To: Dr. Sue Shallal  
Designated Federal Officer  
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From: Environmental Working Group and the Center for Science in the Public Interest

Dear Dr. Shallal,

Thank you for this opportunity to comment on the proposed short-list of candidates for the PFOA Risk Assessment Review Panel. We believe the proposed panel has a number of candidates with strong points of view about this issue. Thus great care must be taken as you determine the eventual make-up of this panel.

Two issues must guide your decision. First, anyone with relevant conflicts of interest must be eliminated from the panel. Second, you must ensure that the final panel is balanced with regard to points of view.

The extent to which PFOA has infiltrated the environment and poses a risk to human health is a highly contentious issue. One major manufacturer, 3M Corp., has already stopped using PFOA due to concerns about its human health impact and its persistence in the environment. Another company, DuPont, continues its manufacture. Numerous companies’ products contain chemicals whose breakdown in the environment may be contributing to the growing presence of this potentially dangerous chemical in humans. Therefore, scientists with previous or current close ties to chemical companies that make or use this compound may have conflicts of interests that would preclude them from serving on this committee, no matter what their expressed views on its impact on human health may be.

Our review has determined that at least two of the scientists proposed for this panel may meet the test of having unacceptable conflicts of interest. According to his own 184-page resume, Dr. John P. Giesy of Michigan State University as recently as 1999-2000 conducted a $1.3 million ecological risk assessment for products containing perfluorinated compounds for 3M Corp. Dr. Giesy also says he was involved in studies related to the registration of PFOA, although it is unclear from his curriculum vitae exactly what this entailed. Dr. Giesy has a long and distinguished career and obviously has expertise in this field. However, Dr. Giesy fails the test of financial independence from parties with a financial stake in the outcome of this committee’s work, a requirement of the Federal Advisory Committee Act.

Dr. Jon C. Cook for the past five years has worked as a research scientist for Pfizer Inc. But prior to that, he worked for DuPont, which manufactures PFOA. It is
unclear from the background information posted on your website or publicly available documents whether Dr. Cook continues to have financial ties to DuPont in the form of retirement plans, stock or other compensation. At the least, his inclusion on this committee would taint the committee’s final work product since his long tenure with DuPont may lead some to “perceive” a conflict of interest, whether they exist or not. One of the rationales for conflict of interest laws is to eliminate not just actual conflicts, but the perception of conflicts of interest on scientific advisory committees so the public can be assured that the government is receiving a fair and balanced review.

We also noted that the roster of potential candidates has a number of industry-affiliated scientists, including two with long demonstrated biases against rigorous industry regulation through their work with the industry-funded American Council on Science and Health (Drs. Ernest Abel and Michael Kamrin). Two others are associated with the American Chemistry Council-funded Chemical Industry Institute of Toxicology (Drs. Melvin Andersen and Rory Conolly). A cursory review of many of their statements in the press and published articles shows a distinct bias against USEPA guidelines for evaluating risk and precautionary approaches to environmental regulation. Three others scientists (Drs. Ronald Brecher, Robert Schnatter, and M. Alfred Wiedow) either work for industry or for consulting firms that have numerous industrial clients, bringing the total number of industry-affiliated scientists on the short list (besides Giesy and Cook) to seven.

Fortunately, the short list has a number of highly qualified scientists who can offset the biases that exist among the industry-oriented scientists. The following scientists are free from conflicts of interest and qualified to evaluate PFOA hazard and risk: Drs. Deborah Cory-Slechta, Jay I. Goodman, Matthew P. Longnecker, Ronald Melnick, David M. Ozonoff, Kristina Thayer, and R. Thomas Zoeller. Each of them has the requisite expertise, but more importantly have a demonstrated concern for careful evaluation of the human health impacts of chemicals in our environment. We support their inclusion on the committee.

We hope you will take these comments into account as you develop the final roster for this critical committee.

Sincerely,

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