



September 9, 2022

Dr. Kathryn Guyton
Senior Program Officer
National Academies of Science Engineering and Medicine
Board on Environmental Studies and Toxicology
500 Fifth St., N.W.
Washington, D.C. 20001

Dear Dr. Guyton:

On August 5, the National Academies of Sciences, Engineering, and Medicine (NASEM) Board on Environmental Studies and Toxicology (BEST) announced the provisional committee for the review of the 2022 U.S. Environmental Protection Agency (EPA) draft Integrated Risk Information System (IRIS) assessment of formaldehyde. The twenty-day comment period closed on August 25, 2022. In this letter the American Chemistry Council's Formaldehyde Panel¹ ("Panel") respectfully requests 1) copies of the comments received by NASEM in response to its announcement of the provisional committee, and 2) information associated with the closed meeting held on September 1². We also renew our requests for previous material to which NASEM has been unresponsive.

With respect to the closed meeting held on September 1, the Panel requests:

- Copies of any public notice provided announcing the meeting as well as the subsequent posting of the meeting summary³ (despite having subscribed for email updates from NASEM, I neither received information regarding the September 1 closed meeting nor notice of the meeting summary); and
- Confirmation of whether, in light of the September 1 closed meeting and requirements under Section 15(b)(1) and 15(b)(4) of FACA, the provisional committee has been appointed and if any changes or disclosures were made in response to public comments.

We understand that NASEM has also failed to provide public access to "materials presented to the committee by individuals who are not officials, agents, or employees of the Academy," including nominations, communication with the sponsoring agency, Congressional correspondence, comments on the draft assessment for which the sponsoring agency committed to provide to NASEM,⁴ and comments

¹ The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. The ACC Formaldehyde Panel represents producers, suppliers and users of formaldehyde and formaldehyde products, as well as trade associations representing key formaldehyde applications.

² <https://www.nationalacademies.org/event/09-02-2022/review-of-epas-2022-draft-formaldehyde-assessment-bcoi-discussion>.

³ [Review of EPAs 2022 Draft Formaldehyde Assessment BCOI Discussion | National Academies](#)

⁴ "Public comments received will be provided to the external peer reviewers. NASEM, a contractor to EPA, will convene a public meeting to discuss the draft report with the public during Step 4 of the IRIS Process. The external



on the provisional committee. This lack of transparency is inconsistent with Section 15(b)(3) of the Federal Advisory Committee Act (FACA) and NASEM's commitment towards maintaining the reputation of the organization.⁵

The Panel is also concerned that NASEM has not provided information in response to the Panel's two recent requests⁶ for materials, biographical information, participation on other NASEM or EPA peer review bodies, amendments to the EPA-NASEM contract, and copies of memoranda of understanding between EPA or NASEM and the institutions where provisional committee members are employed. This information is critical to determining NASEM adherence to FACA as well as to evaluating balance, independence, control and management, and conflicts of interest associated with the committee.

If NASEM has determined that any of these material and other information "would disclose matters described in section 552(b) of title 5," (the only exception for failing to provide this information to the public in FACA), it should identify the material and information subject to this certification.

Thank you for your consideration of the Panel's request. If you have any questions, please contact Sahar Osman-Sypher at sahar_osman-sypher@americanchemistry.com.

Regards,



Sahar Osman-Sypher
Senior Director
Chemical Products & Technology Division
American Chemistry Council
On Behalf of the ACC Formaldehyde Panel

Cc: Clifford Duke, Ph.D., Director, Board on Environmental Studies and Toxicology
Public Access File Request at: publicac@nas.edu

peer reviewers will consider public comments submitted in response to this notice and provided at the public meeting when reviewing this document." (87 Federal Register 22208).

⁵ "FACA Section 15 is crucial for the operation and reputation of our organization. If we as an institution cannot certify that our processes were compliant with FACA Section 15, federal agencies cannot use our consensus study advice or recommendations. If this were to occur on one activity, imagine how that could affect the entire organization's relationship with that sponsor, reputation with other sponsors, and the public's perception of our work. Further, the principles outlined in the Federal Advisory Committee Act are consistent with our own institutional core values of independence, objectivity, rigor, integrity, inclusivity, and truth, and provide transparency into our processes." Understanding FACA Section 15, Expert Volunteer Orientation, Available at: https://www.nationalacademies.org/documents/link/web?IdcService=GET_FILE&dLinkID=LD7F5446C956648501257B970449B9ABD42CC0572311&item=fFileGUID:D3D83799D28C6CCB4188E2FAF0964FF3D62E859914EE&scsOriginalFileName=EVO_Understanding%20FACA%20S15_0522.pdf.

⁶ <https://www.americanchemistry.com/industry-groups/formaldehyde/resources/formaldehyde-panel-extension-request-to-nasem>; <https://www.americanchemistry.com/industry-groups/formaldehyde/resources/response-to-nasem-on-extension-denial>.

