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## The EPA Stonewalls ACSH: What Would Happen If We Tried This on Them?

 By [Gilbert Ross, M.D.](#)

We tried to respectfully [petition](#) the Environmental Protection Agency (EPA) to revisit their outmoded methods of assigning carcinogen risk to various chemicals in the environment, and their response, despite laws mandating their response within a set time period, was essentially: "Your message is very important to us -- please call back later."

How can a federal agency have no one minding the store, you say? That's what we want to know.

Our story begins with our groundbreaking monograph, *America's War on "Carcinogens": Reassessing the Use of Animal Tests to Predict Human Cancer Risk*, which encouraged the EPA and its daughter agencies (especially the National Toxicology Program, which publishes the biennial list of "carcinogens" in its *Report on Carcinogens*) to stop basing their assessments solely or predominantly on high-dose animal tests.

As we pointed out in our book, rodent tests do not necessarily predict cancer-causing potency -- even in mice. Furthermore, when those same "carcinogen" assays are performed using natural chemicals found in almost all of our favorite foods, scientists are just as likely to find those chemicals "carcinogenic," yet they are deemed safe to eat (as well they should be -- see our classic *Holiday Dinner Menu* for more on natural "carcinogens"). Countless harmless chemicals are labeled carcinogens by EPA's shaky, high-dose, animal-based

We proceeded to petition the EPA (with the expert assistance of the [Washington Legal Foundation](#)), using the Data Quality Act (which supposedly dictates that regulations be based on the best available scientific data) to compel them to address our proposal based on scientific evidence and come to a decision -- or so we thought.

The DQA requires any federal agency so petitioned to respond to the inquiry within forty-five days; there is one available delay permitted, to last another forty-five days, as we understand the simple text of the law to read. Wrong!

Of course, after forty-five days the EPA sent word to us that they needed more time. What a surprise! The second forty-five days expired yesterday, as those of you who have visited the "EPA Clock" [on our homepage](#) know quite well. Lo and behold, last Friday (January 20, 2006) came word from the agency: now, instead of the requirement to respond within a reasonable timeframe, the EPA asserts that their own "information quality guidelines" have an expeditious response time as a "goal." If they deem it justified, instead of a response, they can tell the requestor that a petition will "require more than ninety days to resolve."

How much longer? They now "need" sixty additional days to come to some conclusion -- maybe. Can they decide, after this new stall that they now demand, to defer answering our request for another few months -- or years? How does 2008 work for you?

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There are several reasons why this is really not a laughing matter: first of all, we are dead serious about the need for the EPA to revamp its obsolete methods of assessing the human carcinogenetic potency of chemicals. At the drop of a rat, they call many synthetic chemicals -- which have found useful places in many consumer products -- "carcinogens" or "suspected carcinogens." This inevitably calls forth an array of anti-science, anti-business, and anti-consumer regulations, lawsuits, and blacklists (such as California's ludicrous "Prop. 65," which has led to warning labels on nearly everything in the state). This regulatory thicket strangles our economy and stifles market innovations -- while enriching lawyers who sue wealthy corporate targets over non-existent "health threats." And for what? Perhaps to save a few rats with abnormally chemically-intense diets, but certainly not to save any humans in the course of their ordinary lives.

Another reason why this tyrannical behavior should not be tolerated is that the EPA brooks no such delay, nor even backtalk, from those against whom it takes a dislike for real or imagined environmental insults -- e.g., General Electric's alleged "pollution" of the Hudson River with PCBs (GE acted lawfully when it dumped PCBs decades ago, and these banned chemicals have never been shown to be a health threat from exposure to Hudson water or fish). If a company attempts to stall the EPA, treble damages accrue almost immediately, whatever the right or wrong of a contamination episode. When they want to press a point, the EPA acts like the proverbial 800-lb. gorilla.

So how about it, EPA? Don't be afraid of poor little ACSH! Stop stalling. Have your "experts" pore over our short petition and see if you can actually find fault with our assertions. If not, change your evil ways and start adhering to sound science.

*Gilbert L. Ross, M.D., is Executive and Medical Director of the American Council on Science and Health (ACSH.org, HealthFactsAndFears.com). See Update #3 on the EPA/ACSH conflict at the bottom of this page.*

(the gory details from ACSH)

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