

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371  
[www.science.house.gov](http://www.science.house.gov)

October 25, 2016

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator McCarthy:

The Committee on Science, Space, and Technology appreciates your testimony on June 22, 2016, at a hearing entitled “Ensuring Sound Science at EPA,” where you attempted to address the concerns of Committee Members regarding EPA’s review of the herbicide glyphosate. In the course of the Committee’s oversight of EPA’s review of glyphosate, the Committee has obtained documents and information that appears to contradict your responses to questions posed by Members of the Committee. In light of these contradictions, recent actions taken by EPA to further delay the Science Advisory Panel review for glyphosate do not instill confidence that EPA will fairly assess glyphosate based on sound science.

The Committee’s Oversight on EPA’s Review of Glyphosate: Determining the Role that EPA Officials Played in the IARC Review of Glyphosate.

The Committee has been engaged in ongoing oversight efforts to ensure that EPA’s review of glyphosate is based on sound science and has sent two letters to EPA on the topic. On May 4, 2016, the Committee sent you a letter after it became aware that the Cancer Assessment Review Committee’s (CARC) final report on glyphosate was erroneously posted on the EPA website.<sup>1</sup> This report stated that glyphosate was not likely to cause cancer.<sup>2</sup> The Committee’s May 4 letter requested that EPA provide all documents and communications referring or relating

---

<sup>1</sup> P.J. Huffstutter, *EPA Takes Offline Report That Says Glyphosate Not Likely Carcinogenic*, Reuters, May 2, 2016, available at <http://www.reuters.com/article/us-usa-glyphosate-epa-idUSKCN0XU01K>.

<sup>2</sup> U.S. EPA, Cancer Assessment Review Committee, Evaluation of the Carcinogenic Potential of Glyphosate, Oct. 1, 2015, Final Report.

to the CARC's review of glyphosate.<sup>3</sup> The Committee then became aware that EPA officials participated in a working group for a study conducted by the International Agency for Research on Cancer (IARC). The IARC report found that glyphosate is probably carcinogenic in humans.<sup>4</sup> The IARC report was criticized heavily by the EPA's CARC report. The EPA has cited that IARC's glyphosate findings as a reason to submit the agency's review of glyphosate to further scrutiny. In light of this information, the Committee requested that EPA provide certain officials for transcribed interviews in order to better understand the role they played in the IARC study.<sup>5</sup>

In response to the Committee's May 4, 2016, letter, EPA provided the Committee with three document productions. The EPA also provided the Committee with a briefing by members of the Office of Pesticide Programs and the Office of Research and Development regarding the review for glyphosate. In response to the Committee's inquiry regarding the involvement of EPA officials in the IARC glyphosate study, the agency on numerous occasions informed Committee staff that two EPA officials, Matthew Martin and Peter Egeghy, who were listed as participants in the IARC Working Group for glyphosate, played only a minor or no role in the IARC's review of glyphosate.

Prior to your testimony before the Committee, Committee staff attempted to further clarify with EPA the role that agency officials played in the IARC review for glyphosate. According to email and phone communications with EPA staff, it was understood that Mr. Martin was not involved in the IARC review for glyphosate but did participate at the IARC conference on other matters.<sup>6</sup> With respect to Mr. Egeghy, it was understood that he did not attend the IARC conference, but that he did draft and review portions of the IARC glyphosate report with respect to human exposure but did not work on carcinogenicity.<sup>7</sup>

Administrator McCarthy's Testimony Before the Committee Shows Confusion, Misleading Statements on EPA Official's Role in IARC Review of Glyphosate.

The role played by both Mr. Martin and Mr. Egeghy in the IARC study was examined and discussed at the Committee's June 22 hearing. Your responses to questions about Mr. Martin's role in the IARC study appears to contradict the information that EPA staff provided to the Committee.

Representative Barry Loudermilk (R-GA) first asked you, "Was anyone at EPA actually working with IARC or participating in that review [of glyphosate]?" You responded,

---

<sup>3</sup> Letter from Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, and Technology, to Hon. Gina McCarthy, Administrator, U.S. EPA, May 4, 2016.

<sup>4</sup> Int'l Agency for Research on Cancer, Monograph on the Evaluation of Carcinogenic Risks to Humans, Vol. 112, Glyphosate, 2015, available at <http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-09.pdf>.

<sup>5</sup> Letter from Hon. Lamar Smith, Chairman, H. Comm. on Science, Space, and Technology, to Hon. Gina McCarthy, Administrator, U.S. EPA, June 6, 2016.

<sup>6</sup> E-mail from U.S. EPA Staff to H. Comm. on Science, Space, and Technology Staff (June 16, 2016, 06:33 EST) (on file with author).

<sup>7</sup> *Id.*

Administrator McCarthy: Actually, nobody was involved in the question of the carcinogenicity of glyphosate. We had three EPA employees. One was actually there as an observer.<sup>8</sup>

While your answer makes it clear that in your understanding no EPA employee was involved in IARC's review of the carcinogenicity of glyphosate, your statement lacked any specificity as to the involvement of Mr. Martin, whom EPA staff had indicated to the Committee was not involved in the IARC review. Rep. Loudermilk then showed you email communications within which Mr. Martin is included. These emails indicate that Mr. Martin was part of a specific subgroup that did participate on the IARC study of glyphosate.<sup>9</sup> You had the following exchange:

Rep. Loudermilk: If Mr. Martin was not involved in glyphosate review, why is [he] on the email chain with the team that was working on that?

Administrator McCarthy: I can go back and look but I am – I have asked a number of times, and my understanding is that none of these individuals were there in the EPA capacity to participate in the issue of carcinogenicity.<sup>10</sup>

Your response again reflected an understanding that no EPA official was involved in the IARC review of the carcinogenicity of glyphosate, which was the entire focus of the study. However, you failed to answer the question as to why Mr. Martin was included on an email alluding to his work on the IARC glyphosate study. Rep. Loudermilk displayed another email communication in which Mr. Martin was copied that contained talking points on how to answer questions on the findings of the IARC glyphosate study. Rep. Loudermilk expressed concern for the relationship between Mr. Martin's work at EPA and IARC, you interjected with the following:

Administrator McCarthy: Could I just clarify on Mr. Martin? He apparently was involved in the review for glyphosate but he didn't participate in the issues relative to its carcinogenicity. So I just wanted to make that clear. That was an entirely separate part of the . . . .<sup>11</sup>

Upon seeing this email, it appears that you now agreed with Rep. Loudermilk that Mr. Martin was involved in the IARC review for glyphosate. It is important to note that your response completely contradicted the information that had been provided to the Committee by EPA staff, as it had been represented to the Committee that Mr. Martin did not participate in the review for glyphosate. However, despite being shown two email communications demonstrating

---

<sup>8</sup> *Ensuring Sound Science at EPA: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2016) (testimony of Hon. Gina McCarthy, Administrator, U.S. EPA).

<sup>9</sup> E-mail from Frank Le Curieux, European Chemicals Agency, to Matt Martin, et. al., U.S. EPA (Mar. 13, 2015, 02:16 AM) (on file with author).

<sup>10</sup> *Ensuring Sound Science at EPA: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2016) (testimony of Hon. Gina McCarthy, Administrator, U.S. EPA).

<sup>11</sup> *Id.*

Mr. Martin's participation on the IARC glyphosate study, you then altered your response. You stated,

Administrator McCarthy: Can I clarify? Because I made a mistake. . . . It says that Mr. Martin was a computational toxicologist. He wasn't involved in the IARC review for glyphosate but did participate in the IARC conference on other matters, and we have no toxicological data on glyphosate so he couldn't have contributed to the carcinogenicity issue.<sup>12</sup>

Over the course of Rep. Loudermilk's questioning, you appear to have provided misleading and contradictory statements with regard to Mr. Martin's involvement in the IARC glyphosate review. First, you stated that EPA employees participated in the IARC glyphosate review but did not contribute to any carcinogenicity findings, even though that was the purpose of the entire review to begin with. Then, with regard to Mr. Martin, you stood by his participation two additional times, admitting with specificity that he had contributed to the IARC study, contradicting what EPA staff told the Committee. Then you inexplicably changed your story entirely. Reversing all of your previous statements regarding Mr. Martin, you testified that Mr. Martin was not involved in the IARC review for glyphosate and further reinforced this statement by adding that there was no way that he could have had any involvement in the glyphosate study because he is a computational toxicologist.

Your contradictory statements in response to Rep. Loudermilk on this matter cast serious doubt on your specific knowledge of the role EPA officials played in IARC's glyphosate review. Moreover, your last minute statement change with regard to Mr. Martin's role in the IARC review, despite having just been shown documentary evidence to the contrary, calls into question your judgment and leadership on this matter. It appears that you had been provided with deliberately misleading information to prepare for your testimony before the Committee, which suggests an attempt by EPA staff to provide untruthful and misleading responses to Congress.

The Committee Has Determined that EPA Officials Participated in the IARC Study and Contributed to the Carcinogenicity Finding, Contravening Statements Made to the Committee by the Administrator and EPA staff.

Given the lack of clarity with regard to the role played by EPA officials in the IARC review of glyphosate, the Committee provides the following information uncovered in the course of its oversight of this matter. According to the IARC website, Mr. Egeghy and Mr. Martin were members of the IARC's glyphosate Working Group during Monograph 112, which took place in early 2015. The final product of IARC's glyphosate working group was a report stating that the Working Group determined that "Glyphosate is probably carcinogenic to humans (Group 2A)."<sup>13</sup> After releasing this report, it is important to note that IARC's conclusions regarding glyphosate

---

<sup>12</sup> *Id.*

<sup>13</sup> Int'l Agency for Research on Cancer, Monograph on the Evaluation of Carcinogenic Risks to Humans, Vol. 112, Glyphosate, 2015, available at <http://monographs.iarc.fr/ENG/Monographs/vol112/mono112-09.pdf>. (Stating "In making the overall evaluation, the Working Group noted that the mechanistic and other relevant data support the classification of glyphosate in Group 2A.").

have been consistently disproven by other international agencies such as the European Food Safety Administration as well as EPA's own CARC.

From documents it has obtained, the Committee has determined unequivocally that both Mr. Egeghy and Mr. Martin contributed to the glyphosate section of Monograph 112. These documents demonstrate that both Mr. Egeghy and Mr. Martin played a much larger role in the IARC's assessment of glyphosate than you or any EPA official has previously admitted to the Committee. A document entitled "Overview of Assignments" lists Mr. Egeghy as contributing to the IARC glyphosate study in the areas of chemical and physical data, production and use, and measurement and analysis.<sup>14</sup> This document also lists Mr. Martin's tasks as data relevant to comparisons across agents and endpoints and other adverse effects.<sup>15</sup> These documents further indicate that Mr. Martin was part of subgroup 4 (mechanisms) of the IARC Working Group for glyphosate.<sup>16</sup>

At the time of the hearing on June 22, 2016, the Committee had not yet determined whether Mr. Martin's work on the IARC glyphosate review had specifically informed the carcinogenicity finding. However, documents demonstrate that Mr. Martin's work for IARC did indeed drive the carcinogenicity finding for glyphosate, contradicting the assertion that you made three times that no EPA official had worked on the IARC's carcinogenicity review. In fact, the Committee has determined that the findings of subgroup 4, of which Mr. Martin was a participant, determined the status of glyphosate's carcinogenicity.<sup>17</sup> Documentary evidence specifically contradicts your testimony that Mr. Martin did not participate in the carcinogenicity finding of the report.<sup>18</sup> According to an email sent to members of subgroup 4, of which Mr. Martin is included, subgroup 4 provided "key conclusions" in the carcinogenicity findings.<sup>19</sup> That your testimony failed to disclose this information demonstrates that you either purposefully attempted to mislead the Committee or that you have been misled by your staff about the role that EPA officials played in the IARC glyphosate review.

#### EPA's Officials Appear to Maintain a Close Relationship with Members of the IARC Who Participated in the IARC Glyphosate Review.

EPA's connections to the flawed IARC glyphosate study do not end at the participation of Mr. Martin and Mr. Egeghy. Of particular note is the connection that Christopher Portier, an invited specialist for the IARC Monograph 112 that reviewed glyphosate, and a member of subgroup 4 along with Mr. Martin, has with EPA officials. Portier appears to maintain a close

---

<sup>14</sup> Int'l Assoc. of Research on Cancer, Monograph Vol. 112 – Overview of Assignments (on file with author).

<sup>15</sup> *Id.*

<sup>16</sup> E-mail from Frank Le Curiex, European Chemicals Agency, to Kathryn Guyton, Andy Shapiro, Matthew Ross, Matt Martin, Lauren Zeise, Ivan Rusyn (Mar. 13, 2015 9:00:14 AM) (on file with author).

<sup>17</sup> *Id.*

<sup>18</sup> *Ensuring Sound Science at EPA: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2016) (testimony of Hon. Gina McCarthy, Administrator, U.S. EPA).

<sup>19</sup> E-mail from Frank Le Curiex, European Chemicals Agency, to Kathryn Guyton, Andy Shapiro, Matthew Ross, Matt Martin, Lauren Zeise, Ivan Rusyn (Mar. 13, 2015 9:00:14 AM) (Stating that the key role played by the conclusions sub-group had impacts on the carcinogenicity determination of glyphosate) (on file with author).

relationship with Jim Jones, EPA's Assistant Administrator for the Office of Chemical Safety and Pollution Prevention. Portier, who is also employed by the Environmental Defense Fund (EDF), has been criticized for an apparent conflict of interest between his role in the IARC glyphosate study and his work with EDF.<sup>20</sup>

Documents provided to the Committee show that Portier was the originator of a letter sent to the European Food Safety Authority (EFSA) regarding its study on glyphosate that was critical of IARC's report.<sup>21</sup> In fact, these documents show that Portier felt that the EFSA report "weakens [sic] the strength of the IARC Monograph program to stimulate change in how some of these agents are reviewed and addressed."<sup>22</sup> This statement demonstrates that IARC possesses an activist role in its evaluations. Portier also solicited his fellow IARC Monograph participants to sign on to the letter that he intended to send to EFSA.<sup>23</sup> Both Mr. Martin and Mr. Egeghy were asked by Portier to sign the letter. Documents provided to the Committee also show that Portier carbon copied Assistant Administrator Jones on the letter sent to EFSA.<sup>24</sup>

Furthermore, documents provided to the Committee by EPA show that Portier contacted Assistant Administrator Jones when news regarding the leaked CARC report broke. On May 4, 2016, Portier forwarded Assistant Administrator Jones a *Politico* article reporting on the posting of the CARC study and the implications it may have for a European Union decision on glyphosate. Understanding Portier's urgency in the matter, Assistant Administrator Jones forwarded Portier's email on to his EPA subordinates stating, "We need to think about a statement that goes beyond saying our assessment is not final. Looks like it will be used to inform other government decisions."<sup>25</sup> Given Portier's apparent efforts to use IARC to influence global policy decisions and his desire to discredit the EFSA glyphosate study, it is reasonable to assume that Assistant Administrator Jones acted to assist him and IARC by publically downplaying scientific analysis conducted by EPA.

The Science Advisory Panel to Review Glyphosate has been Continuously Delayed and Contains Members Who May Constitute a Conflict of Interest.

The relationship between EPA and Portier is not limited to these events. In early October, EPA announced the members of the Scientific Advisory Panel to review EPA's scientific white paper in the recertification of glyphosate. Listed among the panelists is Kenneth

---

<sup>20</sup> Kate Kelland, *Is Your Weed Killer Carcinogenic?*, Reuters, Apr. 18, 2016, available at <http://www.reuters.com/article/us-health-who-glyphosate-idUSKCN0XF0RL>.

<sup>21</sup> E-mail from Chris Portier, to IARC Colleagues (Nov. 26, 2015 12:30:46) (on file with author).

<sup>22</sup> E-mail from Chris Portier, to Consalto Sergi, et. al. (Nov. 9, 2015 6:29:20) (Containing email discussions of Christopher Portier's letter writing campaign regarding the European Food Safety Authority study of glyphosate).

<sup>23</sup> *Id.*

<sup>24</sup> Letter from Christopher Portier, Senior Contributing Scientist, Env. Defense Fund, et, al., to Vytenis Andriukaitis, Commissioner Health & Food Safety, European Commission, Nov. 27, 2015 (on file with author).

<sup>25</sup> E-mail from Jim Jones, Assistant Administrator Office of Chemical Safety and Pollution Prevention, U.S. EPA, to Jack Housenger, Andrea Mojica, Linda Strauss, U.S. EPA (May 4, 2016, 11:42:33 AM) (Forwarding *Politio* article sent by Christopher Portier to Jim Jones) (on file with author).

Portier, Vice President of the Statistics and Evaluation Center at the American Cancer Society.<sup>26</sup> Kenneth Portier is also Christopher Portier's brother. While it is reasonable to assume that siblings may have differing opinions, Kenneth Portier's selection to the SAP, given Christopher Portier's involvement with IARC, as well as his behind-the-scenes communications with EPA Assistant Administrator Jones, calls into question EPA's judgment and on its face raises serious conflict of interest issues. Your statement before the Committee that "when we have an issue that's important – as important as glyphosate is to the agricultural community, we want to make sure that we get the science right," gives the impression that you take this issue seriously.<sup>27</sup> However, EPA's actions contravene your statement by creating doubt that the SAP will act objectivity and be free from outside influence and pressure.

Additionally, EPA's recent decision to postpone the SAP meetings originally set for October 18-21, 2016, raises further doubt that the agency intends to conduct an objective and unbiased review of glyphosate. According to material posted on the EPA website on October 14, 2016, certain SAP members appear to have been unavailable to attend the scheduled meeting time.<sup>28</sup> However, EPA's announcement also makes reference to the need for additional epidemiological expertise on the panel.<sup>29</sup> The SAP already appears to contain at least five epidemiologists, raising doubts as to the veracity of the statements released by EPA for delaying the meeting. EPA staff was unable to confirm with Committee staff on October 14 whether the panel would have the same members as publically announced or if additional members would be added to the panel.

On June 22, you appeared to suggest to Committee Members that EPA would complete its review of glyphosate by fall 2016.<sup>30</sup> However, it is now unclear if the SAP will even meet in 2016, and EPA has already put off a final registration for glyphosate until 2017 under a new Administration. The constant delays to complete EPA's review only continue to cast doubt on the agency's ability to complete an objective review based on the science that has already been well documented on the carcinogenicity of glyphosate.

The Committee will continue its oversight efforts to ensure that EPA's review of glyphosate is free from outside influence and based on sound science. Your misleading and untruthful statements before the Committee do little to instill the confidence of the Committee. Moreover, the increasing amount of evidence depicting the close ties between EPA officials, Christopher Portier, and the IARC study of glyphosate show that there are activists working both inside and outside the agency to derail this process. The recent developments with regard to the constitution of the SAP and the delay in moving its review forward only serve to further sustain

---

<sup>26</sup> U.S. EPA, FIFRA Scientific Advisory Panel Member Roster, *available at* [https://www.epa.gov/sites/production/files/201610/documents/fqpa\\_sap\\_glyphosate\\_2016\\_panel\\_member\\_roster.pdf](https://www.epa.gov/sites/production/files/201610/documents/fqpa_sap_glyphosate_2016_panel_member_roster.pdf) (last visited Oct. 25, 2016).

<sup>27</sup> *Ensuring Sound Science at EPA: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2016) (testimony of Hon. Gina McCarthy, Administrator, U.S. EPA).

<sup>28</sup> U.S. EPA, Carcinogenic Potential of Glyphosate – POSTPONED, *available at* <https://www.epa.gov/sap/carcinogenic-potential-glyphosate-postponed> (last visited Oct. 25, 2016).

<sup>29</sup> *Id.*

<sup>30</sup> *Ensuring Sound Science at EPA: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2016) (testimony of Hon. Gina McCarthy, Administrator, U.S. EPA).

The Honorable Gina McCarthy

October 25, 2016

Page 8

the notion that EPA is not acting in good faith. In order for the Committee to better understand the role that EPA officials played in the IARC study and the subsequent review of glyphosate, we request that the following be made available for transcribed interviews:

- Matthew T. Martin, Office of Research and Development, National Center for Computational Toxicology
- Peter P. Egeghy, Office of Research and Development
- Jim Jones, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention

Please contact the Committee to schedule these interviews no later than 5:00 p.m. on November 1, 2016.

Furthermore, the Committee urges you to revisit the statements that you made on June 22, 2016, and provide any clarifying information with regard to EPA officials' involvement in the IARC study of glyphosate. As it appears that you may not have received the best information from your subordinates as to the role played by EPA officials in the IARC study and the close ties these and other officials have to IARC, the Committee requests that you complete a full due diligence review of the actions of EPA employees as it pertains to glyphosate and report those findings to us as quickly as possible.

The Committee on Science, Space, and Technology has jurisdiction over environmental and scientific programs and "shall review and study on a continuing basis laws, programs, and Government activities" as set forth in House Rule X.

If you have any questions about this request, please contact Joseph Brazauskas or Taylor Jordan of the Science, Space, and Technology Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,

  
Lamar Smith  
Chairman

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on Science, Space and Technology