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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

BETTINA POIRIER, STAFF DIRECTOR  
ANDREW WHEELER, MINORITY STAFF DIRECTOR

February 20, 2008

The Honorable Stephen Johnson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC

Dear Administrator Johnson,

We urge the Environmental Protection Agency (EPA) to ensure that its Cancer Risk Guidelines include a built-in margin of additional safety for children, as the agency's scientific advisors, children's health advisory committee, and other health experts has repeatedly recommended.

Scientific experts have a long history of highlighting the need for lower thresholds of exposure for children. In 1993, the National Academy of Sciences (NAS) released their landmark report that "children are not little adults," and can be far more vulnerable to the effects of certain toxic chemicals than are adults. In addition, for certain chronic toxic effects such as cancer, exposures occurring early in life may pose greater risks than those occurring later in life." Over a decade later, the NAS reaffirmed the importance of addressing threats to children's health when it declared: "[I]t is in our national interest to place a higher priority on children's health."

Children have rapidly developing bodies and small exposures to harmful substances can disrupt delicate developmental activities during early life. In addition, children's bodies may process substances in a different manner than adults, and exposures to dangerous substances can cut short a child's life or cause dramatic and life-long health effects including cancer.

In light of mounting scientific evidence, Congress passed the Food Quality Protection Act in 1996 to require EPA to set health-protective values for children, plus an additional margin of safety for unique sensitivities and exposures of infants and children. In the same year, Congress amended the Safe Drinking Water Act to require EPA to give children and vulnerable populations special consideration when setting drinking water standards. And the following year, President Clinton launched Executive Order 13045, which requires EPA to "ensure that [its] policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks...."

EPA has issued a number of draft guidance documents that describe how EPA will analyze risks from cancer-causing chemicals under its 2005 Cancer Risk Guidelines. We are concerned that one such document, titled "Framework for Determining a Mutagenic Mode of Action for Carcinogenicity," will lead to the elimination of an added margin of safety to protect children when EPA is assessing many cancer-causing substances. Under this Framework, EPA proposes

to use an additional margin of safety only in one very limited case, where EPA knows that a specific process causes cancer. EPA admits this is “a very limited” definition.

EPA’s proposed approach has the potential to seriously weaken children’s health protections. In 1994, the NAS explained:

EPA’s practice appears to be to allow departure [away from using an additional margin of safety] in a specific case when it ascertains that there is a consensus among knowledgeable scientists that the available scientific evidence justifies departure from the default option... We believe that “the agency must continue to rely on its Science Advisory Board (SAB) and other expert bodies to determine when departing from a default option is warranted...”

Both the SAB and EPA’s Children’s Health Protection Advisory Committee have recommended that EPA generally retain the margin of safety. When EPA began developing these current guidelines, the SAB specifically noted that “...the primary goal of EPA actions is public health protection and that, accordingly, as an Agency policy, the defaults used in the absence of scientific data to the contrary should be health protective.” As part of its evaluation of the Guidelines in 2004, the SAB urged EPA to “reconsider the decision not to apply” the added margin of safety to protect children from chemicals that cause cancer by an unknown mechanism. EPA’s actions appear to run contrary to the SAB’s recommendations for protecting children’s health.

In 2007, EPA’s Children’s Health Protection Advisory Committee sent a strongly worded letter opposing the agency’s proposed approach. The Committee found numerous problems with the Framework, including that it creates “the potential for inconsistent and arbitrary decision-making... [and that it] creates a disincentive to new data generation...” The Committee recommended that EPA “redraft the Framework” using the Committee’s views.

We cannot stress enough the importance of ensuring that children are considered in all of the agency’s work in developing and implementing standards to protect against the risks of carcinogens and other pollutants, and the Framework falls short of meeting that goal. Please describe EPA’s plan for integrating the views of its science and children’s health expert advisors into the Cancer Risk Guidelines by February 26, 2008.

Sincerely,



Senator Barbara Boxer



Senator Hillary Rodham Clinton