


October 2, 2006

Charles M. Auer, Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW, Mail Code 7401M
Washington, DC 20460


Dear Mr. Auer:

This letter is to advise you that we are resigning our appointments to EPA's National Pollution Prevention and Toxics Advisory Committee (NPPTAC), effective at the conclusion of NPPTAC's October 4, 2006, meeting.

This has been a difficult decision, which we reached only after extensive reflection. Many NPPTAC members and OPPT staff have worked diligently on behalf of NPPTAC, and OPPT's contractor, Meridian Institute, has made every effort to make NPPTAC productive. NPPTAC has developed useful advice for OPPT on certain issues, such as the screening process for HPV Challenge chemicals. Nevertheless, we are ultimately frustrated and disappointed with this Advisory Committee.

NPPTAC seemed promising when it began. It was created to provide formal outside advice to OPPT on its implementation of chemicals management responsibilities under the Toxics Substances Control Act (TSCA) and the Pollution Prevention Act. Our main interest in joining the Committee, and we believe its essential mandate, was to examine the systemic, structural challenges EPA faces in assessing and managing chemicals under TSCA. Deficiencies in EPA's implementation of, as well as limitations to EPA's authorities under, TSCA have been repeatedly identified in numerous studies.¹ We believe these problems are real. They prevent the Agency from adequately protecting human health and the environment from harm caused by chemicals, particularly the large number of inadequately assessed chemicals in commerce. They also impede the development and marketing of safer chemicals.

Whether or not one shares these views, NPPTAC offered the promise of providing a forum to examine these questions through an open and honest dialog among a diverse range of stakeholders. Such an examination is an urgent task for EPA in light of far-reaching global developments in chemicals regulation and the many current and emerging challenges facing human health, the global environment and the chemicals industry.

¹ See, for example, Wilson et al., *Green Chemistry in California: A Framework for Leadership in Chemicals Policy and Innovation* (2006), California Policy Research Center, University of California, Berkeley; General Accounting Office Report GAO-05-458, *Chemical Regulation – Options Exist to Improve EPA's Ability to Assess Health Risks and Manage Its Chemical Review Program* (2005); *Overview: Office Of Pollution Prevention And Toxics Programs*, 12/24/03 Draft Version 2.0, prepared by OPPT for the National Pollution Prevention and Toxics Advisory Committee; General Accounting Office Report GAO/RCED-94-103, *Toxic Substances Control Act – Legislative Changes Could Make the Act More Effective* (1994).

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Some of these problems relate to the structure of TSCA itself, which we recognize that EPA cannot change. Nevertheless, we are convinced that EPA could improve its assessment and management of chemicals under its existing TSCA authority. We brought forward to NPPTAC numerous ideas concerning useful improvements in OPPT's current programs that could have served as a basis for a productive multi-stakeholder dialog, and we have no doubt that other such ideas could be developed.


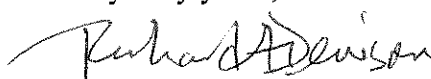
However, NPPTAC has been unable or unwilling meaningfully to consider these systemic, structural problems or ideas of the kind we brought forward. One reason is that OPPT itself has shown considerable reluctance to acknowledge and confront limitations in its approaches to implementing its authorities and carrying out its chemicals assessment and management functions. OPPT has also repeatedly cited EPA's budgetary constraints as a barrier even to considering changes. As a result, we have found that EPA discourages, rather than encourages, a full, open exploration of how it could approach these issues differently, even over the long term.

Also, as we have indicated repeatedly over many months, the composition of NPPTAC is not only numerically weighted excessively toward industry, it does not represent the full spectrum of views, even within industry, on the need to address the broader structural issues with which we are concerned. This imbalance has resulted in the ability of some of NPPTAC's industry members to repeatedly table broader issues and limit NPPTAC's agenda to narrow, short-term issues. At this point, the narrowness of the agenda that NPPTAC is prepared to pursue raises the question of whether it warrants the time and expense to EPA of maintaining and supporting this FACA Advisory Committee. In our view, it does not.

Accordingly, we have come to believe that we can accomplish little of value by remaining on NPPTAC, and hereby tender our resignations, effective at the conclusion of NPPTAC's October 4, 2006, meeting.

On a personal note, Charlie, we wish to acknowledge that you, your staff and that of Meridian Institute have been uniformly professional, energetic, and a pleasure to work with. We welcome any future opportunity that may arise to work with EPA again on these important issues.

Very truly yours,



Richard A. Denison
Senior Scientist
Environmental Defense

Joseph H. Guth
Executive Director
California League for
Environmental
Enforcement Now



Joel Tickner
Assistant Professor
and Principal Investigator
University of Massachusetts,
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cc: Marcus Peacock, Deputy Administrator, USEPA
Harry Gregori, Jr., Chair, NPPTAC
Barbara Stinson, Meridian Institute