

Testimony of Deborah Rice, Ph.D.
Maine Center for Disease Control and Prevention
to
The House Committee on Energy and Commerce
Science Under Siege: Scientific Integrity and the Environmental Protection Agency
September 18, 2008

My name is Dr. Deborah Rice. I am a toxicologist with over 30 years of experience in basic research and risk assessment. I am currently employed by the Maine Center for Disease Control and Prevention. I previously served as a senior risk assessor in the National Center for Environmental Assessment at the U.S. Environmental Protection Agency.

I am here today to outline the events related to my removal from an expert panel reviewing an EPA assessment of four polybrominated diphenyl ether flame retardants (PBDEs), and to offer my perspective on the events. To do that, I need to describe my activities as part of my professional duties for the State of Maine. In 2004, the Maine legislature approved a presumptive ban on one flame retardant, deca BDE, pending a series of annual reports by state professional staff on the health and environmental hazards of deca BDE and potential available alternatives. I contributed to three reports in 2005-2007, and spoke before the relevant legislative committee regarding the Maine bill. In that capacity I conveyed my scientific opinion on the hazards of deca BDE compared to possible alternatives.

In December, 2006, EPA published a draft document for four individual forms of PBDEs, including deca BDE. This document consisted of a scientific review of the health effects and derivation of a safe intake level (reference dose) for each of these individual PBDEs. There is no consideration in this type of document of banning a chemical or its use in specific products. I was invited to chair the external panel convened to review this document by the independent contractor responsible for organizing the peer review. The panel met in February 2007. My function as chair was to ensure that all scientific issues were discussed, and all reviewers had an opportunity to express their views. There was no requirement for

reviewers to reach consensus. The final comments of each reviewer were posted on the EPA website in March 2007.

In May 2007, I received a telephone call from Dr. George Gray informing me that EPA had received a letter from the American Chemistry Council requesting that I be removed from the panel, on the grounds that my comments in Maine concerning deca BDE reflected bias. The ACC further argued that they disagreed with results in a scientific research paper that I co-authored published subsequent to the EPA review. Dr. Gray questioned me concerning my activities in Maine, and indicated that he was considering acquiescing to industry's request. A later phone call informed me of that decision. I did not receive any written notification that I was being removed from the panel. I was told that only my comments on deca BDE would be removed. In fact my comments for all four chemicals were removed from a revised peer review report published in August, and my name erased from the document. In September, EPA published a third version of the document, which added a statement requested by the American Chemistry Council that "one reviewer's comments were excluded from the report ... due to the perception of a potential conflict of interest," a statement also currently on the EPA IRIS website. The final version of the EPA toxicological review includes my name as a peer reviewer, but does not include response to my comments.

There are several points that I think are relevant to interpreting the validity of my removal from the peer review panel by EPA.

First, my professional activities for the State of Maine were required as part of my duties as the toxicologist charged with providing expert scientific opinion to the state legislators. I had no opinion on the hazard posed by deca BDE before I started my review. I believe that having an informed scientific opinion constitutes neither bias nor conflict of interest. Indeed, if this is the definition of bias, then only individuals who are uninformed on a particular chemical would be considered suitable to serve as peer reviewers.

Second, the bill before the Maine legislature and the EPA document on the derivation of reference doses addressed different issues. The Maine bill dealt with whether safer chemicals were available as substitutes for one specific flame retardant chemical. The EPA document addressed derivation of a safe level of ingestion over the lifespan for four of these chemicals. My view that safer chemicals were available did not reflect on my ability to follow the EPA protocol for derivation of a reference dose. I am very familiar with the process, having worked as a senior risk assessor for EPA. In addition, EPA regards these chemicals as hazardous, or it would not have derived reference doses for them.

Third, I believe my comments and recommendations were objective and based on my 30 years of expertise as a toxicologist. To give an example, in initial comments I was the only reviewer to be critical of a specific feature of the experimental design of the studies upon which the EPA derivations were based. The identical argument was made by the ACC in their comments to EPA. The only evidence provided by the ACC that I performed in a biased manner with regard to the peer review was that they disagreed that deca BDE produces a specific health effect.

I thank the Committee for the opportunity to discuss this issue.