

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

November 7, 2017

The Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Walden:

We write today with renewed concern over the U.S. Environmental Protection Agency's (EPA) review and management of toxic chemicals. We have raised these concerns with you in the past, but no formal oversight actions or hearings have been held by the Committee and you have declined to join us in requesting documents and information from EPA.

Recent news reports have underscored the need for real, immediate, and expansive oversight of EPA's activities related to toxic chemicals. We therefore request that you exercise the Committee's oversight responsibility and hold hearings on these important issues.

On April 3, we requested that you hold a hearing on EPA's denial of a petition to ban the use of chlorpyrifos, against overwhelming scientific evidence.<sup>1</sup> This decision ignored the EPA's own scientific conclusions and reversed the EPA's proposed action that would have ended the use of this neurotoxin.<sup>2</sup> Documents recently released by the *New York Times*, including staff notes on internal EPA discussions, show that the decision was made by political staff based on

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<sup>1</sup> Letter from Rep. Frank Pallone, Jr., Ranking Member, Rep. Gene Green, Rep. Diana DeGette, and Rep. Paul Tonko to Chairman Greg Walden (Apr. 3, 2017).

<sup>2</sup> On March 29, 2017, EPA Administrator Scott Pruitt rejected a 2007 petition by the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) calling for the EPA to "revoke all tolerances for the pesticide chlorpyrifos under section 408(d) of the Federal Food, Drug and Cosmetic Act [(FFDCA)] and cancel all chlorpyrifos registrations under the Federal Insecticide, Fungicide, and Rodenticide Act [(FIF RA)]. (<https://www.epa.gov/ingredients-used-pesticide-products/order-denying-petition-revoke-all-tolerances-pesticide>).

concern for the economic interest of Dow Chemical.<sup>3</sup> The statutory standard for continued use of chlorpyrifos is clear, and this decision and the considerations that formed its basis blatantly violate the standard. We, therefore, renew the request that the Committee conduct appropriate oversight of this decision by holding a hearing with key EPA officials, so that we can adequately examine the basis for the agency's chlorpyrifos decision, as soon as possible.

We also request that the Committee investigate and hold a hearing focused on what appear to be questionable ethics waivers issued to EPA staff connected to regulated industries. Former chemical industry representative Dr. Nancy Beck now serves in a leadership position in EPA's Office of Chemical Safety and Pollution Prevention. Based on a recent report by the *New York Times*, we now know that the EPA Office of General Counsel issued a determination authorizing Dr. Beck to participate in specific party matters involving the American Chemistry Council, her former employer.<sup>4</sup> We have twice sought documents pertaining to this waiver from EPA, but have yet to receive any response. A formal document request and hearing is needed to address whether this determination was issued in accordance with applicable ethics regulations, policies and procedures, and whether Dr. Beck's actions since joining EPA are potentially outside the authorized scope of participation.

Lastly, we renew our request for a hearing to oversee EPA's implementation of the Toxic Substances Control Act (TSCA) reform legislation passed year. This request was made in June and again in August, and on both occasions we were informed that this hearing would be held in September. It is now November, and no hearing has been scheduled. EPA has taken significant and dramatic steps to implement the new law, many of them in contradiction of the wording and intent of the law itself. This Committee played a central role in crafting that legislation, and we cannot abdicate our obligation to see it implemented effectively.

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<sup>3</sup> *Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots*, The New York Times (Oct. 21, 2017).

<sup>4</sup> *Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots*, The New York Times (Oct. 21, 2017).

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The Committee bears a responsibility to the American public to make sure EPA is protecting human health and the environment, and to ensure the effective and impartial implementation of the protections afforded by a reformed TSCA. We hope that you will promptly hold hearings to address these issues, and kindly ask that you reply to this request no later than November 21, 2017. If you have questions, please contact Jon Monger or Jacqueline Cohen of the Democratic Committee staff at (202) 225-3641.

Sincerely,

  
Frank Pallone, Jr.  
Ranking Member

  
Diana DeGette  
Ranking Member  
Subcommittee on Oversight  
and Investigations

  
Paul D. Tonko  
Ranking Member  
Subcommittee on Environment

Cc: The Honorable John Shimkus, Chairman, Subcommittee on Environment