



December 22, 2011

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David Hunter  
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Rena Steinzor

Lisa P. Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Mail Code 1101A  
Washington, D.C. 20460

**Advisory Council**

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W. Thompson Comerford, Jr.  
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**Re: IRIS and H.R. 2055**

Dear Administrator Jackson:

When congressional negotiators reached agreement on the policy riders attached to H.R. 2055 last weekend, they settled on several provisions related to EPA's Integrated Risk Information System (IRIS) that will have significant impacts on the future of that program. The limited terms of the negotiators' agreement urge EPA to implement the National Research Council's (NRC's) April 2011 "roadmap" for improving future IRIS assessments over the course of the next year. On Tuesday, the American Chemistry Council (ACC) wrote to you with an erroneous interpretation of the IRIS-related riders to H.R. 2055 and, based on that erroneous interpretation, suggested that you should send the ongoing dioxin assessment back to the drawing board.<sup>1</sup> We urge you to disregard that suggestion and allow the IRIS program to continue on its charted path for releasing the dioxin assessment in 2012.

ACC inaccurately claims that H.R. 2055 directs EPA to include documentation of how the agency has implemented NRC's recommendations "in all IRIS assessments released in Fiscal Year 2012" and then uses that false reading of the bill to suggest that the dioxin assessment would run afoul of the law if released in the form most recently published.

To begin, under the legislative history of the H.R. 2055, EPA is only required to document its implementation of NRC's recommendations for *draft* assessments published in FY 2012.<sup>2</sup> The upcoming *final* assessment for dioxin need not include such documentation. The distinction is crucial, and is amply supported by the failure of an earlier rider that would have prohibited EPA from using any



funds “to take any administrative action based on any draft or final assessment that does not incorporate the [NRC] recommendations” or “has not fully documented the implementation of [those] recommendations.”<sup>3</sup> That far-reaching proposal was jettisoned in favor of the compromise decision to require documentation only for draft assessments in this fiscal year, as any good lawyer or any court would soon realize.

The compromise reflects Congress’s recognition that near-complete assessments should not be held up unnecessarily, and it echoes NRC’s own argument that the IRIS program should focus first and foremost on completing ongoing assessments. When NRC outlined its “roadmap” for IRIS improvements in the course of reviewing the draft formaldehyde assessment, the committee explicitly stated that not even the formaldehyde assessment itself should be put on hold to implement the roadmap.

The dioxin assessment should not be held up either. As you know, it has been thoroughly vetted by both the National Academies and EPA’s own Science Advisory Board (SAB). The SAB review that was released in August included both praise and criticism of the draft assessment. EPA made the appropriate decision in light of that review to forge ahead with the non-cancer portion of the assessment by the end of January 2012 while reconsidering aspects of the cancer-focused portion of the assessment. Because important public health protections turn on the release of IRIS assessments, it is important that EPA release the non-cancer portion of the dioxin assessment on schedule.

Thank you for your continued commitment to providing the public with a safe and healthy environment.

Sincerely,



Rena I. Steinzor  
President, Center for Progressive Reform  
Professor, University of Maryland Carey School of Law



Matthew Shultz  
Senior Policy Analyst, CPR

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<sup>1</sup> Letter from Cal Dooley, President and CEO, American Chemistry Council, to Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency (December 20, 2011), *available at* <http://www.americanchemistry.com/Policy/Regulatory-Reform/Cal-Dooley-Letter-to-Administrator-Jackson-Fix-Dioxin-Reassessment.pdf> (accessed December 22, 2011).

<sup>2</sup> Text of Joint Statement of Managers, Division E (December 16, 2011), *available at* [http://rules.house.gov/Media/file/PDF\\_112\\_1/legislativetext/HR2055crSOM/psConference%20Div%20E%20-%20SOM%20OCR.pdf](http://rules.house.gov/Media/file/PDF_112_1/legislativetext/HR2055crSOM/psConference%20Div%20E%20-%20SOM%20OCR.pdf) (accessed December 22, 2011).

<sup>3</sup> H. Rept. 112-151 (July 19, 2011), *available at* [http://appropriations.house.gov/UploadedFiles/HReport\\_112-151\\_2012.pdf](http://appropriations.house.gov/UploadedFiles/HReport_112-151_2012.pdf) (accessed December 22, 2011).