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March 19, 2008

National Freedom of Information Officer  
U.S. EPA, Records, FOIA and Privacy Branch  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
Phone: (202) 566-1667  
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Email: [hq.foia@epa.gov](mailto:hq.foia@epa.gov)

Dear Freedom of Information Officer:

Environmental Working Group ("EWG") is a § 501(c)(3) not-for-profit watchdog organization that focuses on the public health and environmental programs of the federal government. This letter is a request under the Freedom of Information Act (5 U.S.C. § 552) for access to and copies of specific Environmental Protection Agency (EPA) records from the National Center for Environmental Assessment (NCEA). The term "records" is intended to include all documents and records of any kind, including electronic records and handwritten notes, within the control or possession of EPA or its officials or contractors.

Specifically, EWG is requesting copies of all records<sup>1</sup> related to Conflict of Interest evaluations of external peer reviewers employed by the Integrated Risk Information System (IRIS) program to review chemicals from January 2003 to present.

This request includes, but is not limited to:

- All records documenting the evaluation of potential conflicts of interest for external peer reviewers of IRIS draft risk values. This includes materials created by all EPA-employed contractors including ORISE and VERSAR and appointment calendars indicating meetings or discussions regarding this issue.
- Oral or written statements and forms prepared by external peer reviewers regarding potential conflicts of interest, including, but not limited to, employment, contract work, stock ownership or options, expert testimony, public statements, honoraria and speakers' fees, gifts, trips, research funding, and intellectual property rights (patents, copyrights, trademarks, licensing agreements, royalty arrangements). These should include the Special Government Employee form submitted by panelists.
- Transcripts and records of information disclosed during phone and in-person interviews of external peer reviewers by all EPA contractors including ORISE and VERSAR. Any written statements or materials prepared for contractors by potential panelists regarding potential conflicts.
- Any documents generated by EPA staff in their review of the adequacy of panelist screening by the SAB, ORISE, VERSAR, or other contractors who oversee panels. This includes intra-agency emails and memoranda discussing potential conflicts and how to resolve them.

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<sup>1</sup> "Records" should be construed broadly and includes any written, type or graphic material, however produced or reproduced, including finals, drafts and notes, no matter how stored, whether print, electronic or magnetic.

- Any materials collected by EPA that would supplement the “Confidential Financial Disclosure Form for Special Government Employees Servicing on Federal Advisory Committees at the U.S. Environmental Protection Agency” required for SAB reviewers.
- All financial records collected to evaluate peer reviewer conflicts of interest, including records of personal financial ties of the reviewer, and his/her spouse, to companies manufacturing or using the chemicals under evaluation, including, but not limited to, records of compensation for employment, consulting or expert testimony on behalf of such companies, research funding sources, stock ownership or options, public statements, honoraria and speakers’ fees, gifts, trips, and intellectual property rights (patents, copyrights, trademarks, licensing agreements, royalty arrangements).
- All conflict of interest information regarding Dr. Elizabeth Anderson, chair of the IRIS external peer review panel for dibutyl phthalate, including, but not limited to, disclosure of her employer Exponent’s work for the American Chemistry Council’s Phthalate Ester Panel and Exponent’s contracts with the Toy Industry Association and other phthalate manufacturers or users regarding phthalate toxicity issues.
- Contracts and other agreements between EPA and contractors including ORISE and VERSAR, along with any other records or communications between EPA and contractors regarding the steps the contractors are to take to assess conflicts of interest.
- The written policies of ORISE, VERSAR, and other contractors regarding how they evaluate conflicts of interest.
- All communications between EPA and outside groups or individuals, particularly American Chemistry Council, regarding any requests to remove Deborah Rice as an external peer reviewer, including communications with George Gray and John Vandenberg.
- All records of any similar instances in which EPA has retroactively removed external peer reviewers from an IRIS panel, or has published altered versions of EPA scientific advisory panel reports. In addition to the records, please provide a summary list with the name of the reviewer, the panel name, the date appointed and the date removed, and the reason for the removal.

If EPA determines that some portions of the requested records are exempt from disclosure, EWG asks that EPA justify all deletions by reference to the specific exemptions of the act. EWG expects EPA to provide us with copies of the remainder of the records and release all segregable portions of otherwise exempt material. Of course, EWG reserves the right to appeal EPA’s decision to withhold any information.

EWG agrees to pay reasonable duplication fees for the processing of this request up to \$300. If EPA expects duplication fees to exceed this amount, please notify EWG prior to incurring any expenses. EWG also asks EPA to waive any other applicable fees as the requested information will not be used for commercial purposes and their disclosure is in the public interest. Electronic records are preferred if they can be opened with Microsoft Office applications. In lieu of this, paper records will be acceptable.

Please send records to [jane@ewg.org](mailto:jane@ewg.org) or mail them to:

Environmental Working Group  
Attn: Jane Houlihan  
1436 U Street, NW, Suite 100  
Washington DC 20009

As required by statute, EWG expects a reply within 20 business days. If some of the records cannot be produced in this time frame for some reason, EWG requests that the rest of the information be sent to us promptly. If you have questions regarding this request, I would appreciate your communicating with me by telephone rather than by mail. Thank you for your timely attention to this matter and we look forward to hearing from you.

Sincerely,

[Signed]

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Vice President for Research  
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