1. Given her scientific background, environmental

justice expertise and apolitical approach, I believe she is well suited to lead the EPA's Office of Chemical Safety and Pollution Prevention and to protect our citizens' health and environment from toxic chemicals and pollution.

Sincerely


JEANNE SHAHEEN
United States Senator



National Wildlife Federation
1200 G Street NW, Suite 900
Washington, DC 20005

The Honorable John Barrasso
 Chairman
 Committee on Environment and
 Public Works
 U.S. Senate
 Washington, DC 20510

The Honorable Thomas Carper
 Ranking Member
 Committee on Environment and
 Public Works
 U.S. Senate
 Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the National Wildlife Federation and our six million members and supporters, we write to express our support for the confirmation of Alexandra Dunn as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention of the Environmental Protection Agency (EPA).

We have worked closely with Regional Administrator Dunn for several years and can attest that her leadership style is collaborative and her work is grounded in sound science and the law. When I served as Secretary of Natural Resources and Environmental Control for the State of Delaware, Ms. Dunn served as the Executive Director for the Environmental Council of the States (ECOS is an organization comprised of the chief executives of the states' environmental agencies). We worked together to find innovative solutions to vexing environmental challenges, including reducing cross-state air pollution, minimizing non-point source pollution contaminating waterways, remediating brownfields and superfund sites, and improving the science-based regulations of toxic chemicals.

More recently, the National Wildlife Federation has worked with Ms. Dunn, in her current capacity as EPA's Northeast Regional Administrator to address the per/polyfluoroalkyl substances (PFAS) crisis that is contaminating drinking water sources. Through all of this work, she has demonstrated a personal commitment to operating collaboratively and transparently, while always pursuing environmental justice for affected communities.

Ms. Dunn's experience is critically needed at EPA's Office of Chemical Safety and Pollution Prevention right now. Words are insufficient to describe the National Wildlife Federation's profound frustration and disappointment with EPA's abysmal record implementing the Frank R. Lautenberg Chemical Safety for the 21st Century Act (amended the Toxic Substances Control Act of 1976).

The Federation was proud to help forge and support the bipartisan compromise that brought much needed reforms the antiquated statute to more effectively protect public health. Unfortunately, the current Administration has virtually nullified this Act through its ongoing unwillingness to implement the law, as enacted. This inaction should be particularly distressing to the members of this Committee, which worked so hard across the aisle to improve public health outcomes across our nation by securing one of the most significant bipartisan victories of the last Congress.

We firmly believe that Ms. Dunn's most important responsibility will be getting the implementation of TSCA on track through steady leadership and transparent, science-based decision-making. We also expect her focused attention on several additional critical responsibilities including administering the Federal Insecticide, Fungicide, and Rodenticide Act, the Pollution Prevention Act, and the Federal Food, Drug and Cosmetic Act, as well as ensuring that communities understand various risks and advancing sustainable chemistry. We believe Ms. Dunn has the ability and experience to advance this important work, but EPA leadership must provide her with the authority, resources, and support to do the job well.

Ms. Dunn's experiences at EPA Region 1, the Environmental Council of the States, and the Association of Clean Water Administrators, combined with her years of leadership as a top environmental lawyer, have prepared her to serve as an effective Assistant Administrator for Chemical Safety and Pollution Prevention. We urge the Committee to support her nomination and ensure that she receives the support that she needs both from the Administration and the Congress to be successful.

Thank you for the ongoing work of this Committee to advance the cause of conservation.

Sincerely,



Collin O'Mara
President and Chief Executive Officer
The National Wildlife Federation

cc: The Honorable Andrew Wheeler, EPA Administrator

December 3, 2018

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

The undersigned associations representing a diverse group of industries across the country write to express our support for the nomination of Alexandra Dunn to be Assistant Administrator (AA) for the U.S. Environmental Protection Agency (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP).

Ms. Dunn has a distinguished career as a public servant and is an expert on environmental policy and regulation. Ms. Dunn currently serves as regional administrator for EPA's Region 1 office in Boston, Massachusetts, and has worked closely with stakeholders to ensure the appropriate protection of public health and the environment.

Ms. Dunn previously served as executive director and general counsel for the Environmental Council of the States (ECOS). While at ECOS, Ms. Dunn worked on numerous environmental protection issues and was actively involved in national discourse regarding reforming the Toxic Substances Control Act (TSCA).

The Senate has yet to confirm a candidate for this position since this Administration began, nearly two years ago. Ms. Dunn's confirmation would provide OCSPP with the key leadership and experience needed to implement the recently amended TSCA. As such, we urge you to swiftly act on Ms. Dunn's nomination.

Sincerely,

American Chemistry Council
American Cleaning Institute
American Coke and Coal Chemicals
Institute
American Forest & Paper Association
American Fuel & Petrochemical
Manufacturers
American Petroleum Institute
American Wood Council
Color Pigments Manufacturers Association
Council of Industrial Boiler Owners
EPS Industry Alliance
The Fashion Jewelry & Accessories Trade
Association

Global Cold Chain Alliance
Household & Commercial Products
Association
Industrial Minerals Association – North
America
Institute of Makers of Explosives
National Association of Chemical
Distributors
National Association of Printing Ink
Manufacturers
National Rural Electric Cooperative
Association
National Sand, Stone, and Gravel
Association

Plastics Industry Association (PLASTICS)
Retail Industry Leaders Association
Single Ply Roofing Industry
The Society of Chemical Manufacturers &
Affiliates
Styrene Information & Research Center
U.S. Chamber of Commerce
The Vinyl Institute



CAL DOOLEY
PRESIDENT AND CEO

September 28, 2018

The Honorable John Barrasso
Chairman
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

RE: Nomination of Ms. Alexandra Dunn to be Assistant Administrator, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to express the strong support of the American Chemistry Council (ACC) for the nomination of Ms. Alexandra Dunn to be the Environmental Protection Agency's (EPA) Assistant Administrator with responsibility for chemical and pesticide regulation. We urge you to schedule a hearing on Ms. Dunn's nomination as soon as possible prior to the Senate's mid-October recess.

As you know, EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) is responsible for administering two of the Nation's most important chemical regulatory regimes: The Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Both regulatory programs are at an important implementation stage, and both require strong leadership in order to ensure that Congress' intent – expressed in the underlying legislation – is achieved.

We believe that Ms. Dunn brings experience and expertise that will make her a very effective Assistant Administrator. As EPA's Region 1 Administrator, she has worked effectively with a broad range of stakeholders. In her role as Executive Director of the Environmental Council of the States (ECOS), Ms. Dunn worked with State environmental agencies and gained a valuable perspective on chemical management issues. In both roles she demonstrated the type of leadership we believe is necessary to ensure that OCSPP fully implements the law, including the 2016 amendments to TSCA.

A hearing and quick action on Ms. Dunn's nomination will ensure that EPA continues to meet the rigorous deadlines and expectations that Congress set in amending TSCA. She is the right person for the job. We strongly endorse her nomination, and hope that you will schedule a hearing on her nomination in the weeks ahead.

Sincerely,


Cal Dooley



1816 Jefferson Place NW
Washington DC 20036

T (202) 833-2672
F (888) 267-9505
www.nacwa.org

September 6, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

RE: Recommendation and Support for Alexandra Dunn to be Assistant Administrator for the
Office of Chemical Safety and Pollution Prevention

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend and express my support for Alexandra Dunn to be the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention. Ms. Dunn and I have known one another for almost 20 years, have worked together at the National Association of Clean Water Agencies (NACWA) for several years, and have remained colleagues and friends throughout our respective careers.

As NACWA's current Chief Executive Officer, I have continued to work with Ms. Dunn in her four (4) year tenure as Executive Director and General Counsel for the Environmental Council of States (ECOS) and through her current role as Region 1 Administrator for EPA.

Alex will be an asset heading up the Office of Chemical Safety and Pollution Prevention. She is a natural leader, her integrity and reliability are unparalleled, and her energy and sense of service and mission are unwavering.

Please feel free to reach out to me if you should have any questions and it is a pleasure to recommend and support Alex Dunn for this important post.

Best,

Adam

Adam Krantz
Chief Executive Officer

November 28, 2018

The Honorable John Barasso, M.D.
Chairman, Committee on Environment
and Public Works
U.S. Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member, Committee on Environment
and Public Works
U.S. Senate
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barasso and Ranking Member Carper:

The Agriculture CEO Council, which is comprised of leaders from national farm and agribusiness organizations, wishes to express its full support for President Donald Trump's nominations of Alexandra Dapolito Dunn as the Assistant Administrator (AA) of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP).

Ms. Dunn's accomplished environmental law and policy career spans nearly twenty-five years and she currently serves as Regional Administrator for EPA's Region 1. During her tenure at Region 1, Ms. Dunn has led the Region to achieving Superfund clean-up milestones, implemented flexible and common sense approaches to further water and air quality improvement goals, and promoted community revitalization, all while working cooperatively with states, environmental groups, industry, and academia. Ms. Dunn's collaborative and outcomes-and solutions-oriented approach has earned her widespread praise across environmental stakeholder groups and from the EPA career staff she leads in Region 1.

Prior to joining EPA, Ms. Dunn served as executive director and general counsel of the Environmental Council of the States (ECOS), a national, non-partisan, non-profit organization representing the major environmental regulatory agencies in all fifty U.S. states, territories, and the District of Columbia. Ms. Dunn's experience working with state environmental regulators across America has given her a deep understanding of the environmental challenges facing each region and industry sector, and communities from urban to rural America. Dunn has fostered collaboration across stakeholder groups to achieve regulatory and policy solutions that achieve sound environmental protection outcomes while preserving economic growth.

Ms. Dunn's many accomplishments include publications in the areas of environmental justice, urban sustainability, and cooperative federalism. She has taught environmental law courses at the Columbus School of Law at Catholic University of America; the Washington College of Law at American University; and the Elisabeth Haub School of Law at Pace University, where she served as dean of Environmental Law Programs. Dunn was elected to the American College of Environmental Lawyers in 2015, and has served as Chair of the American Bar Association's Section of Environment, Energy, and Resources.

As the leaders in our nation's agriculture and food sectors, the CEO supports the demonstrated leadership and experience Ms. Dunn would bring to OCSPP. We applaud the Committee for moving forward with scheduling her confirmation hearing later this month so that this critical post at EPA may be filled in the near future.

Sincerely,

American Farm Bureau Federation
American Soybean Association
CropLife America
National Association of State Departments of Agriculture
National Association of Wheat Growers
National Corn Growers Association
National Milk Producers Federation
National Pork Producers Council
The Fertilizer Institute

Holland & Knight

800 17th Street, Suite 1100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Amy L. Edwards
(202) 457-5917
amy.edwards@hklaw.com

August 21, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to support the nomination of Alexandra (Alex) Dapolito Dunn to become the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) at the Environmental Protection Agency (EPA).

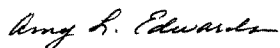
Alex currently serves as the Regional Administrator of EPA Region 1. During her more than two decade career, she has had in-depth experience with a broad range of issues involving air, water, waste, energy and environmental justice. She has represented a number of different constituencies, including as Executive Director and General Counsel of the Environmental Council of the States (ECOS); as Executive Director and General Counsel for the Association of Clean Water Administrators (ACWA); as General Counsel for the National Association of Clean Water Agencies (NACWA); as counsel at the American Chemistry Council (ACC); and now as Regional Administrator at the EPA. She also was the Dean of Environmental Law Programs and Adjunct Professor of Law at the Elisabeth Haub School of Law at Pace University for several years. Alex is well regarded for her substantive expertise, her vision, and her excellent management skills.

In addition, Alex has served as a past chair of the American Bar Association's Section of Environment, Energy and Resources (SEER) and as a member of the Environmental Law Institute (ELI) Board of Directors. She is regularly invited to speak at ABA SEER and ELI conferences and programs. She has been a lecturer at the Columbus School of Law, Catholic University of America, and an Adjunct Associate Professor of Law at the American University Washington College of Law.

I trust that this information is helpful to you as you review Alex's nomination. Please feel free to follow up with me if you have any additional questions.

Sincerely,

HOLLAND & KNIGHT LLP



Amy L. Edwards

Anchorage | Atlanta | Austin | Boston | Charlotte | Chicago | Dallas | Denver | Fort Lauderdale | Houston | Jacksonville
Lakeland | Los Angeles | Miami | New York | Orlando | Philadelphia | Portland | San Francisco | Stamford | Tallahassee | Tampa
Tysons | Washington, D.C. | West Palm Beach | Bogotá | London | Mexico City

#59719946_v1

CAROL E. DINKINS
2300 FIRST CITY TOWER
HOUSTON, TEXAS 77002

September 7, 2018

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman and Mr. Ranking Member:

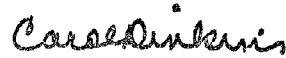
Your committee has before it the nomination of Alexandra Dapolito Dunn to serve as Assistant Administrator in the EPA Office of Chemical Safety and Pollution Prevention. Please accept this, my wholehearted and unreserved endorsement of her confirmation to serve in this important office.

As a former chair of the American Bar Association Section on Environmental, Energy, and Resources Law and former President of the American College of Environmental Lawyers, it has been my privilege to have known well and worked with Ms. Dunn for many years. She has an impeccable record in her career, is a consummate professional, possesses outstanding leadership and organizational skills, and is highly knowledgeable in the field of environmental law. Ms. Dunn will serve the people of the United States with great skill and a collegial, collaborative spirit. It having been my privilege to have served as the Assistant Attorney General in charge of the Environment and Natural Resources Division in the U.S. Department of Justice from 1981-1983, I know first-hand the importance of Ms.

Dunn's exemplary credentials to serve as an Assistant EPA Administrator, as EPA was among the Division's most significant clients.

Thank you for your consideration of my endorsement.

Yours very truly,

A handwritten signature in cursive script, reading "Carol E. Dinkins".

Carol E. Dinkins
Former Deputy Attorney General of the
United States 1984-85



CENTER for BIOLOGICAL DIVERSITY

Because life is good.

November 26, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

RE: Nomination of Alexandra Dunn to be Assistant Administrator for the Office of Chemical Safety and Pollution Prevention

Dear Chairman Barrasso and Ranking Member Carper:

I am writing on behalf of the Center for Biological Diversity in support of the nomination of Alexandra Dunn for Assistant Administrator for the Office of Chemical Safety and Pollution Prevention. Ms. Dunn's past work at EPA Region 1 and her demonstrated ability to work professionally with stakeholders to achieve environmental protection demonstrate that she would be capable and effective as the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

The appointment of such a knowledgeable and respected professional for a position within the EPA is a breath of fresh air and a marked improvement from other nominations to the EPA by President Trump. His administration's nominations to Senate-confirmed positions — as well as appointments to non-confirmed positions — have been rife with ethical conflicts of interest. Virtually every person appointed by the President to the EPA has consistently and repeatedly put the interests of their former employers, polluters and industry special interests ahead of the public good. They have worsened pollution, made our children sicker, and despoiled the environment for decades to come.

In contrast, Ms. Dunn is a consummate professional, and at EPA Region 1 has taken her oath of office to uphold the laws and protect the environment seriously. We look forward to the integrity that Ms. Dunn will bring to the Office of Chemical Safety and Pollution Prevention and look forward to working with her in the future.

Sincerely,

Lori Ann Burd
Director
Environmental Health Program

Alaska · Arizona · California · Florida · Minnesota · Nevada · New Mexico · New York · Oregon · Vermont · Washington, DC

www.BiologicalDiversity.org



October 4, 2018

The Honorable John A. Barrasso
Chairman
Committee on Environment
& Public Works
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment
& Public Works
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Re: Support for the Nomination of Alexandra Dapolito Dunn

Dear Chairman Barrasso and Ranking Member Carper:

The Color Pigments Manufacturers Association is proud to offer its unqualified support for the nomination of Alexandra Dapolito Dunn to be Assistant Administrator for EPA's Office of Chemical Safety & Pollution Prevention (OCSPP) and urges the Committee to hold a hearing on her nomination before the upcoming recess.

The CPMA is an industry trade association representing small, medium and large color pigments manufacturing companies. In addition, the association represents color pigments manufacturers that sell pigments and certain colored products and suppliers of intermediates and other chemicals products that serve color pigments manufacturers. The association provides advocacy programs in support of the color pigments industry on matters pertaining to the environment, health, safety issues and trade. Color pigments are widely used in product compositions of all kinds, including paints, inks, plastics, glass, synthetic fibers, ceramics, color cement products, textiles, cosmetics and artists' colors.

Few if any nominees for a Senate-confirmed position at EPA have ever possessed Ms. Dunn's extraordinary breadth of work experience:

- In her brief tenure as Regional Administrator for Region I, she has already been widely-praised from all perspectives, but particularly by environmental groups and her predecessor from the previous administration.¹
- As Executive Director and General Counsel of the Environmental Council of the States, Executive Director and General Counsel of the Association of Clean Water Administrators, and General Counsel of the National Association of Clean Water

¹ "In the deep blue of New England, a Trump appointee gains respect for protecting the environment," Boston Globe (Aug. 30, 2018), available at <https://www.bostonglobe.com/metro/2018/08/29/deep-blue-new-england-trump-appointee-gains-respect-for-protecting-environment/sa5z4g9a9WBAV8nGUv2FQI/story.html>.

Agencies, she has spent more than fourteen years representing state environmental agencies, and thus has a deep appreciation for the importance of coordinating EPA's and states' efforts to protect the environment while maintaining economic growth.

- As Assistant Dean of Environmental Law Programs and Adjunct Professor of Law at Pace University School of Law and Associate Adjunct Professor of Law at American University's Washington College of Law, she developed a commanding grasp of the broad range of environmental law and policy subject matters and the complex history of the field.
- As the former chair of the American Bar Association's Section of Environment, Energy & Resources, Fellow of the American College of Environmental Lawyers, and member of the Board of Directors of the Environmental Law Institute, she has become personally acquainted with virtually every significant practitioner in the field, representing every perspective, and understands the value of creative problem-solving.
- As a lawyer at Winston & Strawn and the American Chemistry Council, she understood the impact that EPA and state actions can have on regulated industry, the importance of ongoing, transparent communication between regulator and the regulated, and the key role that trade associations play in that process.

In all of these capacities, Ms. Dunn has demonstrated a pragmatic, problem-solving orientation, concern for affected stakeholders, and unflagging good humor.

OCSPP is currently managing a staggering docket as it implements the 2016 amendments to the Toxic Substances Control Act. That work and the office's pesticide programs are crucial to this nation's economy and highly controversial. OCSPP has suffered from its lack of a Senate-confirmed leader. Ms. Dunn is highly qualified for the job and should be confirmed as soon as possible.

Sincerely,



David Wawer
Executive Director



RUBENSTEIN SCHOOL OF
ENVIRONMENT AND NATURAL RESOURCES

Deb Markowitz,
Visiting Professor of Environmental Policy and Leadership
University of Vermont
312 Aiken Building
Burlington, Vermont 05405

August 13, 2018

Senator John Barrasso, Chair
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Barrasso,

This letter is in support of the nomination of Alexandra Dunn for EPA's Assistant Administrator of Chemical Safety and Pollution Prevention.

I served from 2010 – 2017 as the Secretary of the Agency of Natural Resources for Vermont. In that capacity I worked closely with Ms. Dunn in her prior role as the Executive Director of the Environmental Council of States (ECOS). I saw first-hand Ms. Dunn's significant strengths as a manager and as a leader. More specifically, Alexandra Dunn is an excellent choice to oversee implementation of the nation's chemical regulatory programs, especially the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amended the Toxic Substances Control Act (*TSCA*). Ms. Dunn and I worked together, in our prior professional roles, as this law was negotiated, to ensure that states would maintain meaningful chemical regulatory authorities. Her deep knowledge of key issues and passion for the portfolio of work in this EPA office will ensure her success.

Feel free to call upon me if you have any questions, or would like additional information about Ms. Dunn's qualifications to serve.

Sincerely,

Deb Markowitz



RUBENSTEIN SCHOOL OF
ENVIRONMENT AND NATURAL RESOURCES

Deb Markowitz,
Visiting Professor of Environmental Policy and Leadership
University of Vermont
312 Aiken Building
Burlington, Vermont 05405

August 13, 2018

Senator Tom Carper, Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Carper,

This letter is in support of the nomination of Alexandra Dunn for EPA's Assistant Administrator of Chemical Safety and Pollution Prevention.

I served from 2010 – 2017 as the Secretary of the Agency of Natural Resources for Vermont. In that capacity I worked closely with Ms. Dunn in her prior role as the Executive Director of the Environmental Council of States (ECOS). I saw first-hand Ms. Dunn's significant strengths as a manager and as a leader. More specifically, Alexandra Dunn is an excellent choice to oversee implementation of the nation's chemical regulatory programs, especially the Frank R. Lautenberg Chemical Safety for the 21st Century Act which amended the Toxic Substances Control Act (*TSCA*). Ms. Dunn and I worked together, in our prior professional roles, as this law was negotiated, to ensure that states would maintain meaningful chemical regulatory authorities. Her deep knowledge of key issues and passion for the portfolio of work in this EPA office will ensure her success.

Feel free to call upon me if you have any questions, or would like additional information about Ms. Dunn's qualifications to serve.

Sincerely,

Deb Markowitz

September 13, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Barasso and Senator Carper:

We, the undersigned, write as a group of experienced lawyers with many years of collective experience and expertise in the fields of environmental, energy, and resources law to express our support for Alexandra Dapolito Dunn's nomination as Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention (OCSP). We are also former Chairs of the American Bar Association's (ABA) Section of Environment, Energy, and Resources (SEER). The views expressed in this letter are our personal views only and should not be construed as presenting the policy of the ABA, SEER, our employers, or our clients. Each of us has known Alex for years and worked with Alex in her capacity as a former Chair of SEER and as Executive Director and General Counsel of the Environmental Council of the States (ECOS). We strongly support Alex's nomination, and believe that Alex will serve the Agency with honor and distinction.

The Honorable John Barasso, M.D.
 The Honorable Thomas R. Carper
 September 13, 2018
 Page 2

Alex's leadership skills, expansive understanding of environmental law, regulation, and policy, impeccable character, and personal integrity will ensure Alex's success as Assistant Administrator of OCSPP; and make her nomination an inspired selection to lead this critically important EPA program office. Alex's varied and distinguished career, and her well-recognized intellectual rigor and forthrightness exemplify the highest standards of the legal profession. We enthusiastically and without reservation support Alex's nomination as Assistant Administrator for OCSPP, and believe Alex will serve the office with distinction and honor.

Sincerely,

Pamela E. Barker
 Lynn L. Bergeson
 Lauren J. Caster
 John C. Cruden
 Seth A. Davis
 Lee A. DeHihns, III
 Carol E. Dinkins
 Andrea Bear Field
 Theodore L. Garrett
 Michael B. Gerrard
 R. Kinnan Golemon
 Sheila Slocum Hollis
 Steven G. McKinney
 Steven T. Miano
 John E. Milner
 William L. Penny
 Claudia Rast
 Irma S. Russell
 Eugene E. Smay
 Richard G. Stoll
 Kenneth J. Warren



Ignacia S. Moreno, Esq.
CEO & Principal
1775 Tysons Boulevard, Fifth Floor
Tysons, VA 22102
Ignacia@imorenogroup.com
703-946-0077 (cell)

September 17, 2018

The Honorable John Barrasso
Chairman
United States Senate Committee on
Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
United States Senate Committee on
Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

**Re: Letter in Support of the Senate Confirmation of Alexandra Dunn To
Serve As Environmental Protection Agency Assistant Administrator**

Dear Senators Barrasso and Carper:

I write to support the confirmation of Alexandra Dunn to serve as Assistant Administrator of the Office of Chemical Safety and Pollution Prevention at the United States Environmental Protection Agency. Simply stated, if confirmed, Ms. Dunn would make an outstanding Assistant Administrator of the Office of Chemical Safety and Pollution Prevention. I recommend her to you highly and without reservation.

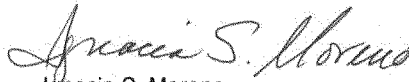
By way of background, I was unanimously confirmed by the United States Senate to serve as Assistant Attorney General for the Environment and Natural Resources Division of the United States Department of Justice and served from 2009 to 2013 during President Obama's first term. I also served in the Department of Justice from 1994 to 2001 as a political appointee in the Clinton Administration. In these positions, I have worked closely with both high-level political appointees and senior career officials and staff at EPA. In my view, Ms. Dunn has the requisite substantive and managerial experience, skills, and personal attributes to successfully lead the Office of Chemical Safety and Pollution Prevention as Assistant Administrator.

Ms. Dunn has over two decades of environmental policy and legal experience, including in academia, national non-partisan non-profits, and EPA. She has a demonstrated record of achievement in environmental protection in her current role as EPA Region 1 Administrator, and is held in high esteem nationwide by environmental practitioners and stakeholders alike. Ms. Dunn is committed to implementing the laws enacted by Congress to protect human health and the environment and understands and respects the role and importance of science in regulatory decision-making. She is an inclusive, thoughtful, and decisive leader who solicits the views of all affected stakeholders, including affected communities, and meaningfully considers all views in her decision-making. Ms. Dunn is indefatigable and solutions-oriented. She is fair, has the utmost integrity, and adheres to the rule of law. For these reasons, Ms. Dunn is especially qualified to serve as Assistant Administrator at EPA.

September 17, 2018
Page 2

I hope that you agree that Alexandra Dunn merits confirmation as Assistant Administrator of the Office of Chemical Safety and Pollution Prevention at the United States Environmental Protection Agency. Please let me know if you would like any additional information. I may be reached at ignacia@imorenogroup.com or (703) 442-4730.

Sincerely,

A handwritten signature in cursive script that reads "Ignacia S. Moreno".

Ignacia S. Moreno
CEO & Principal

1400 Crystal Drive, Suite 630, Arlington, VA 22202 571.348.5100 MAIN www.socma.com



October 24, 2018

The Honorable John A. Barrasso
Chairman
Committee on Environment
& Public Works
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment
& Public Works
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Re: Support for the Nomination of Alexandra Dapolito Dunn

Dear Chairman Barrasso and Ranking Member Carper:

The Society of Chemical Manufacturers & Affiliates (SOCMA) is proud to offer its unqualified support for the nomination of Alexandra Dapolito Dunn to be Assistant Administrator for EPA's Office of Chemical Safety & Pollution Prevention (OCSPP), and urges the Committee to hold a hearing and a committee vote during the upcoming lame duck, in sufficient time for a floor vote in this session of Congress.

The Society of Chemical Manufacturers & Affiliates (SOCMA) is the only U.S.-based trade association solely dedicated to the specialty and fine chemical industry. SOCMA members play an indispensable role in the global chemical supply chain, providing specialty chemicals to companies in markets ranging from aerospace and electronics to pharmaceuticals and agriculture.

Few if any nominees for a Senate-confirmed position at EPA have ever possessed Ms. Dunn's extraordinary breadth of work experience:

- In her brief tenure as Regional Administrator for Region I, she has already been widely-praised from all perspectives, but particularly by environmental groups and her predecessor from the previous administration.¹
- As Executive Director and General Counsel of the Environmental Council of the States, Executive Director and General Counsel of the Association of Clean

¹ "In the deep blue of New England, a Trump appointee gains respect for protecting the environment," Boston Globe (Aug. 30, 2018), available at <https://www.bostonglobe.com/metro/2018/08/29/deep-blue-new-england-trump-appointee-gains-respect-for-protecting-environment/sa5z4g9a9WBAVBnGUv2FQI/story.html>.

1400 Crystal Drive, Suite 630, Arlington, VA 22202 571.348.5100 MAIN www.socma.com



Water Administrators, and General Counsel of the National Association of Clean Water Agencies, she has spent more than fourteen years representing state environmental agencies, and thus has a deep appreciation for the importance of coordinating EPA's and states' efforts to protect the environment while maintaining economic growth.

- As Assistant Dean of Environmental Law Programs and Adjunct Professor of Law at Pace University School of Law and Associate Adjunct Professor of Law at American University's Washington College of Law, she developed a commanding grasp of the broad range of environmental law and policy subject matters and the complex history of the field.
- As the former chair of the American Bar Association's Section of Environment, Energy & Resources, Fellow of the American College of Environmental Lawyers, and member of the Board of Directors of the Environmental Law Institute, she has become personally acquainted with virtually every significant practitioner in the field, representing every perspective, and understands the value of creative problem-solving.
- As a lawyer at Winston & Strawn and the American Chemistry Council, she understood the impact that EPA and state actions can have on regulated industry, the importance of ongoing, transparent communication between regulator and the regulated, and the key role that trade associations play in that process.

In all of these capacities, Ms. Dunn has demonstrated a pragmatic, problem-solving orientation, concern for affected stakeholders, and unflagging good humor.

OCSPP is currently managing a staggering docket as it implements the 2016 amendments to the Toxic Substances Control Act. That work and the office's pesticide programs are crucial to this nation's economy and highly controversial. OCSPP has suffered from its lack of a Senate-confirmed leader. Ms. Dunn is highly qualified for the job and should be confirmed as soon as possible.

Sincerely,

Jennifer Abril
President and CEO



O'Leary Library, 540
61 Wilder St
Lowell, Massachusetts 01854
tel: 978.934.2981
fax: 978.934.3012
e-mail: Joel_Tickner@uml.edu

Joel Tickner, Sc.D.
Professor
Department of Public Health

College of Health Sciences

September 20, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
456 Dirksen Senate Office Building
Washington DC 20510

Re: Recommendation and Support for Alexandra Dunn to be Assistant Administrator of U.S. EPA's Office of Chemical Safety and Pollution Prevention

Dear Chairman Barrasso and Ranking Member Carper:

It is my privilege to support and recommend Alexandra Dunn to be the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at the U.S. Environmental Protection Agency. As a lawyer and legal scholar, executive director of two organizations with extensive experience in working with diverse state and federal agencies and stakeholders, and now Regional EPA Administrator, Ms. Dunn has the background, experience, and temperament to effectively lead the implementation of EPA's chemical safety programs. Ms. Dunn is a seasoned leader, who is effectively able to motivate a large staff while thoughtfully engaging external stakeholders towards solutions that benefit health, environment, and business.

I am a Professor of Environmental Health at the University of Massachusetts Lowell and chemicals management and policy scholar as well as Executive Director of the Green Chemistry and Commerce Council, a network of more than 100 companies, ranging from major retailers to brands and chemical manufacturers, focused on advancing the development and commercialization of sustainable chemistry solutions. I have worked with Ms. Dunn for the past four years on a number of pollution prevention, toxic substances management, and sustainable chemistry efforts.

As Executive Director and General Council for the Environmental Council of the States (ECOS), I was impressed with Ms. Dunn's ability to engage the diverse leadership of state environmental agencies and channel initiatives towards positive, win-win outcomes. This is no easy task, particularly when states have varied interests and needs. During her time at ECOS, Ms. Dunn was also able to build strong relationships between state and federal agencies, including EPA, which often do not effectively collaborate. Ms. Dunn has also shown a keen ability to work across stakeholder groups, garnering trust and building strong relationships.

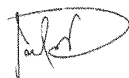
Recommendation for Alexandra Dunn, Page 2

In particular, myself and colleagues have worked closely with Ms. Dunn, as Executive Director of ECOS, on issues regarding drafting and implementation of the Lautenberg Chemical Safety for the 21st Century Act as well as sustainable chemistry and pollution prevention. With regards to the Lautenberg Act, Ms. Dunn demonstrated significant understanding of varied state interests and needs in the Act as well as some of the challenges inherent in its ultimate implementation. ECOS' interventions were well-reasoned and thoughtful, positively influencing the ultimate law. Ms. Dunn has also been a champion of sustainable government-led and market-based solutions, from supporting funding for pollution prevention, to supporting state and federal interagency discussions around informed substitution and sustainable chemistry.

Given the complexities involved in implementation of the Lautenberg Act, policy developments at the state and international level, and increased market drivers for sustainable chemistry, I believe Ms. Dunn is well positioned to enhance the impact of the Office of Chemical Safety and Pollution Prevention in protecting health and the environment, while stimulating innovation and collaboration that achieves those goals.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel A. Tickner', enclosed within a simple oval outline.

Joel A. Tickner, ScD



John C. Cruden
1350 I Street, N.W.,
Suite 700
Washington, D.C. 20005-3311
Direct: (202) 789-6018
Fax: (202) 789-6190
jcruden@bdlaw.com

August 28, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public
Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public
Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to highly recommend Alexandra Dapolito Dunn to be the Assistant Administrator, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency. Ms. Dunn was just nominated for this important position by the President.

Alexandra is currently serving as the Regional Administrator, Region 1, Environmental Protection Agency and has done a superb job working with the northeast states of that Region, advancing environmental actions. She will bring great management skills, a passion for the environment, and the ability to work cooperatively with states, environmental groups, industry, and academia to this new position.

As the most recent Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, I have had the pleasure of working with a number of EPA Assistant Administrators as I served in both Republican and Democratic Administrations. I can say, without any hesitation, that Alexandra Dunn is supremely well qualified, will be a great and good force for positive environmental action, and will be someone who carefully reviews, abides by, and implements the law.

Alexandra has a broad base of environmental expertise, having served as the executive director and general counsel for the Environmental Council of States and as executive director and general counsel for the Association of Clean Water Administrators. In addition, she is a well-known professor of the law, having served as Dean of Environmental Law Programs at the Elizabeth Haub School of Law at Pace University in New York, and as a faculty member of the Columbus School of Law, Catholic University of America.

Austin, TX Baltimore, MD Boston, MA Englewood, NJ
New York, NY San Francisco, CA Seattle, WA Washington, DC

BEVERIDGE & DIAMOND_{PC}

Senator John Barrasso
Senator Tom Carper
August 28, 2018
Page 2

I have had the privilege of working with Alexandra in the American Bar Association, where she followed me by several years as Chair of the Section on Environment, Energy, and Resources. Similarly, I have worked with her when I was President of the Environmental Law Institute and she was a distinguished member of the Board of Directors, and in my current position as President, American College of Environmental Lawyers, she was a leader in that elite organization.

In short, Alexandra Dunn would be a superb Assistant Administrator, is extremely well qualified, and I highly recommend her to you.

Sincerely,


John C. Cruden
President American College of Environmental Lawyers



JOHN E. MILNER
E-mail: jmilner@brunini.com
Direct: 601.960.6842

The Pinnacle Building, Suite 100
190 East Capitol Street
Jackson, Mississippi 39201
Telephone: 601.948.3101

Post Office Drawer 119
Jackson, Mississippi 39205
Facsimile: 601.960.6902

September 6, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Dr. Barasso and Mr. Carper:

I write as Senior Partner of Brunini, Grantham, Grower & Hewes PLLC and friend, professional colleague, and fellow Past Chair of the American Bar Association (ABA) Section of Environment, Energy, and Resources (SEER) to support Alexandra Dapolito Dunn's nomination as Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP). I have known Alex for many years, worked with Alex in her capacity as a former Chair of SEER, and in Alex's capacity as Executive Director and General Counsel of the Environmental Counsel of the States (ECOS). Since her induction in the American College of Environmental Lawyers (ACOEL) four years ago, Alex and I are also ACOEL colleagues.

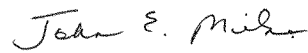
Alex's leadership skills, expansive understanding of environmental law, regulation, and policy, impeccable character, collegiality and personal integrity will ensure Alex's success as Assistant Administrator of OCSPP and make her nomination an inspired selection to lead this critically important EPA program office. Alex's varied and distinguished career, and her well-recognized personal integrity, intellectual rigor, and forthrightness exemplify the highest standards of the legal profession. I enthusiastically and without reservation support Alex's nomination as Assistant Administrator for OCSPP, and believe Alex will serve the office with distinction and honor.

The Honorable John Barasso, M.D.
The Honorable Thomas R. Carper
September 6, 2018
Page 2

Please let me know if you have any questions.

Sincerely,

BRUNINI, GRANTHAM, GROWER & HEWES, PLLC

A handwritten signature in cursive script that reads "John E. Milner".

John E. Milner

JEM/pa



Kenneth J. Warren
Direct Dial: 484-383-4830
Email: kwarren@warrenenvcounsel.com

September 6, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

As the managing member of a law firm in Pennsylvania concentrating its practice in environmental law, I am writing to strongly support the nomination of Alexandra Dapolito Dunn to be the Assistant Administrator of the U.S. Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention. Her experience, knowledge of environmental law and high character will make her an excellent Assistant Administrator.

I have known Alex for many years. She served with distinction as Chair of the American Bar Association Section of Environment, Energy and Resources several years after I held that position. She has consistently been a strong advocate of collegiality, advancement of environmental protection, and adherence to the rule of law.

In her roles as executive director and general counsel for the Environmental Council of the States, and as Regional Administrator of EPA Region 1, Alex has routinely taken effective steps to solicit the views of multiple stakeholders. Through her inclusive approach, she has developed a reputation for fairness and gained the respect of citizens and companies with a broad range of interests. These qualities and talent will serve her well in the role of Assistant Administrator.

Alex's exemplary character includes her generosity with her volunteer time. When I organized a conference for one of the interstate agencies I represent, Alex willingly attended and gave an insightful presentation to state and federal officials that helped guide future actions of the agency. Her devotion of time to environmental education at law schools and participation in the American College of Environmental Lawyers further illustrate her commitment to the environment and the highest professional standards. I enthusiastically support Alex's nomination as Assistant Administrator for Office of Chemical Safety and Pollution Prevention.

Very truly yours,

Kenneth J. Warren

KJW/sal

August 28, 2018

Senator John Barasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20501

Dear Senators Barasso and Carper,

This is to support the nomination and confirmation of Alexandra Dapolito Dunn to serve as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at the U.S. Environmental Protection Agency. I recommend her without reservation.

Alex's extensive professional experience working in the environmental field over the past 25 years positions her perfectly to provide the leadership and perspective needed to succeed as EPA's Assistant Administrator. In addition to her recent experience as EPA's Regional Administrator, she has worked with State environmental agency leaders, municipal agencies, industry and academics. Alex has relied on her legal background to guide organizations, clients and students concerning a full range of environmental issues. She has been involved in all aspects of environmental law, legislation, regulation, policy and litigation, both as a leader of large organizations and as an attorney. Alex appreciates and has cultivated collaboration instead of conflict when possible, reaching out to a broad range of stakeholders. This has enabled her to achieve reasonable, fair and creative approaches to address today's complex environmental challenges.

In addition to her experience, Alex's brings integrity, intelligence, a strong work ethic, excellent communication skills and a can-do attitude to the job. These qualities, together with her background, will enable her to accomplish the important tasks of the office.

I have had the pleasure of knowing Alex since the summer of 1993, when she began work as a summer law clerk before becoming an associate in the Washington, D.C. office of a large, international law firm where I was a partner. I have remained in close contact with Alex since that time, and have followed her stellar professional trajectory closely. Relying on my knowledge of Alex, my experience as a former Assistant Administrator at EPA, as a Kentucky Cabinet Secretary and as an attorney representing private sector clients in environmental matters for many years, I am confident saying there could be no better person for the job than Alex Dunn.

Sincerely,



LaJuana S. Wilcher
1100 College Street
Bowling Green, KY 42101

Lynn L. Bergeson
phone: 202.557.3800
lbergeson@lawbc.com

BERGESON & CAMPBELL P.C. 

September 6, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Dr. Barasso and Mr. Carper:

I write as Managing Partner of Bergeson & Campbell, P.C. and friend, professional colleague, and fellow Past Chair of the American Bar Association (ABA) Section of Environment, Energy, and Resources (SEER) to support Alexandra Dapolito Dunn's nomination as Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP). I have known Alex for many years, worked with Alex in her capacity as a former Chair of SEER, and in Alex's capacity as Executive Director and General Counsel of the Environmental Counsel of the States (ECOS). Since her induction in the American College of Environmental Lawyers (ACOEL) four years ago, Alex and I are also ACOEL colleagues.

Alex's leadership skills, expansive understanding of environmental law, regulation, and policy, impeccable character, and personal integrity will ensure Alex's success as Assistant Administrator of OCSPP and make her nomination an inspired selection to lead this critically important EPA program office. Alex's varied and distinguished career, and her well-recognized personal integrity, intellectual rigor, and forthrightness exemplify the highest standards of the legal profession. I enthusiastically and without reservation support Alex's nomination as Assistant Administrator for OCSPP, and believe Alex will serve the office with distinction and honor.

Please let me know if you have any questions.

Sincerely,

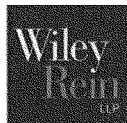


Lynn L. Bergeson

2200 Pennsylvania Avenue, NW, Suite 100W
Washington, DC 20037-1701
{00505.027 / 111 / 00250320.DOCX 4}

phone: 202.557.3800
fax: 202.557.3836

www.lawbc.com



Martha E. Marrapese
202.719.7156
mmarrapese@wileyrein.com

November 19, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Re: Recommendation and Support for Alexandra Dapolito Dunn to be Assistant
Administrator for the Office of Chemical Safety and Pollution Prevention

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend and express support for Alexandra Dapolito Dunn to be the Assistant Administrator for the Environmental Protection Agency's (EPA's) Office of Chemical Safety and Pollution Prevention.

My perspective is that of a recognized authority on chemical regulation under the evolving Toxic Substances Control Act (TSCA). During her tenure as Executive Director and General Counsel for ECOS, Ms. Dunn demonstrated effective leadership and decision-making skills while raising the visibility and advancing the interests of states in national discussions related to TSCA reform. Today, EPA continues to take administrative steps to improve the pace of new chemical reviews under TSCA, and the agency is about to embark upon the landmark, existing chemical prioritization process that Congress envisioned as the key cornerstone of the overhauled TSCA law. I have no doubt that TSCA implementation will be strengthened by her presence.

More broadly, Ms. Dunn is respected for her contribution to shaping the field of environmental law and advancing green chemistry. She has served as Dean of Environmental Law Programs and Adjunct Professor of Law at Pace Law School and is currently a Lecturer in Law at our alma mater, the Columbus School of Law at Catholic University of America, as well as an Associate Professor of Law at American University's Washington College of Law.

Finally, I have witnessed Ms. Dunn's effective outreach, communication and management skills first hand while we served together on the Environmental Law Institute (ELI) Board of Directors until her appointment as EPA Region 1 Administrator, and in our respective

November 19, 2018
Page 2

leadership roles within the American Bar Association's Section on Environment, Energy and Resources (SEER).

Ms. Dunn's nomination to lead the implementation of the new TSCA law is an important milestone in the advancement of women leadership in environmental law and I urge that she be confirmed as soon as possible.

Please feel free to reach out should you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martha E. Marrapese", with a long horizontal flourish extending to the right.

Martha E. Marrapese
Partner



Portland Cement Association
1150 Connecticut Avenue NW, Suite 500
Washington, DC 20036-4104
202.408.9494 Fax 202.408.0877
www.cement.org

November 28, 2018

The Honorable John Barrasso
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

The Honorable Tom Carper
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

I am writing on behalf of the Portland Cement Association to express our support for the nomination of Alexandra Dunn to be Assistant Administrator (AA) for the U.S. Environmental Protection Agency (EPA) Office of Chemical Safety and Pollution Prevention (OCSPP). We believe that her knowledge of environmental policy and regulations, combined with experience in the public sector make her well suited for the position.

PCA, founded in 1916, is the premier policy, research, education, and market intelligence organization serving America's cement manufacturers. PCA members represent 93 percent of the United States' cement production capacity and have facilities in all 50 states. Cement and concrete product manufacturing, directly and indirectly, employs approximately 600,000 people in our country, and our collective industries contribute over \$100 billion to our economy. Portland cement is the fundamental ingredient in concrete. The Association promotes safety, sustainability, and innovation in all aspects of construction, fosters continuous improvement in cement manufacturing and distribution, and promotes economic growth and sound infrastructure investment.

Ms. Dunn, in her role as Administrator of the EPA's Region 1 Office in Boston, Massachusetts has proven she can manage a federal agency responsible for protecting public health and the environment and collaborate with diverse stakeholders. Further, in her role as Executive Director and General Counsel at the Environmental Council of States (ECOS), a nonprofit, nonpartisan, organization, she worked on a vast number of environmental issues. In particular, she worked to advance modernization of the Toxic Substances Control Act (TSCA), which falls under the purview of this EPA Office. Through these positions, and as a former chair and active participant in the American Bar Association's Section on Environment Energy, and Resources, she earned the trust of the environmental bar as a pragmatic thought-leader and problem solver.

This AA position within EPA has been unfilled since the start of Administration, nearly two years ago, which has hampered full implementation of Congress' reforms to TSCA. To that end, we encourage swift consideration of Ms. Dunn's nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Derby". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rachel Derby
Vice-President, Government Affairs
Portland Cement Association



1730 M STREET, NW, SUITE 700
WASHINGTON, DC 20036

PHONE: (202) 939-3800
FAX: (202) 939-3868
EMAIL: law@eli.org
WEB: www.eli.org

August 13, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Re: Letter of Support for Alexandra Dunn, Nominee for
Assistant Administrator, U.S. EPA Office of Chemical Safety
and Pollution Prevention

Dear Senator Barrasso:

By this letter, I am registering my strong support for Alexandra Dunn for the position of Assistant Administrator, Office of Chemical Safety and Pollution Prevention (OCSPP). I have known Ms. Dunn in various professional capacities for the last 25 years, and believe that she is an excellent choice for this position. She is a deeply experienced environmental leader and attorney who understands the complexity of regulatory and policy decisions, including those of the office she has been asked to lead. Ms. Dunn is respected across the environmental community — by businesses; federal, state and local officials; and non-governmental organizations. I am confident she would serve the American people with integrity, intelligence, and distinction if confirmed as Assistant Administrator of OCSPP.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Scott Fulton", is written over a faint, circular embossed seal.

Scott Fulton
President, Environmental Law Institute (ELI)
and former General Counsel, U.S. EPA





1730 M STREET, NW, SUITE 700
WASHINGTON, DC 20036

PHONE: (202) 939-3800
FAX: (202) 939-3868
EMAIL: law@eli.org
WEB: www.eli.org

August 13, 2018

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Re: Letter of Support for Alexandra Dunn, Nominee for
Assistant Administrator, U.S. EPA Office of Chemical Safety
and Pollution Prevention

Dear Senator Carper:

By this letter, I am registering my strong support for Alexandra Dunn for the position of Assistant Administrator, Office of Chemical Safety and Pollution Prevention (OCSPP). I have known Ms. Dunn in various professional capacities for the last 25 years, and believe that she is an excellent choice for this position. She is a deeply experienced environmental leader and attorney who understands the complexity of regulatory and policy decisions, including those of the office she has been asked to lead. Ms. Dunn is respected across the environmental community — by businesses; federal, state and local officials; and non-governmental organizations. I am confident she would serve the American people with integrity, intelligence, and distinction if confirmed as Assistant Administrator of OCSPP.

Respectfully Submitted,

Scott Fulton
President, Environmental Law Institute (ELI)
and former General Counsel, U.S. EPA





Attorneys at Law
411 Theodore Fremd Avenue, Suite 102, Rye, NY 10580
t: 914.925.0000 f: 914.925.9344 www.eliasgroup.com

September 6, 2018

Via E-mail

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators Barasso and Carper:

I write in support of the nomination of Alexandra Dapolito Dunn to be Assistant Administrator of the U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention. I have known Alex for more than fifteen years, mainly through service with the American Bar Association's Section of Environment, Energy, and Resources, which both of us were honored to serve as Chair. In addition, I worked closely with her when she was Director of Environmental Programs at Pace Law School, where I teach as an adjunct professor. During that period she lived in my community, and we got to be close personal friends.

There is absolutely nobody I would rather see in this position than Alex. And I say this as a lifelong Democrat and environmentalist. While our other political views may differ, we agree on the two most important concepts bearing upon environmental regulation—that regulation must be based upon sound science, and that the rule of law must be paramount. The enthusiastic reception Alex has received as EPA Regional Administrator in New England is an indication of the type of job she will do in the important areas of chemical safety and pollution prevention. Development of sound new regulations under the amended Toxic Substances Control Act is vital to public safety and of great concern to both environmentalists and the regulated community. Alex Dunn is the perfect person to head that effort. She is incredibly knowledgeable, amazingly hard working, and

Legal, Financial and Business Advisory Services to Industry & Government

The Honorable John Barasso, M.D.
The Honorable Thomas R. Carper
September 6, 2018
Page 2



particularly gifted in communicating with all types of people—both in government and in the communities government serves. I urge you to confirm her quickly.

Please let me know if I can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth A. Davis".

Seth A. Davis

HANGLEY
ARONCHICK
SEGAL
& PUDLIN
SCHILLER

ATTORNEYS AT LAW / A PROFESSIONAL CORPORATION

Steven T. Milano
Direct Dial: 215-496-7025
E-mail: smilano@hangley.com

One Logan Square
27th Floor
Philadelphia, PA 19103
215-568.0300/facsimile

www.hangley.com

PHILADELPHIA, PA

CHERRY HILL, NJ

ROOSTSBURG, PA

MURKISTOWN, PA

September 6, 2018

VIA EMAIL TRANSMISSION ONLY

The Honorable John Barasso, M.D.
Chairman
U.S. Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Thomas R. Carper
Ranking Member
U.S. Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of Alexandra Dapolito Dunn

Dear Dr. Barasso and Mr. Carper:

I write to enthusiastically support Alexandra Dapolito Dunn's nomination as Assistant Administrator of the U.S. Environmental Protection Agency's ("EPA") Office of Chemical Safety and Pollution Prevention ("OCSPP"). I am a Partner in and Chair of the environmental practice group at my law firm and a Past Chair of the American Bar Association ("ABA") Section of Environment, Energy and Resources ("SEER"). I have known Alex for many years. We worked together extensively at SEER. I have also seen her exemplary work as Executive Director and General Counsel of the Environmental Council of the States ("ECOS"), as a Dean of a top environmental law program at Pace University and as Executive Director of two environmental non-governmental organizations.

Alex has extraordinary leadership skills, a keen intellect, and a breadth of knowledge of environmental law, regulation and policy. She also has impeccable character and personal integrity. Based on my experience with Alex over many years, I am confident that she will do a superb job as Assistant Administrator of OCSPP and will serve the EPA with

The Honorable John Barasso, M.D.
The Honorable Thomas R. Carper
September 6, 2018
Page 2

distinction and honor. I enthusiastically and without reservation support Alex's nomination as Assistant Administrator for OCSPP.

Please do not hesitate to reach out if you have any questions.

Sincerely yours,



Steven T. Miano

STM/cas
Enclosure



September 28, 2018

Terri L. Goldberg
Executive Director

89 South Street
Suite 600
Boston, MA 02111

Tel 617 367-8558
TDD/TTY 857 265-3934
www.newmoa.org

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Re: Recommendation and Support for Alexandra Dunn to be Assistant
Administrator for the Office of Chemical Safety and Pollution Prevention

Dear Chairman Barrasso and Ranking Member Carper:

On behalf of the Board members of the Northeast Waste Management Officials' Association (NEWMOA) from the New England States, I am writing to recommend and express support for Alexandra Dunn to be the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP). Based on my experience and that of many of NEWMOA's members who worked with Ms. Dunn while she was the Executive Director and General Counsel for the Environmental Council of the States (ECOS) and the EPA Region 1 Regional Administrator, we are confident that Ms. Dunn possesses the necessary traits to successfully implement EPA's chemical safety and pollution prevention programs. She has a diverse and impressive background and the necessary expertise to successfully lead that important Office at EPA.

The members of the NEWMOA Board, who direct the New England states' waste and pollution prevention programs have had the privilege of working closely with Ms. Dunn on environmental protection issues during her tenure at EPA Region 1. For example, Alex worked closely and effectively with us to address issues concerning Per- and polyfluoroalkyl substances (PFAS) in the Region. She has demonstrated strong leadership and decision-making skills while balancing various stakeholder interests.

Connecticut • Maine • Massachusetts • New Hampshire • New Jersey • New York • Rhode Island • Vermont

Equal opportunity employer and provider

Alex is highly regarded by the New England states waste and pollution prevention program directors and is well suited to take on the important role of Assistant Administrator for OCSPP.

Please feel free to reach out to me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terri Goldberg", with a long, sweeping horizontal line extending from the end of the signature.

Terri Goldberg
Executive Director



Matthew H. Mead, Governor

Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's
environment for the benefit of current and future generations.*



Todd Parfitt, Director

August 29, 2018

Senator John Barrasso
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Senator Tom Carper
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

RE: Recommendation and Support for Alexandra Dunn to be Assistant Administrator for the Office
of Chemical Safety and Pollution Prevention

Dear Chairman Barrasso and Ranking Member Carper:

I am writing to recommend and express my support for Alexandra Dunn to be the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention. Based on my experience working with Ms. Dunn, coupled with her diverse background and experience in environmental protection, I am confident that Ms. Dunn possesses the necessary traits to successfully implement EPA's chemical safety and pollution prevention programs.

As an officer for the Environmental Council of States (ECOS), I had the privilege of working closely with Ms. Dunn on numerous environmental protection issues during her four (4) year tenure as Executive Director and General Counsel for ECOS. During that time, she demonstrated strong leadership and decision making skills while balancing the interests and needs of all 49 member states, including her involvement in national discussions related to TSCA reform legislation.

Alex is highly regarded by ECOS members and staff and is well suited to take on the important role of Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

Please feel free to reach out to me if you should have any questions.

Sincerely,

Todd Parfitt
Director