

Remarks to the SAB Dioxin Review Panel
On behalf of the
General Electric Company

by

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Good afternoon. I am Pat Kablach Casano, General Electric.

The Panel's draft report is concise, well-organized and generally clear. We offer four suggestions for improvement:

First, the Panel's mandate is science, not policy. The Panel should not state or imply that EPA can or should choose to ignore science in favor of policy. EPA tried that before, and it didn't work. A good example is the maximum contaminant level goal (MCLG) for chloroform under the Safe Drinking Water Act. In the late 1990's, EPA's scientists' concluded that chloroform exposures below a certain threshold do not cause cancer. Relying upon that conclusion, EPA proposed an MCLG of 300 ppb, but then adopted an MCLG of zero, stating that EPA could not ignore its longstanding policy in favor of a nonthreshold approach absent further analysis. The U.S. Court of Appeals for the District of Columbia soundly rejected that position, and declared the MCLG of zero to be [quote] "arbitrary, capricious and in excess of statutory authority". [end quote] The Court said that the MCLG of zero was inconsistent with EPA's statutory obligation to set an MCLG "on the basis of the 'best available' evidence,"[end quote]. [*Chlorine Chemistry Council vs. EPA*, 206 F.3rd 1286, 1290-1291 (D.C. Cir. 2000); also accessible at [http://www.cadc.uscourts.gov/internet/opinions.nsf/1E911251DE76302785256F18006598D3/\\$file/98-1627a.txt](http://www.cadc.uscourts.gov/internet/opinions.nsf/1E911251DE76302785256F18006598D3/$file/98-1627a.txt) .]

Although the Safe Drinking Water Act is not directly applicable here, OMB's and EPA's Information quality guidelines direct EPA to use the best available science. Ignoring the science that supports the nonthreshold approach here would be just as "arbitrary and capricious" as it was in the case of chloroform. The same guidelines direct EPA to identify and evaluate significant uncertainties and to consider studies that do not support EPA's conclusions. Failing to do so here likely would be considered arbitrary and capricious.

Second, the Panel should reconsider its conclusion that "it is appropriate to use all cancer mortality". If dioxin were as toxic as a nonthreshold approach implies, and actually capable of causing increases in "all cancers", wouldn't there be overwhelming and incontrovertible evidence of that fact from both the numerous animal studies that have been done and epidemiology? That evidence isn't here. For dioxin, different researchers have obtained different results – including null results, which EPA disregarded in the Draft Reanalysis. Because there is not a robust, coherent body of evidence, EPA considered all

cancers combined. That is not science. Instead, it is an unprecedented strategy for getting around the lack of one of the hallmarks of good science -- replication of results across studies.

Third, the Panel should remove from the report statements that contradict the conclusions that the Panel has reached (.e.g., the statement that EPA was effective in responding the NAS when the Panel, with ample justification, has concluded that EPA did not respond effectively to the NAS's recommendations on the threshold approach and uncertainty).

Finally, the Panel needs to emphasize that EPA should take the Panel's recommendations, as well as the recommendations of previous panels, to heart, and actually implement them. EPA's decision not to implement previous panels' recommendations contributed significantly to the delay in finalization of the dioxin reassessment. The Panel should not include any language in the final report that would facilitate repetition of that decision.

Thank you.