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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0404**

April 1, 2024

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency (EPA)  
William Jefferson Clinton Building  
1200 Pennsylvania, N.W.  
Washington, D.C. 20460

The Honorable Martha Williams  
Director  
U.S. Fish and Wildlife Service (FWS)  
1849 C Street, NW  
Washington, DC 20240

The Honorable Janet Coit  
Assistant Administrator for National Marine Fisheries Service (NMFS)  
National Oceanic and Atmospheric Administration (NOAA)  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Administrator Regan, Director Williams, and Assistant Administrator Coit:

I write to each of you today to share my concerns regarding the EPA's Integrated Risk Information System (IRIS) program, its risk assessment of formaldehyde, and the way this risk assessment could negatively impact important sectors of the economy *and* the environment. In recent years, serious concern has been expressed about how the IRIS program—a program never specifically authorized by Congress—informs the EPA's regulatory decisions. More specifically, the EPA's IRIS assessment of formaldehyde has long been the subject of congressional scrutiny. Over the last few years, a bipartisan coalition of Members of Congress has repeatedly urged the EPA to conduct a more thorough review of this risk assessment, citing its potential impacts on supply chains across several sectors. I share their concerns and urge each of you to ensure your agencies are working together, using the best available science and efficient processes before making regulatory decisions.

In recent years, Congress and the U.S. Government Accountability Office (GAO) have repeatedly questioned the IRIS program's effectiveness as part of the EPA's mission of protecting human health and the environment. IRIS has been on GAO's High-Risk Series, which is reserved for government operations with vulnerabilities to fraud, waste, abuse, and mismanagement, or in need of transformation, since 2009 and has multiple long-standing GAO recommendations that

are still unimplemented.<sup>1</sup> Additionally, in 2020, the GAO issued a report, *Annual EPA Survey Inconsistent with Leading Practices in Program Management*, where they noted the IRIS program's record of delays in chemical assessments.<sup>2</sup> In that report, the GAO found that "most of its [the IRIS Program's] 15 ongoing assessments have experienced delays" and that while the IRIS program had taken some steps to make the process more transparent, "the need for greater transparency in some steps of the assessment process remains."<sup>3</sup> It is important to note that two of the GAO's five recommendations remain open, including the priority recommendation that the EPA include chemical assessment needs and more specific plans of IRIS operations in the Office of Research and Development's (ORD) strategic plan.<sup>4</sup> This lack of transparency and operational uncertainty is troubling for a program whose findings can inform regulatory activities across the EPA and other Federal agencies. For example, EPA's IRIS assessment of formaldehyde is likely to provide the basis for forthcoming EPA regulations under the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Clean Air Act. These new standards, in turn, may conflict with or supersede formaldehyde regulations from other agencies, including FWS' formaldehyde exposure control standards and approved formaldehyde-based aquaculture drugs.<sup>5</sup>

In addition to the longstanding concerns that several of my colleagues have expressed about the IRIS process broadly, it is hard to overstate the importance of formaldehyde as a chemical compound and the impact that an unachievable standard or an outright ban of this chemical could have. Among other uses are its role in developing more efficient wood products, preventing unnecessary deforestation, and protecting forest-dwelling animals and birds. Formaldehyde also plays a critical role in protecting salmon and steelhead populations, which is critical to hatcheries and fisheries across the United States, by controlling for disease and parasites. If the IRIS risk assessment, as currently being considered, seeks to place a ban on formaldehyde or sets an unachievable standard, each of these vital activities, among others, could be placed in jeopardy.

Given these potential wide-ranging impacts, I urge each of you to work together to fully examine the impacts that this IRIS assessment and forthcoming EPA actions might have on several issues under the purview of each of your agencies before the EPA finalizes this risk assessment. Section 7 of the Endangered Species Act, Section 9 of TSCA, EPA's IRIS process, and Executive Order 12866 all contain specific requirements for interagency coordination. My concern is that this is not currently happening. In December, the EPA announced its search for candidates to assist in the peer review of the formaldehyde risk assessment and signaled that it "intends to defer to the draft 2022" IRIS assessment for forthcoming regulatory activities under TSCA and FIFRA.<sup>6</sup> This assessment fails to live up to the interagency review process that is paramount to making

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<sup>1</sup> U.S. Government Accountability Office. "High- Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas." April 2023. <https://www.gao.gov/assets/gao-23-106203.pdf>

<sup>2</sup> U.S. Government Accountability Office. "Chemical Assessments: Annual EPA Survey Inconsistent with Leading Practices in Program Management." December 2020. <https://www.gao.gov/assets/d21156.pdf>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> <https://www.fws.gov/policy-library/242fw9>; <https://www.fws.gov/sites/default/files/documents/3rd-Edition-Quick-Reference-Guide-to-Approved-for-Use-in-Aquaculture-Drugs.pdf>.

<sup>6</sup> U.S. Environmental Protection Agency. "EPA Calls for Nominations of Peer Reviewers for Formaldehyde." December 22, 2023. <https://www.epa.gov/chemicals-under-tsca/epa-calls-nominations-peer-reviewers-formaldehyde>

decisions that protect the environment and public health. I urge you all to address these issues before the EPA moves forward with the IRIS risk assessment of formaldehyde.

Sincerely,

A handwritten signature in blue ink that reads "Bruce Westerman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce Westerman  
Member of Congress