

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

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www.science.house.gov

January 24, 2024

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460

Dear Administrator Regan:

The Committee on Science, Space, and Technology is investigating the U.S. Environmental Protection Agency's (EPA) decision to forego a scientific review of the chemical chloroprene as well as the potential silencing of scientists at the Agency. Officials in EPA's Office of Research and Development (ORD) may have violated scientific integrity policies by influencing EPA's Region 6 Office to withdraw a request for a scientific review of the cancer risk assessment in the 2010 *Toxicology Review of Chloroprene* under EPA's Integrated Risk Information System (IRIS) Program.¹

In March of 2021, EPA's Region 6 Office sent a formal nomination for ORD to undertake a review of chloroprene, which had not been reviewed by the Agency since 2010 despite the availability of substantial new data and information.² The nomination was rejected within a matter of weeks and chloroprene was not submitted for a scientific review under the IRIS Program.

EPA credited this decision to a mutual agreement between ORD and Region 6, citing a July 2021 email in which the Region 6 Office rescinded its nomination for a scientific review of chloroprene.³ This email went to extensive lengths to highlight Region 6's opinion that the current IRIS assessment for chloroprene "continues to reflect the state-of-the-science" and its view that there are no concerns or questions about the "validity, quality, or scientific rigor" of the assessment.⁴ Yet, the Committee has learned that it was in fact ORD officials that authored this email sent by the Region 6 Office praising the current IRIS assessment and withdrawing the request for scientific review.⁵

¹ Thomas Catenacci, *Biden admin appears to fabricate paper trail in pursuit of major chemical plant shutdown: court docs*, FOX NEWS (Jan. 8, 2024), <https://news.yahoo.com/biden-admin-appears-fabricate-paper-090002321.html?guccounter=1>.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

While the July 2021 email came from the same Region 6 Scientific Liaison that sent the original nomination of chloroprene, a November 2022 deposition revealed that the Region 6 Scientific Liaison stated he “didn’t write that” and “didn’t know” who wrote sections of this email.⁶ Metadata presented in the deposition demonstrates that the email had been drafted by ORD officials.⁷

If the testimony provided by the Scientific Liaison is accurate, the email cited by EPA as justification for not conducting the scientific review of chloroprene was fabricated outside of the Region 6 Office and pushed by the Office of Research and Development. Based on this evidence alone, it appears that ORD officials, in an apparent effort to build a fabricated scientific record, authored the email withdrawing the request for scientific review on behalf of Region 6, which had previously determined a scientific review necessary. This practice is otherwise known as “ghost-writing.” The actions undertaken by ORD officials, who are tasked with conducting any IRIS chemical review or update, raise serious concerns that could amount to a violation of the Agency’s Scientific Integrity Policy.

Additionally, because this ghost-written email was sent several weeks after the chloroprene nomination was rejected, the actions undertaken by ORD officials appear to be a retroactive attempt to provide scientific rationales and may have been an action to silence scientific opinions of chloroprene that differ from the Agency’s public position. Ultimately, these actions undertaken by ORD could call into question the validity of the IRIS selection process – and specifically the role of political influence in what should be a scientific process.

The EPA’s Scientific Integrity Policy prohibits, “all EPA employees, including scientists, managers, and other Agency leadership, from suppressing, altering, or otherwise impeding the timely release of scientific findings or conclusions.”⁸ Additionally, the White House Office of Science and Technology Policy’s Scientific Integrity Policy states, “scientists’ ability to freely voice the legitimate disagreement that improves science should not be constrained.”⁹

If ORD drafted email communications on behalf of Region 6 officials in an effort to suppress or alter further scientific review of chloroprene under the IRIS program than it is likely one or more of the White House’s and EPA’s Scientific Integrity Policies have been violated.

The Science Committee has conducted multiple investigations regarding the lack of transparency and integrity within the EPA IRIS Program, including a 2017 hearing examining the scientific and operational integrity of the IRIS Program during President Barack Obama’s Administration¹⁰ and a 2019 transcribed interview of ORD officials during President Donald

⁶ Catenacci, *supra* note 1.

⁷ *Ibid.*

⁸ U.S. Environmental Protection Agency, *Scientific Integrity Policy*, EPA.GOV, https://www.epa.gov/system/files/documents/2023-12/scientific_integrity_policy_2012_accessible.pdf (last visited Jan. 16, 2024).

⁹ White House Office of Science and Technology Policy, *Scientific Integrity Policy*, WHITEHOUSE.GOV (May 17, 2023), <https://www.whitehouse.gov/wp-content/uploads/2023/06/OSTP-SCIENTIFIC-INTEGRITY-POLICY.pdf>.

¹⁰ Committee on Science, Space, and Technology, Joint Subcommittee on Environment and Subcommittee on Oversight Hearing, *Examining the Scientific and Operational Integrity of EPA’s IRIS Program* (Sep. 6, 2017), <https://science.house.gov/hearings?ID=96C888DD-6EAC-46C2-A4FE-9EC4E3C888FD>.

Trump's Administration.¹¹ In order for the Committee to better understand the process and decision making that EPA undertook with regard to the rejection of further IRIS review of chloroprene, we request that EPA complete the following actions by February 2, 2024:

1. Request the EPA's Office of the Inspector General conduct a review to verify the claims Dr. Michael Morton made in his deposition in the matter of *United State of America versus Denka Performance Elastomer, LLC, et al.* and any further reviews the OIG finds necessary regarding scientific integrity related to these claims.
2. Sponsor an immediate scientific review by the National Academies of Sciences, Engineering, and Medicine, or another independent body, for the cancer risk assessment in the 2010 *Toxicology Review of Chloroprene*.

Additionally we request EPA provide the following materials by February 16, 2024:

1. All documents and communications between or among EPA's Region 6 Office staff and EPA Office of Research and Development staff referring or relating to chloroprene.
2. All documents and communications between or among EPA Region 6 Science Liaison (Dr. Michael Morton) and EPA ORD staff, between April 9, 2021, and December 31, 2021.
3. All documents and communications between or among EPA ORD staff, including but not limited to Dr. Kris Thayer and Dahnish Shams, referring or relating to chloroprene between April 9, 2021, and December 31, 2021.
4. All internal and external documents and communications between or among EPA ORD staff and stakeholders, external groups, and White House officials referring or relating to chloroprene.

Pursuant to House Rule X, the Committee on Science, Space, and Technology has jurisdiction over environmental research and development. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committees prefers, if possible, to receive all documents in electronic format.

Should you have any questions please contact the Committee at (202) 225-6371. Thank you for your time and consideration regarding this matter.

¹¹ Corbin Hiar, *House aides to grill EPA official about formaldehyde review*, EENEWS.NET (Dec. 12, 2019), <https://www.eenews.net/articles/house-aides-to-grill-epa-official-about-formaldehyde-review/>.

Sincerely,



Max Miller
Chairman
Subcommittee on Environment
House Committee on Science, Space, and
Technology



Brian Babin
Chairman
Subcommittee on Space
House Committee on Science, Space, and
Technology

cc: The Honorable Zoe Lofgren
Ranking Member
House Committee on Science, Space, & Technology