

Congress of the United States
Washington, DC 20515

August 5, 2010

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

Dear Administrator Jackson:

We are writing to express our concerns regarding the Environmental Protection Agency's (EPA) proposal to make the federal arsenic standards for drinking water more stringent than the standard adopted by the EPA at the end of the Clinton Administration.

It is our understanding that the draft of EPA's Integrated Risk Information System (IRIS) assessment for inorganic arsenic proposes a 17-fold increase in cancer potency from oral exposure to inorganic arsenic. We also understand that the assessment is scientifically controversial, because it is based on Taiwanese data not representative of current exposures, and not supported by current science.

The regulatory consequences resulting from this new stringent health risk evaluation would be staggering for drinking water standards and for soil cleanup programs. Countless small water systems in our states are still struggling to meet the current drinking water standards adopted by the Clinton Administration. More stringent requirements that are not fully supported by an accurate and robust review and evaluation of the available scientific information will cause significant economic hardships.

We are aware of at least two studies under way, one for which EPA has provided support, that may shed new light on the effects of exposure to arsenic at low levels. One of those studies will likely be published by the end of the year. It would seem prudent to defer further work on the arsenic assessment until those studies can be included. It is more important that EPA get the science right and not develop risk evaluations that go further than necessary and that are not justified by a fair, accurate and complete understanding of the science.

It is our understanding that EPA is supposed to review and evaluate all relevant scientific studies in the published literature when drafting IRIS assessments. However, we are informed that there are nearly 300 studies in the scientific literature on arsenic published since 2007 that were not included in the Agency's evaluation. We find that troubling and are concerned that this could allow critics to conclude that the Agency is "cherry-picking" data to support its conclusions. Our concerns with the adequacy and accuracy of the scientific evaluation are compounded by alarming problems with the public participation and integrity of the peer review of the draft assessment. We were surprised to learn that public comments filed with the IRIS docket, in accordance with the directions published in the Federal Register, were not provided to the workgroup of the Agency's Science Advisory Board (SAB) when it was convened to review the assessment and take public comment in April.

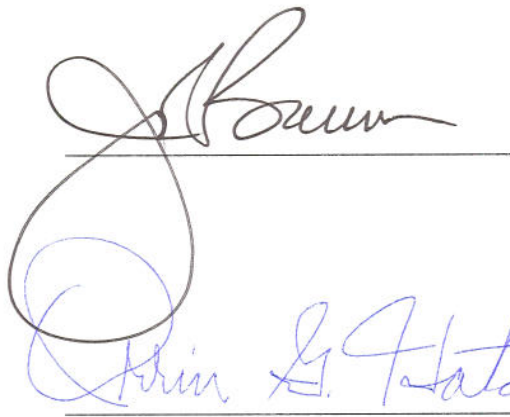
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We would like to draw your attention to comments filed by the Office of Advocacy for Small Business with the SAB, which we could not express better. Those comments are summarized, "In sum, the serious procedural issues and the rushed schedule made it almost impossible for the [SAB] Work Group to perform a serious and independent review. The 2010 draft failed in many respects to address key scientific issues. The above discussion makes it clear EPA has much additional work to do to complete the 2010 Draft. For the sake of the SAB and scientific integrity, we hope that the SAB will make the right choice and terminate this review."

For these reasons, we believe EPA should suspend further work on the IRIS assessment of inorganic arsenic. The Agency should thoroughly and completely evaluate all data on arsenic in the scientific literature, consider deferring action until the pending studies on the effects of exposure at low levels are completed and assure that public involvement and peer review are conducted with transparency, rigor and integrity.

You have pledged to make transparency and sound science hallmarks of your tenure as Administrator. In keeping with that pledge, we hope you will heed our calls and those of many others, including within your own agency, and defer further action on the IRIS review of arsenic until the issues we have outlined herein can be adequately addressed.

Sincerely,









John Ersign

Wally Hergen

Cynthia M. Lummis

Doug Lamborn

Mike Sney

Kimberly

Steve Chaffetz

Don Young

Sam Cole