



CAL DOOLEY
PRESIDENT AND CEO

August 24, 2012

Ms. Inez Moore Tenenbaum
Chairman
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Tenenbaum,

On behalf of the American Chemistry Council, thank you for meeting with us to discuss the Consumer Product Safety Commission's (CPSC) Chronic Hazard Advisory Panel (CHAP) review on Phthalates.

The CHAP's report will serve as the scientific underpinning for potential CPSC regulatory action. As such, the report will be a highly influential scientific assessment and thus should be subject to a peer review that comports with the highest standards for transparency, openness and objectivity as outlined by OMB's Peer Review guidelines.

I appreciate the opportunity to outline the statutory and regulatory rationale for subjecting the Phthalate CHAP report to OMB's Peer Review guidelines:

- 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, which includes the CPSC. The 2005 Information Quality Bulletin for Peer Review also applies to all agencies subject to the PRA, and we are aware that CPSC has been reporting annually to OMB regarding its implementation of both the IQA and the Peer Review Bulletin.
- The 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 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 are concerned that despite the broad and precedent-setting implications of the CHAP Report, it is not listed among the activities identified by CPSC staff as a potential highly influential scientific assessment nor is the planned peer review consistent with the OMB standards for the review of highly influential scientific assessments. Comporting with the OMB Peer Review Bulletin is the only way to “maximiz[e] the quality, objectivity, utility and integrity” of the CHAP report and the CPSC’s peer review process.

I greatly appreciate your time and attention to this critical issue and encourage you to contact me if the CPSC needs additional information as it oversees this review.

Sincerely,

A handwritten signature in black ink that reads "Cal Dooley". The signature is written in a cursive, slightly slanted style.

Cal Dooley

cc: Matthew R. Howsare
Jason K. Levine
Scott J. Wolfson