

**Congress of the United States**  
Washington, DC 20510

September 24, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1301 Constitution Avenue, NW  
Washington, DC 20460

Dear Administrator Wheeler,

We are in receipt of a letter sent on September 8, 2020, notifying the House and Senate Committees on Appropriations of a planned reorganization of the U.S. Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention. This office administers the Toxic Substances Control Act (TSCA), the Food Quality Protection Act (FQPA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Endangered Species Act (ESA).

The Office of Chemical Safety and Pollution Prevention (OSCPP) plays a critical role in protecting Americans by assessing the safety of chemicals and pesticides based on sound science. In 2016, the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act – enacted with significant bipartisan support – strengthened chemical safety reviews under TSCA, providing the Agency with new authorities, tools, and resources to keep dangerous chemicals off the market.

The Committees always welcome any suggestions you may have to structure Agency operations in ways that maximize operational efficiency and effectiveness of these programs. This reorganization is a significant departure from how toxic chemicals and pesticides programs are currently administrated at the Agency and therefore must first be evaluated by the Appropriations Committees, in accordance with section 426 of Public Law 116-94, the Further Consolidated Appropriations Act, 2020, and longstanding practice. Any reforms to the Agency's chemical safety programs must ensure scientific rigor, maintain the independent peer review process, and protect decision-making from political interference.

We are aware of the Agency's response to us following our letter to you sent on September 2, 2020 regarding a reorganization related to hardrock mining. We remind you that the authority to reorganize and reprogram funds is a flexibility that Congress affords the Agency based on longstanding precedent of comity among the Committees and the Agency. Your response makes clear that this Administration no longer intends to follow the direction of Congress as we exercise our oversight responsibilities to ensure that EPA's billion-dollar budget is spent

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effectively. This stands in stark contrast to your personal commitments to us and to our Committees.<sup>1</sup>

We are disappointed that these reorganizations are being rushed through in defiance of our Committees' requirements – and despite the fact that the Agency has had well over three years to propose and implement as many reorganizations as it would see fit under our longstanding review process. In fact, our Committees have reviewed and approved a number of proposed reorganizations during this Administration, including one for OCSPP earlier this fiscal year, after thorough evaluation. However, in light of the Agency's budget request to dramatically downsize OCSPP, and the fact that the Agency appears intent to proceed with these reorganizations without following our standard review process or answering our questions prior to implementation, we can only conclude that the Agency is intentionally seeking to shield these reorganizations from scrutiny.

As required by our Committees and established by longstanding precedent of comity among our Committees and the Agency, we expect you to comply with the requirements laid out in the fiscal year 2020 appropriations for the Agency and to suspend the implementation of this reorganization pending our Committees' review and approval.

Sincerely,



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Betty McCollum, Chair  
House Appropriations Subcommittee on  
Interior and Environment



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Tom Udall, Ranking Member  
Senate Appropriations Subcommittee on  
Interior and Environment

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<sup>1</sup> Department of the Interior, Environment and Related Agencies Appropriations Hearings for Fiscal Year 2020, Environmental Protection Agency, April 3, 2019 (<https://www.govinfo.gov/content/pkg/CHRG-116shrg99104865/pdf/CHRG-116shrg99104865.pdf>).