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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 21, 2008

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

Dear Administrator Johnson,

We are writing to follow up on previous inquiries and gain a better understanding of how the Environmental Protection Agency (EPA) is responding to concerns and recommendations from the agency's Children's Health Protection Advisory Committee (CHPAC) regarding EPA's activities concerning children's health.

Children are not little adults, and pediatric populations are more vulnerable to harm from toxic chemicals. Compared to adults, children are proportionally exposed to higher levels of many pollutants in water and air. Children also process certain substances differently than adults. These and other factors make them especially sensitive to health threats.

The Executive Order on Protection of Children from Environmental Health Risks and Safety Risks requires EPA to "ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks." CHPAC was created to help EPA meet this requirement to protect children's health. However, we are concerned that your agency is not following this Executive Order, and is failing to take into account the recommendations of CHPAC or incorporate children's health into the agency's daily activities.

On April 10, 2007, CHPAC wrote to you to express their views on key elements of a comprehensive vision for protecting children's health and to make recommendations for action. On June 13, 2007, you directed the Environmental Protection Agency's (EPA) Office of Children's Health Protection and Environmental Education (Office of Children's Health) to "work collaboratively with program offices across the Agency, as well as with CHPAC, to review the recommendations in [CHPAC's] letter." Following your commitment to CHPAC, press reports indicate that Office of Children's Health staff asked workgroup members of EPA's Children's Health Advisory Management Partners to address each of the seven priority areas in CHPAC's letter.

In an October 10, 2007 letter, Senator Clinton urged EPA to examine areas where the agency has failed to make improvements to protect children's health, identify opportunities to make

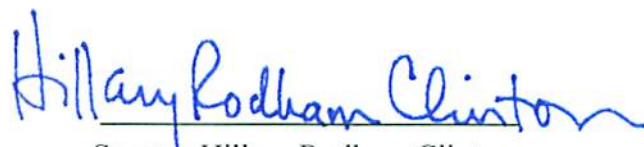
additional gains, and maintain current protections. On December 6, 2007, the Acting Director of Office of Children's Health wrote to Senator Clinton, saying that you and she had talked with CHPAC and expected to have further discussions with EPA personnel. After this letter--and more than six months after your first commitment to address CHPAC's recommendations--news reports indicate that EPA halted workgroup activities and began instead to work with senior-level political appointees, rather than the career civil servants who will carry out such activities.

We are very interested in learning more about EPA's current plans and activities to address CHPAC's concerns and recommendations. Please work with our staff to provide a written response to the questions on the following page by February 26, 2008.

Sincerely,



Senator Barbara Boxer



Senator Hillary Rodham Clinton

## **Questions Concerning EPA's Involvement of CHPAC in Agency Activities**

- 1. Please provide an update on the actions EPA has taken since the Administrator's June 2007 commitment to address CHPAC's recommendations and the actions that the agency intends to take going forward, including a timeline and description of all such actions.**
- 2. Please provide a description of the workgroups established under Children's Health Advisory Management Partners, their composition, and a summary of their plans.**
- 3. In the context of EPA's Action Development Process for implementing the Executive Order on children's health, describe how EPA determines whether to include the Office of Children's Health Protection and Environmental Education (Office of Children's Health), and how EPA determines whether to consider children's health issues as the agency develops actions such as policy statements, guidance documents, and regulations. Please also describe how EPA incorporates Office of Children's Health into such actions. For example, how did EPA decide whether to involve Office of Children's Health in the recent Toxic Substances Control Act Inventory Update Rule concerning products intended for use by children, regulations under the Clean Air Act concerning mercury emissions, and agency efforts to address climate change? In making such determinations, what role was envisioned for Office of Children's Health by EPA?**
- 4. The long-term lack of permanent leadership in Office of Children's Health raises concerns about the priority of children's health within EPA. Please describe the actions that EPA has taken to find a permanent Director for the Office of Children's Health Protection and Environmental Education, including a timeline and description of all past, current and planned search activities.**