



CAL DOOLEY
PRESIDENT AND CEO

April 8, 2013

Mr. Jeffrey Zients, Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Acting Director Zients,

In August 2012, on behalf of the American Chemistry Council (ACC), I met with the Chairman of the Consumer Product Safety Commission (CPSC), Ms. Inez Moore Tenenbaum, to express our concerns with the lack of transparency and integrity of the peer review process CPSC had planned for the forthcoming report of the Chronic Hazard Advisory Panel (CHAP) on phthalates. The CHAP has been conducting a de novo review of certain phthalates and phthalate alternatives as required by the Consumer Product Safety Improvement Act (CPSIA). We have recently learned that the CPSC has decided to not conduct a public peer review of the draft report by the CHAP (see correspondence with CPSC and response attached), in violation of the intent and spirit of the 2005 Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review (OMB Peer Review Bulletin). The planned closed peer review by CPSC cuts the public out of the process until rulemaking commences and has serious marketplace implications.

As we detailed in our correspondence to Chairman Tenenbaum in August 2012, the Information Quality Act (IQA) required OMB to issue guidelines "that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information ... disseminated by Federal agencies...." The IQA was enacted as a supplement to the Paperwork Reduction Act (PRA) and applies to all agencies that are subject to the PRA, including the CPSC. Acknowledging the important role of scientific information, in 2005, OMB provided additional guidance through the OMB Peer Review Bulletin to ensure the quality and credibility of scientific information before it is relied upon and disseminated by the government. The OMB Peer Review Bulletin also applies to all agencies subject to the PRA, and CPSC has been reporting annually to OMB regarding its implementation of both the IQA and the OMB Peer Review Bulletin.

The OMB Peer Review Bulletin deems a scientific assessment highly influential if it "could have a potential impact of more than \$500 million in any year" or "is novel, controversial, or precedent-setting or has significant interagency interest." In addition to underpinning an important and precedent-setting rulemaking, the CPSC review of phthalates will likely impact the commercial marketplace, in addition to impacting federal risk assessment policy broadly in the areas of cumulative risk assessment and endocrine policy. The CPSC review, therefore, "is novel, controversial, or precedent-setting or has significant interagency interest."



We urge OMB to exercise its oversight role to ensure that CPSC fully applies the OMB Peer Review Bulletin to the peer review process for the CHAP on phthalates report and complies with the OMB Peer Review Bulletin's expectations for a highly influential scientific assessment.

Please let me know if you require further information. We request the opportunity to meet with you to discuss our concerns.

Sincerely,

A handwritten signature in black ink that reads "Cal Dooley". The signature is written in a cursive, slightly slanted style. The first name "Cal" is written in a larger, more prominent script than the last name "Dooley".

Cal Dooley

cc: Andrei Greenawalt, Associate Administrator, OMB Office of Information and Regulatory Affairs
Dominic Mancini, Deputy Administrator, OMB Office of Information and Regulatory Affairs
Inez Moore Tenenbaum, Chairman, Consumer Product Safety Commission