

Prepared Statement of Doctor Walter Shaub, Senior Science Advisor of the U.S. Chamber of Commerce's Environment, Technology and Regulatory Affairs Division for consideration by the SAB Dioxin Review Panel at its October 27 – 29, 2010 meeting to continue its review of EPA's *Reanalysis Of Key Issues Related To Dioxin Toxicity And Response To NAS Comments*, [External Review Draft]

Broadly speaking the impression of many Chamber members is that the Agency's ***Reanalysis Of Key Issues Related To Dioxin Toxicity And Response To NAS Comments***, [External Review Draft] is a matter of great importance and that all possible effort should be undertaken to develop an assessment that is balanced, comprehensive, transparent, reflects the most recent peer reviewed knowledge, and is defensible.

EPA has been working on this matter for a long time, and it appears now that there is increasing pressure from some quarters to bring the issue to a rapid resolution and bring finality to the process. That desire notwithstanding, a reasonable resolution of this matter should recognize and take account of the fact that science is continually evolving, and balance that against the realization that regulations and underlying policy, once established, are often far more intransigent. That is to say, unlike science, regulations do not continually evolve in real time, and this suggests the need for a fully deliberative and prudent approach.

Put another way, regulations and policy need to be as "right" as possible before the door is closed on the issue. This is because it is often a long time before the door is reopened and a regulatory issue is revisited—it should not go unnoticed that in some instances there never is a revisit even when it is plainly evident that such should be the case. Accordingly, wise counsel would be to take the time to get the policy, guidance and regulation right in the first place.

It is one thing to achieve finality and yet another matter to achieve a scientifically defensible outcome. If the agency wants to be able to say it got things right—and it should—it is incumbent on the agency to duly and objectively and in an informed manner consider all reasonable concerns and advice about what it has done, and this includes all the reasonable concerns raised not only by industry stakeholders, but also by scientists and engineers within the public community as well as by all the members of your committee.

I am sure, as this committee recognizes, that within the business community there are many technically competent and knowledgeable engineers and scientists who have published on the subject matter before you in top-of-the-line, peer-reviewed science journals. Moreover, having myself served in the past as a Science Advisory Board committee member, I am from my experience in that capacity, confident that the members of this committee will not dismiss out of hand the observations and opinions of experts solely because they are members of the business community. Science and the science process, after all, seeks to be fair, impartial, and objective and take the counsel

of all well informed and competent experts who offer objective observations on an issue. Such knowledge and expertise should not be dismissed, and I am confident will not be dismissed, without a fair, comprehensive, and balanced examination of the issues and concerns they raise.

The argument that on occasion has been made by some observers that business and industry “by definition” always has a conflict of interest is a specious argument that is without merit. Time and time again, through an established vetting process developed by the United States government, scientists and engineers have been identified within the business and industry community who have been determined according to government conflict of interest standards to have no conflict of interest and who can speak and offer objective observations that are not considered biased. Dioxin risk assessment is no exception, and experts on this issue before you within the business community deserve to have their views heard and duly considered in a fair and balanced and timely manner.

With its long history of diligent attention to scientific issues of great public and private concern, the Science Advisory Board is well-qualified to do exactly this and to do it in a thoughtful manner in which all members of the SAB committee are engaged and their voices heard. I know from experience that SAB expects no less of itself, and such should be and has been the case, inclusive and consistent with the Federal government’s public commitment to transparency of process, such that any dissenting views of members of your committee shall be published and made known to the public.