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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

JOHN KEAST, STAFF DIRECTOR
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May 13, 2020

Ms. Nancy Beck, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
3101-M
1200 Pennsylvania Avenue, NW
Washington, D.C.

Dear Ms. Beck:

The U.S. Senate Committee on Commerce, Science, and Transportation has received your nomination and associated paperwork to serve as Chairman and Commissioner of the U.S. Consumer Product Safety Commission (CPSC). As you know, the CPSC is an independent federal agency that has a critical mission to protect the public from the risk of serious injury or death posed by unsafe consumer products, including the risk of harmful and dangerous chemicals in toys and other children's products.

A review of your Committee questionnaire and recent media reports have raised questions about the scope of your involvement in efforts to deregulate several dangerous chemicals while serving at the U.S. Environmental Protection Agency (EPA) and at the National Economic Council (NEC). These include chemicals that you may be called upon to regulate if confirmed to lead the CPSC. For example, media reports have indicated that you have sought to limit restrictions on the group of chemicals collectively known as "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS."¹ These substances are frequently referred to as "forever chemicals" that are found in a variety of household goods, including cookware and raincoats. They are also used in firefighting foam, and have been linked to extensive contamination and birth defects at a number of military installations across the country.²

In addition, it appears that you have recently been involved in political decisions regarding the Federal government's response to the novel coronavirus (COVID-19). On May 8, 2020, the Associated Press published a story detailing emails where you apparently used your position at the NEC to have the Office of Management and Budget (OMB) block the release of

¹ See Rachel Frazin, *White House Pushed EPA for Looser 'Forever Chemical' Regulation: Documents*, THE HILL, April 20, 2020, available at <https://thehill.com/policy/energy-environment/493703-white-house-pushed-epa-for-looser-forever-chemical-regulation>.

² See Patricia Kime, *The List of Military Sites with Suspected 'Forever Chemicals' Contamination Has Grown*, MILITARY TIMES, Nov. 20, 2019, available at <https://www.militarytimes.com/news/your-military/2019/11/20/the-list-of-military-sites-with-suspected-forever-chemicals-contamination-has-grown/>.

guidance from the Centers for Disease Control and Prevention (CDC) regarding guidance to states and localities on safety and reopening measures in response to the COVID-19 outbreak.³ This raises serious questions about whether you believe in preserving and respecting the scientific and professional integrity of scientists and health professionals that work at agencies like the CDC and the CPSC.

Furthermore, in the course of reviewing your financial documents submitted to the U.S. Office of Government Ethics (OGE) and the questionnaire submitted to the Committee, there are a number of unresolved questions regarding the overall scope of activities you have been involved with at prior employers, such as the American Chemistry Council (ACC), and how those activities may be influencing your current portfolio at the EPA and the NEC.

Through this letter, and as Ranking Member of the Committee, I hereby request that you provide responses to the following questions prior to any further Committee activity regarding your nomination:

- 1) Your Committee questionnaire and your current resume both list your current position of employment as “Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention” and “Policy Advisor, National Economic Council, Executive Office of the President.” Please address the following questions:
 - a. What agency or entity is currently paying your salary?
 - b. What is the official title, grade, and/or classification of that position (i.e., Schedule C or other schedule and grade, classification, and salary)
 - c. What is your current job location?
 - d. What agency or entity are you currently required to file ethics forms (OGE and/or recusal arrangement) with?
 - e. Why has your detail to the NEC lasted this long?
- 2) Please explain, in detail, the current scope of your duties in your position with the EPA.
- 3) Please explain the nature of your detail to the NEC. Specifically, what is the scope of your responsibilities?
- 4) Please identify what work you have done, or any involvement you have had, with the Administration’s response to the COVID-19 pandemic. This question specifically includes any efforts related to the COVID-19 response, including efforts to relax or suspend enforcement of laws or regulations or block guidance from any agency or entity.
- 5) Please identify what work you have done, or your supervisory or other involvement, with regard to the Administration’s efforts to address the issue of contamination by the group of chemicals collectively known as PFAS. Is the description of your role as the Administration’s “point person” on PFAS policy accurate?

³ Jason Dearen, *AP Exclusive: Docs Show Top WH Officials Buried CDC Report*, Associated Press, May 8, 2020, available at <https://apnews.com/9c4d5284ba4769d3b98aa05232201f88>.

- 6) Please identify what work you have done, and any work you are currently involved with, regarding the EPA's draft risk evaluation for the solvent trichloroethylene (TCE). Was this work conducted as part of your position at the EPA, as part of your detail to the NEC, or both?
- 7) On February 28, 2020, the online journal *Reveal* published an article titled, "EPA Scientists Found a Toxic Chemical Damages Fetal Hearts. The Trump White House Rewrote Their Assessment."⁴ The article states that you and others under your supervision re-wrote portions of the EPA risk assessment for TCE to weaken findings showing a linkage between TCE and fetal heart defects. Do you agree or disagree with the statements in this article? If you disagree, please explain any disagreement in detail.
- 8) Please identify any additional work or consultation you have provided regarding TCE for any other federal agency or entity during your time at ACC, EPA, or the NEC. For the purpose of this question, your response should specifically identify any work, consultation, or direction provided to the U.S. Department of Defense (DOD) as part of its process to establish a new occupational exposure limit (OEL) for TCE, as well as copies of this work, communication, or direction to the other federal agency or entity.
- 9) Please identify any work you have done, either at ACC, EPA, or the NEC, involving any of the chemicals in the group collectively known as phthalates. For the purpose of this question, your response should mention any work done regarding specific individual phthalates, multiple phthalates, or the class of chemicals referred to collectively as phthalates.
- 10) Please identify any work you have done, either at ACC, EPA, or at the NEC, involving chlorpyrifos, a pesticide that studies have found harms children's brain development and increases the risk of autism.
- 11) Please identify what work you have done, either at ACC, EPA, or the NEC, involving the group of chemicals collectively known as organohalogen flame retardants (OFRs).
- 12) Please identify what work you have done, or your involvement, if any, with the Administration's and/or EPA's efforts to address environmental issues that fall outside the jurisdiction of the EPA Office of Chemical Safety and Pollution Prevention, including but not limited to, issues that fall within the jurisdiction of EPA's Office of Water (OW), Office of Air and Radiation (OAR), Office of Research and Development (ORD), Office of Land and Emergency Management (OLEM), and Office of Enforcement and Compliance Assurance (OECA).

⁴ Elizabeth Shogren, *EPA Scientists Found a Toxic Chemical Damages Fetal Hearts. The Trump White House Rewrote Their Assessment*, REVEAL NEWS, Feb. 28, 2020, available at <https://www.revealnews.org/article/epa-scientists-found-a-toxic-chemical-damages-fetal-hearts-the-trump-white-house-rewrote-their-assessment/>.

- 13) On April 17, 2020, Ranking Member Tom Carper of the U.S. Senate Committee on the Environment and Public Works sent EPA Administrator Andrew Wheeler a letter detailing your apparent efforts to weaken EPA's proposed Significant New Use Rule (SNUR) that is designed to restrict the use of certain long-chain PFAS chemicals (including PFOA and PFOS) in products. Do you agree with the assessment of your involvement in this matter? If not, please explain in detail.
- 14) Please identify what work you have done, either at ACC, EPA, or at the NEC, involving the CPSC, including any letters written to the CPSC or to any other agency, including but not limited to OMB, concerning any issue or action before or involving the CPSC.
- 15) Please provide the Committee with an accounting and documentation of all communications you have had with parties outside the government, pertaining to any work-related issue or matter, since you began your detail to the NEC. This should include any communications using any government or personal accounts or devices including phone calls, emails, text messages, or any other form of messaging, and should include communication with any individual who has a direct or indirect financial interest in matters related to the Toxic Substances Control Act (TSCA) or any other laws or policies with which you have been involved, including any matter related to PFAS, pesticides, or science and risk assessment policy. This includes not only individuals employed directly by chemical companies (including chemical manufacturers, importers, processors, distributors, and retailers), but also anyone employed by or consulting for a company, trade association, or consulting firm including but not limited to ACC, the National Association of Chemical Distributors (NACD), the American Cleaning Institute (ACI), the Household and Commercial Products Association (HCPA), and Exponent, Toxicological Excellent in Risk Assessment (TERA).

Thank you in advance for your attention to these questions. I request that you respond as soon as possible, and in no event later than May 27, 2020.

Sincerely,



MARIA CANTWELL
Ranking Member