ENVIRONMENTAL HEALTH AND SAFETY

The Environmental Protection Agency and the National Toxicology Program have—for decades—misused research to misclassify chemicals and to exaggerate their toxicity and carcinogenicity. The agencies sow fear among an anxious public and political sector to engage in regulatory overreach using questionable methodologies. They tout the unobtainable—no health risk.

MAJOR POINTS

- Observational population studies in toxicology are rife with unreliable science. They often involve data dredges intended to establish even the weakest associations between chemicals and health risks to justify ever more regulation.[41]
- Rodent studies that expose lab mice and rats to massive doses of chemicals are not a reliable means to establish the risk of cancer to humans, but are commonly used to do so.[42]
- A "No Safe Threshold" linear regression analysis assumes that any chemical posing a health threat at a high exposure will also pose a health threat at all exposure levels, no matter how low. That assumption is not accurate. There are always thresholds at which any chemical can pose a health risk, and smaller exposures at which toxic effects do not exist. In many cases, very low exposures may actually produce benefits.[43]
- When regulatory agencies fail to meet federal Information Quality Act standards or the evidentiary requirements delineated in the Federal Judicial Center's *Reference Manual on Scientific Evidence*,[44] they nullify the intent of Congress to maximize "the quality, objectivity, utility, and integrity of data and other information used in rulemaking and policy.[45]

APPROPRIATIONS

Congress should prohibit agencies from expending any funds for:

- Grants to study well-known chemicals that have been safely used for decades, such as Bisphenol A.[46] Additional rodent studies and statistical analyses that encourage researchers to engage in data dredging are not useful.

LEGISLATION

To achieve the necessary statutory reforms of health and safety policies, Congress must:

- Pass legislation to require Information Quality Act guidelines that are judicially enforceable to control agency science-based policymaking.[47]
- Require regulatory agencies to demonstrate that existing limits on chemical exposures have been set based upon *measurable and significant* risks to public health based on the best-available, peer-reviewed science that employs a weight-of-the evidence standard and complies with judicial evidentiary standards.
- Require that agencies' rules and regulations should produce economic and health benefits that outweigh the economic costs of the regulations.[48]
- Codify lead-abatement opt-out that would allow homeowners to opt out of the EPA's lead-abatement rule (which regulates removal of lead paint in older dwellings) if there are no children under six and no pregnant women living in their homes, as outlined in a 2008 EPA rule. This opt-out provision was eliminated in 2006, even though lead poses little risk to adults and the rule is expensive to homeowners.[49]

OVERSIGHT TARGETS

Congress should examine the following:

- The need for rules to ensure that agencies abide by Information Quality Act standards and judicial evidentiary standards in the regulation of chemicals.
- EPA programs—both voluntary and mandatory—that undermine chemicals based on regulatory application of the precautionary principle or exaggerated hazard profiles, rather than scientifically sound risk assessments.[50]

- Overly cautious linear non-threshold, carcinogen listings issued by the National Toxicology Program.
- The Food and Drug Administration's actions on Tricolsan to ensure that the agency is considering the best-available, peer-reviewed science in its review of the substance.[51]