UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
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BETHESDA, MD 20814

CHAIRMAN INEZ M. TENENBAUM

March 22, 2013

Nancy Buermeyer, Senior Policy Strategist
Breast Cancer Fund
1388 Sutter St. Suite 400
San Francisco, CA 94109-5400

Dear Ms. Buermeyer:

Thank you for your letter of October 11, 2012, regarding the operations of the independent Chronic Hazard Advisory Panel on Phthalates and Phthalate Substitutes (CHAP). Because the safety of phthalates and phthalate substitutes is a very important public health issue, effective implementation and enforcement of the requirements of section 108 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) have been a high priority for me as Chairman.

In section 108(b)(2) of the CPSIA, Congress required the Consumer Product Safety Commission (CPSC) to appoint an independent CHAP to conduct a *de novo* examination of the effects on children's health of all phthalates and phthalate alternatives used in children's toys and child care articles and for the CHAP to submit a final report to the agency after the completion of its examination. After submission of the CHAP's final report, the agency must commence related rulemaking in accordance with section 108(b)(3) of the CPSIA. The CHAP has undertaken its independent examination and is currently drafting its report. I am very eager for the CHAP to complete its work and for the agency to move on as efficiently as possible discharging its statutory obligation by beginning rulemaking.

Although I am aware of your request for the CHAP to not subject its report to peer review, the CHAP has independently decided to obtain a scientific peer review of its draft final report as a prerequisite to its submission of a final report to the agency. Accordingly, CPSC plans to assist the CHAP in executing its scientific peer review of the draft final report while maximizing the transparency of this process to the extent practicable by proceeding as follows:

The CHAP's draft final report will be sent to scientific peer reviewers nominated by the National Academy of Sciences (NAS). These peer reviewers will be tasked with conducting a rigorous scientific review of the draft final report and will submit their comments to the CHAP. The CHAP will then consider the comments submitted by the peer reviewers and complete and submit its final report to CPSC.

After the peer review is completed and the CHAP submits its final report to CPSC, the agency plans to release publicly the final report and commence rulemaking in accordance with the statutory requirements contained in section 108(b)(3) of the CPSIA. Consistent with my commitment to transparency, the agency also anticipates publicly releasing the:

- CHAP's draft final report,
- peer reviewers' comments on the draft final report submitted to the CHAP,
- charge questions submitted to the peer reviewers, and
- identities and affiliations of the peer reviewers.

Through the CHAP's submission of its independent and final scientific report to the agency and CPSC's subsequent release of the CHAP's peer review materials, CPSC is respecting the independence of the CHAP to determine the most suitable peer review process for its report while also proceeding in an open and transparent manner prior to completing the rulemaking required by section 108 of the CPSIA. I have consulted with CPSC's expert scientific staff regarding the peer review plan outlined above, and they are confident the process is widely accepted and consistent with recognized practices in the scientific community. In addition, the CHAP and CPSC staff believe this process certainly satisfies scientific standards for a report of this nature.

An essential tenet of my leadership at CPSC is making the operations of the agency open and transparent to the public. The agency's involvement in the CHAP process has been no exception, and to date the public has had numerous opportunities to submit information and present its views—either in written or oral form—to the CHAP for its consideration as it works to draft and finalize its report. After the CHAP has subjected its draft final report to scientific peer review and submits its final report to the agency, I can assure you that all interested parties will have yet another chance to submit comments to the agency directly as a part of the phthalates rulemaking required by section 108(b)(3) of the CPSIA.

The safety of children is at the heart of our work at CPSC and will remain so while I am Chairman. Children, parents, and all consumers deserve a process that is scientifically rigorous, efficient, and transparent. We have achieved a proper balance in this regard and thus will proceed accordingly upon receipt of the final CHAP report.

Very truly yours,

Inez M. Tenenbaum

Cc: Natural Resources Defense Council
Cancer Prevention and Treatment Fund
National Research Center for Women and Families