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Congress of the United States
House of Representatives
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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November 15, 2019

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1301 Constitution Ave. NW
Washington, D.C., 20460

Dear Administrator Wheeler,

It is with some regret that I write this letter today, which accompanies two subpoenas from the House Committee on Science, Space, and Technology (Committee) regarding the Environmental Protection Agency's (EPA) Integrated Risk Information System (IRIS) program. These subpoenas come after eight months of EPA delays and obfuscation in providing the Committee with information necessary for the oversight of the IRIS program and its review of the chemical formaldehyde.

I have written to the EPA on four separate occasions (March 4, April 3, July 18, and October 29)[1] to seek information to better understand EPA's decision to discontinue the IRIS review of formaldehyde. In those letters, I made clear that compulsory processes would be used if the EPA did not provide the information the Committee sought. In addition to those letters, the Committee staff have reached out to the EPA, under my authority, on numerous occasions by telephone and email.

Despite these many attempts, the EPA's response has been wholly lacking. Rather than providing information to the Committee which could actually inform the Committee's inquiry, the EPA has dragged its feet and provided the Committee with useless information. The EPA has approached its responses to this Congressional oversight with an accountant's zeal, constantly reiterating how many pages of documents it has provided to the Committee. In fact, you made a similar statement to me personally during a meeting in July. However, as I pointed out in my

[1] Letter to Administrator Wheeler from Chairwoman Eddie Bernice Johnson and Senators Tom Carper, Ed Markey, and Sheldon Whitehouse, March 4, 2019; Letter from Chairwoman Eddie Bernice Johnson and Subcommittee Chairwoman Mikie Sherrill to Administrator Andrew Wheeler, April 3, 2019; Letter from Chairwoman Eddie Bernice Johnson to Administrator Andrew Wheeler, July 18, 2019; Letter from Chairwoman Eddie Bernice Johnson to Administrator Andrew Wheeler, October 29, 2019 (all attached).

October 29 letter, the vast majority of the 2,500 pages of documents provided to the Committee were obviously irrelevant to our inquiry. The few materials provided that were actually relevant to our inquiry were heavily redacted to the point of worthlessness.

In my October 29 letter I asked for three specific "items":

1) A staff interview with Mr. David Dunlap;
2) The response of the Office of Children's Health Protection (OCHP) to the second-round survey on IRIS priorities (as described on page 25 of the Government Accountability Office March 2019 report "Chemical Assessment: Status of the EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act"); and
3) Any and all materials compiled and work products prepared by the EPA Scientific Integrity Official pertaining to the request in my March 4, 2019 letter with Senators Carper, Markey and Whitehouse.

In its November 5 response to the Committee, the EPA offered a briefing in response to item 1, an *in camera* review of item 2, and requested additional time to respond to item 3.

I categorically reject the EPA's offers of "accommodation" to items 1 and 2 as insufficient and eight months too late. In the original March 4 letter to the EPA, I identified the Committee's interest in Mr. Dunlap due to his prior work related to the formaldehyde industry. Eight months is entirely too long to wait to determine if Mr. Dunlap's interactions with the IRIS program were appropriate. In the meantime, public reporting suggests that Mr. Dunlap has continued to take part in discussions about the IRIS formaldehyde assessment even after announcing his plans to recuse from the issue.[2] In addition, and as I noted in my October 29 letter, the EPA has not identified a valid reason to withhold item 2 from the Committee.

With regard to Item 3, and in the interests of accommodation, I will provide the EPA with an additional seven days (over three weeks from my initial request) from the date of this letter to respond to the request. These items should be delivered to the Committee by close of business on November 22, 2019. Because we requested an inquiry be initiated in March 2019, these materials should already be compiled in a single location. It should therefore be a relatively simple process to provide them to the Committee. I caution the EPA that should any of the documents produced to the Committee be redacted in any way, I will not hesitate to issue a subpoena for the unredacted information.

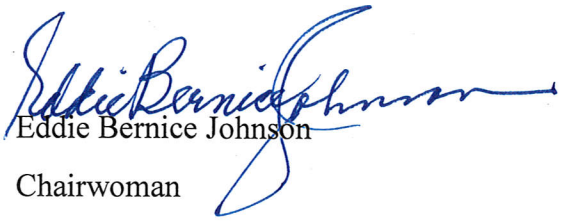
It has been over two decades since the World Health Organization first labeled formaldehyde a probable carcinogen. It is disgraceful that the EPA hasn't been able to complete an IRIS assessment of formaldehyde since that finding. In 2018, just as the IRIS program neared completion of its long-delayed review, the EPA shut it down. I intend to find out why it was shut down and if this decision was made appropriately. If the EPA won't cooperate with this legitimate Congressional oversight, then additional subpoenas will be forthcoming.

Thank you for your attention to this matter.

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[2] Annie Snider, "Koch alumnus at EPA worked on toxic chemical despite recusal plan," *Politico*, October 17, 2019, accessed here: https://www.politico.com/news/2019/10/17/koch-dunlap-epa-formaldehyde-049060

Sincerely,



Eddie Bernice Johnson

Chairwoman

Committee on Science, Space, and Technology