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Cc: Munoz, Charles[munoz.charles@epa.gov]
From: Dourson, Michael (doursoml)
Sent: Mon 7/10/2017 2:06:19 PM
Subject: Re: Pending EPA Nomination

Ryan

Sorry for an extra headache perhaps. Apparently the story below is now circulating (got it from one of my EPA colleagues). Please advise on how to respond (or not) to the plethora of emails I am expecting later this week.

Cheers!

Michael



Michael Dourson, a former EPA risk assessor and founder of a leading risk assessment consulting group, is the leading contender for the appointment to head EPA's Office of Chemical Safety and Pollution Prevention (OCSPP), which is responsible for implementing the Toxic Substances Control Act (TSCA) reform law that President Obama enacted last summer. But if nominated, Dourson is likely to face opposition from environmentalists who in the past have criticized his candidacy for other posts at EPA. Sources say that while he has not yet been formally tapped for the post of assistant administrator, he is currently undergoing background checks.

Neither Dourson nor EPA returned calls seeking comment.

Dourson, one of the first EPA scientists involved with the creation of the agency's influential Integrated Risk Information System (IRIS) risk analysis program, founded a non-profit risk assessment and peer review consulting organization called Toxicology Excellence for Risk Assessment (TERA) after leaving EPA in 1995. Last summer, the group merged with the University of Cincinnati, where it is now housed as a center. Before its merger, TERA touted its mix of government and industry clients, publicizing that in most years its government contracts have exceeded its industry work. But Dourson's experience as a risk assessor may stand him in good stead as implementing the new toxics law places OCSPP leaders in the role of establishing and setting precedents with a wholly new risk assessment program -- particularly since EPA's toxics office has traditionally left such work to EPA's research office, as former Obama EPA toxics chief Jim Jones told *Inside EPA* last December. "The IRIS program exists to support other parts of EPA in need of hazard assessments in their work," Jones said. "Since [the Office of Pollution Prevention and Toxics] has not been doing risk assessment it has not been a big customer of IRIS, but it is becoming so."

In the past, Dourson had been a contender for a staff management position in EPA's research office as director of the IRIS program. As recently as 2014, Dourson was a finalist for the IRIS

post, along with Vincent Cogliano, the EPA scientist who eventually landed the job. Cogliano has since been replaced by current IRIS Director Kris Thayer. But Dourson's candidacy quickly led to concerns from environmentalists and public health activists, who questioned his industry contracts and relationships, and those concerns could resurface if Dourson is nominated.

IRIS Concerns

TERA used to release annual charts outlining its mix of industry and government contracts. The most recent of these on the organization's new website at the University of Cincinnati, shows "2015-2016 fiscal year project time by sponsor," showing 30 percent profit and 70 percent government/non-profit time. TERA has in the past posted financial disclosure reports indicating its annual funding mix. Before moving to the university, TERA's website indicated that in 2013, the funding mix for the group was 37 percent "industry and industry related work" and 63 percent was "government and other non-profit work." In 2014, the site indicated TERA's government work was with the Consumer Product Safety Commission, National Institute for Occupational Safety and Health, the National Library of Medicine, Health Canada and the Texas Commission on Environmental Quality, and its industry work was with American Cleaning Institute, Amgen, American Chemistry Council, Eli Lilly and Genentech.

A group of public health and environmental advocates wrote to EPA research office leaders in November 2014 with their [concerns about leadership](#) at IRIS, though the letter never mentioned either candidate for the IRIS director position open in 2014. "We are writing you with our concerns regarding the need to maintain the scientific objectivity in the IRIS program," the group of public health scientists and advocates wrote EPA research office leaders. "Our concerns derive from external pressures that have plagued the IRIS program, at times confounding and slowing essential progress on chemicals to which millions of Americans are exposed." Among concerns raised by staff during Dourson's evaluation for the IRIS director job was his interaction with IRIS staff, where he reiterated some of the concerns about the program that he outlines in a 2009 letter to former Rep. Paul Broun (R-GA). In that letter, and, sources said, also in the discussion with staff, Dourson outlined his approach to address a longstanding problem with IRIS -- its limited production. In a 2014 interview, Dourson said that there are only two ways to increase IRIS output: increase staffing and resources, or seek help from outside groups. The IRIS program's limited output has long been a concern, highlighted by agency advisors and the Government Accountability Office in multiple reports. The most recent past IRIS director, Cogliano, named production as his top challenge in 2014. But outsourcing IRIS work to others would likely raise conflict of interest concerns from environmentalists and others. TERA's site includes a page discussing its efforts to build partnerships to produce more assessments more quickly. "In fulfilling its mission to protect public health, the Risk Science Center builds partnerships between industry and government to incorporate the best science in the development of risk assessment values and methods. Such partnerships provide the opportunity to leverage the scarce government funds that are available to keep up with the growing number of studies and improvements in risk methods." The site provides the example of the IRIS program, noting that "it would take over 20 years in order to provide only one update to the over 500 chemicals on IRIS, given the current rate of reevaluations by the IRIS program. Involving scientists who are not government employees or government contractors in assessments can take advantage of expert knowledge on the individual chemical; outside scientists may also be given more time to fully explore all technical issues."

TSCA Challenges

The new chief of EPA's toxics program will face similar challenges as EPA continues its early efforts to implement the TSCA reform law, especially with its new requirements that the agency assess the risks of “existing” chemicals that were on the market when the original TSCA was enacted in 1976, and were at that time largely grandfathered. Concerns over EPA's limited ability to assess and regulate these chemicals were a major driver for TSCA reform, and Congress directed EPA to conduct assessments of 20 prioritized existing chemicals per year in the reform law. One, perhaps controversial, inclusion in the law is its requirement that EPA consider risk assessments conducted by outside parties, and its direction that EPA produce guidance on how these assessments should be performed. EPA released [that guidance](#) June 22, along with a trio of framework rules establishing the new program for existing chemicals and scoping documents for the first 10 assessments EPA is conducting.

-- *Maria Hegstad*

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