

**Comments Submitted by David B. Fischer on behalf of the American Chemistry Council to the SAB Dioxin Review Panel on**

***EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments***

June 22, 2010

On May 21st, EPA announced a 90-day public comment period for the draft *Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments* (Draft Report).<sup>1</sup> In the announcement, EPA stated:

This draft report is now considered to be under EPA's Integrated Risk Information System (IRIS) program, and thus, the new IRIS process announced in May 2009 [hyperlink omitted] is being followed. Per the May 2009 process, this draft report is beginning Step 4 – independent external peer review and public review and comment.<sup>2</sup>

Unfortunately, the process laid out for the Draft Report does *not* comport with the IRIS process.<sup>3</sup> Consequently, the quality and integrity of the external peer review are at risk.

In particular, Step 4 of the IRIS process provides, in part, that –

- Public comments submitted before the close of the public comment period will be given to the peer reviewers at least ten working days before the peer review meeting; and
- Only those comments received by the close of the public comment period are **guaranteed** of being provided to the external peer review panel in advance of the peer review meeting.

Thus, Step 4 makes clear that the external peer review, in this case conducted by the SAB, will occur only after the public comment period has ended. This of course is entirely reasonable and in fact necessary to provide the public with sufficient time to review and comment on a draft report and provide comments to the SAB to review before it meets.

---

<sup>1</sup> 75 Fed. Reg. 28610 (May 21, 2010), Docket ID No. EPA-HQ-ORD-2010-0395.

<sup>2</sup> 75 Fed. Reg. at 28610.

<sup>3</sup> See [http://www.epa.gov/iris/pdfs/IRIS\\_PROCESS\\_MEMO.5.21.09.PDF](http://www.epa.gov/iris/pdfs/IRIS_PROCESS_MEMO.5.21.09.PDF).

Today's conference call and the upcoming July face to face meeting of the SAB, however, are all scheduled during the public comment period not after. In fact, today's conference call was scheduled only a month or so after EPA publicly released its nearly 2000 page Draft Report. The public therefore has had little time to review this massive document, let alone prepare written and oral comments to assist the SAB. Thus, the SAB will begin its deliberations without a complete picture of the relevant science in hand, hampering the integrity of the peer-review process.

We understand that the current SAB meetings were scheduled in anticipation of EPA issuing the Draft Report in early 2010, not mid-year. EPA's failure to meet its self-imposed deadline for issuing the Draft Report should not circumvent the public's need for an adequate comment period, and the SAB's need for a complete picture of the relevant science before expert deliberations begin.

To proceed in a manner consistent with the provisions of Step 4 of the IRIS process and to allow the SAB to fully meet its peer-review obligations, we urge the Chair of the SAB Dioxin Review Panel to:

1. Reschedule the July face-to-face meeting until at least two-weeks after the close of the public comment period. This would allow Panel members sufficient time to not only consider public comments but also to review the Draft Report itself; and
2. Ensure that the public is given ample time to present oral comments to the SAB, in excess of 5 minutes per speaker, especially given the wide public interest in dioxin and the potentially far reaching impacts of the final report.

If rescheduling the July meeting is not feasible, we request that the Chair schedule another face-to-face meeting at least two-weeks after the close of the public comment period. Importantly, the July meeting should be an opportunity for the SAB Panelists to initiate discussion, not to draw substantive conclusions. In this regard, the Chair should consider converting the July meeting into a 1-2 day meeting, rather than the current 3 day event.

As noted by Dr. Vu in her letter to Cal Dooley, President and CEO of the American Chemistry Council, "Given the complexity of the scientific issues, I expect that the SAB Panel will initiate discussion at the July meeting and that the SAB will need additional public meetings for follow up discussion and review of the panel's draft peer review report."<sup>4</sup>

---

<sup>4</sup> Letter from Dr. Vanessa Vu to Cal Dooley, June 4, 2010.