

September 4, 2012

Re: Funding for the Report on Carcinogens in FY 2013

The Honorable Tom Harkin
Chairman
Subcommittee on Labor, Health & Human Services, Education & Related Agencies
Appropriations
Room 131 Dirksen SOB
United States Senate
Washington, DC 20510

The Honorable Richard Shelby
Ranking Member
Subcommittee on Labor, Health & Human Services, Education & Related Agencies
Appropriations
Room 156 Dirksen SOB
United States Senate
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Shelby:

We, the undersigned are occupational and environmental health scientists and professionals. We strongly support the work of the National Toxicology Program (NTP) and the Report on Carcinogens (ROC) program. On July 18, 2012, the House Appropriations subcommittee on Labor, Health and Human Services, Education, and Related Agencies reported out the fiscal year 2013 Labor, Health and Human Services (LHHS) funding bill, which includes funding for programs within the health-related agencies, including the National Institute of Environmental Health Sciences (NIEHS). We are concerned with a short paragraph on page 52 of the bill, which says:

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the PHS Act with respect to environmental health sciences, \$684,755,000; *Provided*, That none of the funds made available under this heading may be used by the National Toxicology Program (NTP) for the purposes of the Report on Carcinogens (ROC) unless and until 30 days after the National Academy of Sciences (NAS) peer review of the ROC process and listing criteria requested in the joint explanatory statement accompanying Public Law 112-74 has been completed.¹

The statement above refers to the joint explanatory statement that accompanied Public Law 112-74, in FY2012 House report 112-331. However, the FY13 bill quoted above misrepresents the FY12 conference agreement, which specified \$1 million, “*for the Assistant Secretary for Health*

*to contract with the National Academy of Sciences to conduct a scientific peer review of the 12th Report on Carcinogens determinations related to formaldehyde and styrene. Included in the review should be all relevant, peer-reviewed research related to both formaldehyde and styrene.”*² The NAS review is therefore intended by Congress in the FY12 bill to be a science-only review on two specific chemicals, and not a review of the ROC process or listing criteria. The NAS review therefore should not be used to hold up any of the work of the ROC on any other chemicals.

We strongly believe that there is no reasonable ground for delaying progress on the next ROC. The ROC adheres to a transparent, rigorous and expert-driven process for listing chemicals, and provides the public and medical community with scientifically rigorous information about the potential of environmental chemicals to contribute to cancer hazards.

The ROC follows an extensive multi-step process that includes independent external peer review, expert advisory reviews, and ample opportunity for public comment.³ This is among the most transparent chemical evaluation processes in government. The science staff that develops the ROC conducts extensive reviews of the scientific literature that includes three interagency reviews, six opportunities for public comment, and two external expert scientific reviews including one by its Board of Scientific Counselors which represents industry, government, and academic scientists.

The ROC listings meet the standard of scientific excellence on which scientists and regulators rely. The recent listings of formaldehyde and styrene in the 12th ROC are consistent with authoritative bodies around the world. Formaldehyde, which was classified as a known carcinogen in the recent ROC, is also listed as a known human carcinogen by the World Health Organization’s International Agency for Research on Cancer. Styrene is regulated as a Hazardous Air Pollutant by EPA, and considered possibly carcinogenic to humans by the World Health Organization. The 12th ROC listing of styrene as “reasonably anticipated to be a human carcinogen” is consistent with international scientific consensus regarding styrene’s toxicity.

The ROC process is a model for how to summarize the state-of-the-science on chemicals and cancer. As occupational and environmental health scientists, we firmly believe that building scientific consensus in the U.S. about chemical carcinogens is essential for effectively and efficiently protecting the public’s health and worker health. Furthermore, by providing the public with updated scientific consensus evaluations of the potential cancer risks from workplace and environmental contaminants, it informs American businesses wishing to establish scientifically grounded programs to create safer workplaces and safer products.

This FY13 rider is indistinguishable from a request made by the American Chemistry Council (ACC), the trade organization representing chemical manufacturers, in a letter this past spring to Secretary Kathleen Sebelius, Department of Health and Human Services (DHHS). Specifically, the ACC was highly critical of the ROC, and stated that, “The NAS review of styrene and formaldehyde will necessitate examination” of the policies and practices for data evaluation, and the criteria for listing potential carcinogens in the ROC.⁴ Moreover, the ACC letter urged DHHS to “suspend” development of the 13th ROC until the NAS completes its review.

With budget riders like this one, the American Chemistry Council is working to delay and ultimately destroy the ROC and other government programs that provide the public with unbiased, authoritative scientific assessments of the hazards of its member company's products. Honest, hard-working Americans and their families rely on Congress to protect their right to know about health risks from toxic chemicals in their homes, workplaces, schools, and consumer products.

We request that the House and Senate Appropriations Committees reject this House rider, - *or any other bill that Congress considers* - which would hinder the important work of the Report on Carcinogens program, and ultimately delay or deny the public important information about the potential for environmental chemical contaminants to cause cancer.

Respectfully,

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¹ For the subcommittee draft text of the fiscal year 2013 Labor/Health and Human Services/Education Appropriations bill, see website here: <http://appropriations.house.gov/uploadedfiles/bills-112hr-sc-ap-fy13-laborhhsed.pdf>

² http://www7.nationalacademies.org/ocga/laws/PL112_74.asp

³ <http://ntp.niehs.nih.gov/?objectid=3756DE0C-FA7A-404B-3F72194C30ABD961>

⁴ Letter from Cal Dooley, President and CEO, American Chemistry Council, to Secretary Kathleen Sebelius, Department of Health and Human Services. May 24, 2012. Avail here: <http://switchboard.nrdc.org/blogs/drosenberg/Dooley%20letter%20to%20Sebelius%20%5BMay%2024%202012%5D.pdf>