OPENING STATEMENT
The Honorable Paul Broun, M.D. (R-GA), Chairman
Science, Space, and Technology Committee, Subcommittee on Investigations and Oversight
Joint Hearing with
Small Business Committee, Subcommittee on Healthcare and Technology
"How the Report on Carcinogens Uses Science to Meet its Statutory Obligations, and its Impact on Small Business Jobs"

Wednesday, April 25, 2011

I'd like to extend a warm welcome to my colleagues from the Small Business Committee, and thank them for their participation in this joint hearing today.

The Science, Space, and Technology Committee has a history of conducting oversight hearings on agencies and programs that produce chemical assessments. While we have delved into the work performed by the Agency for Toxic Substances & Disease Registry and EPA's IRIS program on more than one occasion, this is the first time I have had the opportunity to hear from the Director of HHS's National Toxicology Program on the subject of the Report on Carcinogens, also known as the RoC.

I view today's hearing as a learning opportunity for our committees so that we may better understand the work performed by NTP as it publishes its Report on Carcinogens.

As a legislator, I am very concerned with protecting public health and safety. I can think of few greater responsibilities we have as public servants. As a physician, I take this responsibility even more seriously. When substances are found to be harmful, we should make every effort to minimize the public's exposure. We also have a responsibility to ensure that these determinations are appropriate, are not arbitrary or capricious, and are communicated correctly.

While taking the most cautious and precautionary approach to making these determinations may seem like the right thing to do, this method may actually do more harm than good. When concerns and fear are promoted with little actual risk, commerce, small businesses, and everyday citizens are impacted with no appreciable benefit to their safety.

It is often repeated that the RoC does not assess risk, just hazards, and it is not a regulatory action, and therefore it is not required to meet more rigorous standards. While this may be true, it unfortunately is not the whole story. These assessments are highly influential scientific assessments that influence regulatory actions at the earliest stages. When the law that established the RoC was passed, its stated intent was "to be a first step in regulation."

Because the RoC has such great import, it is critical that these reports reflect the best available science. The recent release of the 12th RoC demonstrates how confusing this process can be. In a report published last April on the EPA IRIS assessment of formaldehyde, the National Academy of Sciences:

> "strongly questioned EPA claims that exposure to formaldehyde can result in increased risk of a leukemia and other cancers that had not previously been associated with formaldehyde, asthma, and reproductive toxicity."

Yet two months after the Academies' report, NTP issued the 12th RoC with an upgrade in the listing of formaldehyde to a "known" carcinogen, based in part on claims similar to those made by EPA, and dismissed the Academies' report in an addendum. Since then, concerns have been raised about how the RoC is developed and how its finding are communicated.

Last winter, the Small Business Administration's Office of Advocacy sent a letter to HHS as well as to NTP, urging HHS:

> "to review and evaluate the RoC's purpose and objectives and to consider whether, if substantial changes cannot be made, the RoC should continue to play a role in the federal government's chemical risk assessment program."

That is a surprisingly forthright comment, and one that Congress shouldn't take lightly. Separately, in the omnibus appropriations bill passed last December, Congress directed the Academies to review the 12th RoC's listing of two of its substances, and I look forward to reading that report when it's published.

Although the RoC is not a regulation, by its own admission, "the RoC can be used by regulatory agencies and others for decision making." That makes this a very influential document because a RoC listing has real world implications, and we will hear about some of those implications from the small business witnesses on our second panel. Ultimately, we have to ensure that the public has the best information possible in order to protect their health.

I now yield to Chairwoman Ellmers.

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