

## **EPA Engagement with House Science**

### *Letters from House Science*

- Letters Received – 11 (**response(s) provided to all – over 4,000 pages**)
  - February 6, 2019 – Shutdown Impacts (**1 response – 44 pages produced**)
  - March 4, 2019 – Formaldehyde-IRIS (**5 responses – 2,706 pages produced**)
    - April 3, 2019 – Follow Up
    - July 18, 2019 – Detailed Follow Up
    - October 29, 2019 – Transcribed Interview Request and Subpoena Threat
  - March 6, 2019 – Hurricane Harvey (**6 responses – 1,521 pages produced**)
    - April 10, 2019 – Follow Up
    - June 26, 2019 – Detailed Follow Up
  - May 15, 2019 – CASAC PM Subcommittee (**1 response**)
  - July 12, 2019 – FACA Executive Order Implementation (**1 response**)
  - September 16, 2019 – CASAC Consultants (**1 response – 4 pages provided**)

### *House Science Hearings EPA Provided a Witness (3 hearings)*

- IRIS Program/Formaldehyde (March 27<sup>th</sup>)
  - EPA Witness: ORD Principal Deputy Assistant Administrator for Science  
Jennifer Orme-Zavaleta
- Administrator Wheeler (Sept. 19<sup>th</sup>)
- Science Transparency Hearing (Nov. 13<sup>th</sup>)
  - EPA Witness: ORD Principal Deputy Assistant Administrator for Science  
Jennifer Orme-Zavaleta

### *Briefings Provided to House Science (8 briefings)*

- ORD Reorganization – March 13<sup>th</sup> and October 17<sup>th</sup>
- ORD Budget – April 2<sup>nd</sup>
- CASAC/NAAQS – June 13<sup>th</sup>
- Scientific Advisory Board (SAB) – July 12<sup>th</sup>
- Lead Detection Technologies – September 25<sup>th</sup>
- Harmful Algae Blooms (HABs) – September 27<sup>th</sup>
- Federal Advisory Committee Executive Order – October 21<sup>st</sup>
- CASAC Consultant Panel – Upcoming November 20<sup>th</sup>
- IRIS/TSCA – Formaldehyde – TBD

### **House Science Inquiry in EPA's IRIS Program**

To date, the EPA has provided multiple responsive actions to inquiries specifically regarding the IRIS program.

- On March 4, 2019, the EPA received the Committee's initial letter regarding the IRIS program.
- On March 5, 2019, just a day later, the EPA received an official hearing invitation from the Committee stating their intention to hold a hearing on the IRIS program.
- On March 13, 2019, approximately a week after receiving the Committee's March 4, 2019 letter, the Agency provided the Committee with a briefing on the reorganization of the Office of Research and Development (ORD) by Principal Deputy Assistant Administrator for Research and Development and Science Advisor Jennifer Orme-Zavaleta and other EPA staff.
  - This briefing included a discussion about the impacts of the reorganization on the IRIS program.
- On March 27, 2019, in an effort to accommodate these multiple demands of the Agency, the EPA provided ORD Principal Deputy Assistant Administrator Orme-Zavaleta to provide testimony at the hearing on the IRIS program before the Committee's Subcommittee on Oversight and Investigations and Subcommittee on Environment.
  - At the hearing, Principal Deputy Assistant Administrator Orme-Zavaleta answered questions for an extensive amount of time on issues directly presented in the Committee's March 4, 2019 letter and articulated the decision-making process behind the IRIS assessment prioritization.
- On April 2, 2019, the Agency provided the Committee with a briefing on the fiscal year (FY) 2020 ORD budget, which included extensive discussion regarding the funding and future of the IRIS program.
- On April 3, 2019, the Committee further inquired about the IRIS program requesting a briefing on the same issues that were discussed during the March 27, 2019 hearing.
- On July 18, 2019, the Committee further inquired about the IRIS program and repeated many of the requests in their March 4, 2019 letter that were already addressed during the March 27, 2019 hearing.
- On July 19, 2019, the EPA provided a response to the Committee detailing in length the Agency's prioritization process for the IRIS program and the process for assessing formaldehyde under the Toxic Substances Control Act (TSCA) program within the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP).
  - With this response, the Agency provided over 159 pages of information detailing an overview of the recent updates and work on the IRIS program and also two memos from Principal Deputy Assistant Administrator Orme-Zavaleta—one dated August 10, 2018 soliciting requests for IRIS assessment prioritization, and another dated December 4, 2018 stating the updated priorities for IRIS assessments after the prioritization process.
- Since the July 19, 2019 response, the Agency has sent three additional letters on August 2nd, August 16th, and August 30th along with enclosures containing, in total, 2,543 pages of responsive documents.
- On July 24, 2019, Administrator Wheeler personally met with Chairwoman Johnson to discuss a variety of issues.

- The Agency's IRIS program was one of those issues and the Administrator extensively detailed his desire and efforts to implement a formal, structured process for identifying IRIS priorities. The Administrator also discussed the interaction of the IRIS and TSCA programs and how some chemicals are better assessed under TSCA, which has a clear path toward a regulatory framework.
- On September 19, 2019, Administrator Wheeler testified before the Committee and answered a variety of questions on science and current issues at the Agency.
  - Despite multiple questions from every Committee member present, the specific issues Chairwoman Johnson raised in the Chairwoman's October 29, 2019 letter were strangely never brought up to Administrator Wheeler.
- On October 17, 2019, the Agency provided a follow up briefing to Committee staff on the ORD reorganization.
- On October 29, 2019, the EPA received the Chairwoman's follow up letter regarding the their allegations that the Agency has not been responsive to the Committee's requests on the IRIS program.
  - Within this letter, the Chairwoman additionally requested any and all materials compiled and work products prepared by the EPA Scientific Integrity Official pertaining to the Committee's March 4, 2019 request to Dr. Francesca Grifo, the Agency's Scientific Integrity Official—a request that the Committee has never made before.
- On November 5, 2019, the Agency provided the Chairwoman a response to her October 29, 2019 letter laying out the Agency's extensive engagement with the Committee and previous responses on the IRIS program.
  - The Agency also noted concern with the Committee's threat to issue subpoenas for certain information and that it is well outside the bounds of any typical accommodations process. Of particular concern is the Committee's intention to demand documents and information that have never been requested before.
  - With this response, the Agency offered a briefing on the EPA's actions in implementing a formal, structured process for identifying IRIS program priorities annually, in addition to the process for assessing formaldehyde under the TSCA program.
  - The Agency also provided a September 9, 2019 memorandum from ORD Principal Deputy Assistant Administrator Orme-Zavaleta sent out to all Assistant Administrators and Deputies initiating ORD's annual solicitation for input on program office priorities for development of future IRIS program assessments.

#### Committee's Incorrect Claims of Non-Responsiveness on the IRIS Program Requests

Despite the Committee's claims, the Agency strongly believes that the over 2,500 pages of responsive document productions, in addition to providing multiple senior Agency officials to testify at hearings and provide briefings, and numerous letter responses, demonstrates that the Agency has been responsive to the Committee's request. In the Committee's initial March 4, 2019 letter, the Chairwoman requested extensive materials "prepared for or obtained by Trump Administration political officials" regarding "EPA's determination of whether and how to proceed with [the] formaldehyde health assessment." Every document produced to the Committee to date has been responsive of this request.

The EPA has been entirely transparent in our production of documents and information to the Committee in the issues raised in letters, questions during testimony, and numerous conversations with Committee staff. To accuse the Agency of otherwise is completely false. The Committee has specifically requested an internal Agency document relating to the EPA's Office of Children's Health Protection. The Agency has determined that the document is confidential, deliberative, and should not be released beyond the Agency. The Agency has determined that releasing this document would have a chilling effect on internal Agency deliberations, but in order to accommodate the Committee's request for this specific information, the EPA has already offered provide the Committee the opportunity to review the document *in camera*.

House Science 10/29 Request into Scientific Integrity Investigation Documents:

The nature of the Chairwoman's October 29, 2019 letter and the manner in which the Committee is threatening to issue subpoenas for certain information is concerning and well outside the bounds of any typical accommodations process. Of particular concern is the Committee's intention to demand documents and information that has never been requested before. In their recent letter, Chairwoman Johnson specifically requested "any and all materials compiled and work products prepared by the EPA Scientific Integrity Official" pertaining to the Committee's March 4, 2019 request to Dr. Francesca Grifo, the Agency's Scientific Integrity Official. Chairwoman Johnson requested these materials be produced to the Committee by November 5, 2019—just one week after the Agency received this request. Besides the Committee's initial March 4, 2019 request to Dr. Francesca Grifo—where Chairwoman Johnson requested that Dr. Grifo to determine whether the EPA's actions in implementing a formal, structured process for identifying IRIS priorities violated the Agency's scientific integrity policy—Chairwoman Johnson and Committee staff have neither mentioned nor requested these materials in any formal or informal communications with the Agency. It is concerning that the Committee would act in this threatening manner regarding a request that is brand new. Given that this was a brand-new request, the Agency detailed that it would determine how best to accommodate the Committee's interest in this information. It is the Agency's position that it would be unreasonable for the Committee to compel these documents without allowing the Agency to begin this process.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 05 2019

OFFICE OF CONGRESSIONAL  
AND INTERGOVERNMENTAL RELATIONS

The Honorable Eddie Bernice Johnson  
Chairwoman  
Committee on Science, Space, and Technology  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chairwoman:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter dated October 29, 2019, regarding the Integrated Risk Information System (IRIS) program's formaldehyde assessment.

The nature of the Committee's letter and the manner in which you have suggested a compulsory process for certain information is unnecessary and exceeds the bounds of any well-established accommodations process. Of particular concern is the Committee's intention to demand documents and information that has never been requested before. Your letter requests "any and all materials compiled and work products prepared by the EPA Scientific Integrity Official" pertaining to your March 4, 2019 request to Dr. Francesca Grifo, the Agency's Scientific Integrity Official. You have requested these materials be produced to the Committee by November 5, 2019—just one week after the Agency received this request. Besides the initial March 4, 2019 request to Dr. Francesca Grifo—where the Committee requested that Dr. Grifo determine whether the EPA's actions in implementing a formal, structured process for identifying IRIS priorities violated the Agency's scientific integrity policy—the Committee has never mentioned nor requested these materials in any formal or informal communications with the Agency. Given that this is a brand-new request, the Agency will determine how best to accommodate the Committee's interest in this information. It is the Agency's position that it could be unreasonable for the Committee to compel these documents without allowing the Agency to begin this process.

Furthermore, the Agency disputes the accusations put forward by the Committee on responsiveness. The EPA has been responsive to the Committee and has accommodated its requests for information. To date, the EPA has provided multiple responsive actions to inquiries regarding the IRIS program. On March 4, 2019, the EPA received the Committee's initial letter. Just a day later, on March 5, 2019, the EPA received an official hearing invitation from the Committee stating its intention to hold a hearing on the program. In an effort to accommodate these multiple demands of the Agency, the EPA provided Office of Research and Development (ORD) Principal Deputy Assistant Administrator and Science Advisor Jennifer Orme-Zavaleta to provide testimony at the hearing on the IRIS program.



on March 27, 2019, before the Committee's Subcommittee on Oversight and Investigations and Subcommittee on Environment. At the hearing Principal Deputy Assistant Administrator Orme-Zavaleta answered questions for an extensive amount of time on issues directly presented in the Committee's March 4, 2019 letter and articulated the decision-making process behind the IRIS assessment prioritization, which the Committee further inquired about in an April 3, 2019 letter. Additionally, approximately a week after receiving the Committee's March 4, 2019 letter, the Agency provided the Committee with a briefing on the reorganization of the ORD by Principal Deputy Assistant Administrator Orme-Zavaleta and other EPA staff. This briefing included a discussion about the impacts of the reorganization on the IRIS program. The Agency has also provided the Committee with a briefing on the fiscal year (FY) 2020 ORD budget on April 2, 2019, which included extensive discussion regarding the funding and future of the IRIS program.

On July 19, 2019, the EPA provided a response to the Committee detailing in length the Agency's prioritization process for the IRIS program and the process for assessing formaldehyde under the Toxic Substances Control Act (TSCA) program within the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP). With this response, the Agency provided over 159 pages of information detailing an overview of the recent updates and work on the IRIS program and also two memos from Principal Deputy Assistant Administrator Orme-Zavaleta—one dated August 10, 2018 soliciting requests for IRIS assessment prioritization, and another dated December 4, 2018 stating the updated priorities for IRIS assessments after the prioritization process. Since the July 19, 2019 response, the Agency has sent three additional letters on August 2nd, August 16th, and August 30th along with enclosures containing, in total, 2,543 pages of responsive documents.

As you correctly point out in your letter, on July 24, 2019, Administrator Wheeler met with Chairwoman Johnson at his request to discuss your priority issues for the Committee. The Agency's IRIS program was one of those issues and the Administrator extensively detailed his desire and efforts to implement a formal, structured process for identifying IRIS priorities. The Administrator also discussed the interaction of the IRIS and TSCA programs and how some chemicals are better assessed under TSCA, which has a clear path toward a regulatory framework. Additionally, on September 19, 2019, Administrator Wheeler testified before the Committee and answered a variety of questions on science and current issues at the Agency. Despite multiple questions from every Committee member present, the specific issues you are raising in this letter were never raised to Administrator Wheeler.

Despite the Committee's claims, the Agency strongly believes that the over 2,500 pages of responsive document productions, in addition to providing multiple senior Agency officials to testify at hearings and provide briefings, and numerous letter responses, demonstrates that the Agency is being responsive to the Committee's request. In the Committee's initial March 4, 2019 letter, you requested extensive materials "prepared for or obtained by Trump Administration political officials" regarding "EPA's determination of whether and how to proceed with [the] formaldehyde health assessment." Every document produced to the Committee to date has been responsive of this request.

The EPA has been entirely transparent in our production of documents and information to the Committee in the issues raised in letters, questions during testimony, and numerous conversations with Committee staff. To accuse the Agency of otherwise is completely false. The Committee has specifically requested an internal Agency document relating to the EPA's Office of Children's Health



Protection. The Agency has determined that the document is confidential, deliberative, and should not be released beyond the Agency. The Agency has determined that releasing this document would have a chilling effect on internal Agency deliberations, but in order to accommodate the Committee's request for this specific information, the EPA will provide the Committee the opportunity to review the document *in camera*.

As the Agency stated in the July 19, 2019 response to the Committee, the IRIS program will conduct a similar formal, structured process for identifying IRIS program priorities annually, but programs and Regions are still able to identify and nominate additional chemicals at any time. As Administrator Wheeler stated during his recent testimony before the Committee, the Agency has already initiated another formal request and prioritization process. On September 9, 2019, ORD Principal Deputy Assistant Administrator Orme-Zavaleta sent out a memorandum to all Assistant Administrators and Deputies initiating ORD's annual solicitation for input on program office priorities for development of future IRIS program assessments, which is enclosed with this response.

Please note that this production contains documents that reveal internal Agency information. Therefore, we have added a header and footer to these documents that reads "Internal Document of the U.S. EPA; Disclosure Authorized Only to the U.S. House Committee on Science, Space, and Technology for Oversight Purposes." Through this accommodation, the EPA does not waive any confidentiality interests in these documents or similar documents in other circumstances.

Your letter indicated the Committee would like to conduct a transcribed interview with ORD Deputy Assistant Administrator David Dunlap on the issues surrounding the IRIS program and the formaldehyde assessment. In order to accommodate your interests and efficiently address further questions, the EPA would welcome the opportunity to brief Committee staff on the EPA's actions in implementing a formal, structured process for identifying IRIS program priorities annually, in addition to the process for assessing formaldehyde under the TSCA program. This briefing would include Deputy Assistant Administrator Dunlap, other ORD staff, and OCSPP staff familiar with the TSCA program.

The EPA recognizes the importance of the Committee's need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff on how best to accommodate the Committee's interests. If you have further questions, you may contact me, or your staff may contact Travis Voyles in the EPA's Office of Congressional and Intergovernmental Relations at [Voyles.Travis@epa.gov](mailto:Voyles.Travis@epa.gov) or (202) 564-6399.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe A. Brazauskas, Jr.", with a stylized flourish at the end.

Joseph A. Brazauskas, Jr.  
Associate Administrator

Enclosure

cc: The Honorable Frank Lucas, Ranking Member