

**Opening Statement of
Rep. Paul D. Tonko, Ranking Member
Subcommittee on Investigations and Oversight
Committee on Science, Space, and Technology**

**Hearing on:
*How the Report on Carcinogens Uses Science to Meet its Statutory Obligations, and its Impact
on Small Business Jobs***

April 25, 2012

Mr. Chairman: Usually, I begin my statement by thanking you for having the Subcommittee examine a topic of importance and for inviting a slate of witnesses who bring a variety of perspectives and expertise to the subject at hand. I am sorry that I am unable to do that today. We did not agree in all particulars regarding the scope of the last Subcommittee hearing, but I compliment you for inviting a balanced slate of witnesses to inform us on renewable energy tax provisions. When the Subcommittee is in a learning mode, such balance reflects well on the Subcommittee and highlights that we are truly interested in coming to a complete understanding of a policy issue.

Today's hearing is very disappointing. Although the title indicates we are examining the process and result of the National Toxicology Program's biennial production of the Report on Carcinogens, we are really examining the objections of one industry to the listing of one chemical. There is virtually no balance here today. Five of the six witnesses invited by the Majority are aligned closely with the styrene industry and the American Composite Manufacturers Association.

Certainly, we should hear from industry scientists and businesses with an interest in the activities of federal agencies that impact their businesses. Their concerns about the implications of this listing for their businesses are legitimate issues for us to consider. But in this matter, I would also expect us to bring other concerned voices into the room to ensure we have a complete picture of how the 12th Report on Carcinogens, the National Toxicology Program is developed and viewed by all interested parties.

If we were going to fully examine the deep issues this hearing purports to tackle, I would have expected to hear from veterans groups, environmental justice groups, workers, and distinguished public health experts with intimate knowledge of the NTP and the RoC. No such experts were called by the Majority. To the degree there is any divergent voice to be heard today it is because of the Minority's sense of obligation to try to provide some balance.

I could have recommended witnesses such as retired Marine Corps Master Sergeant Jerry Ensminger and Ms. Erin Brockovich who work with veterans and communities that have been harmed by chemical exposure and have fought for years to get toxicity information into the public policy arena; I could have recommended a fleet of distinguished science policy experts such as Dr. Phil Landrigan of Mt. Sinai Medical College, or you could stay within the beltway and invite Dr. Lynn Goldberg, Dean of the GWU School of Public Health and Dr. Jennifer Sass of the Natural Resources Defense Council.

In addition, the structure of this hearing suggests that small businesses are hurt uniformly and primarily by documents such as the RoC. The picture is far more complicated than that. I could have recommended a host of small business leaders who would have made it clear that their business is expanding and taking market share away from petrochemical manufacturers. Public tastes are changing, and the shift away from substances that cannot be easily recycled or composted is a process that gained a full head of steam long before the 12th Report on Carcinogens was drafted.

The matters before the Subcommittee are too complex to think that two Minority witnesses can somehow balance the account presented to Members by 5 witnesses aligned with the styrene manufacturers.

I am attaching to my statement letters we have received from a wide variety of groups asking that the Subcommittee examine the claims of the styrene industry with a critical eye, and that we understand how important the work of the NIEHS is to protecting public health.

Out of fairness, I want to ask you Mr. Chairman, to commit to a second hearing that would expand the scope of the voices we hear on this important matter. The issues are too important to treat in such an unbalanced way. The Investigations and Oversight Subcommittee must be viewed as impartial and thorough, and should build a complete record that includes more than the allegations in the lawsuit the styrene industry has brought against NIEHS. A second hearing would allow us to correct the impression that we will dance to any single interest's tune. I stand ready to work with you to shape such a hearing at your earliest convenience.

There is one final issue I must mention: Because the government is subject to an ongoing lawsuit in which Dr. Birnbaum as the Director of NIEHS has a direct role, she may not be able to answer some questions here today. It would be grossly unfair for Members to try to use this forum to build a record to assist the industry in its lawsuit against the Government. It would be unfair to ask questions of Dr. Birnbaum that she cannot answer, and then treat her as if she is trying to be evasive. So I want to ask the Chairman to be especially sensitive to the legal implications of this hearing and protect Dr. Birnbaum in situations where she has been counseled not to comment. Last week's joint hearing was marred by abusive conduct towards a witness. I know you found that behavior distasteful, and I find it unacceptable. Tough questions are fair game, but we should stand together to insure that things do not move from being tough and probing, to being personally abusive.

I do not know whether the NIEHS or the styrene industry is right or wrong on the matters before us. I do not believe we have done enough work on this matter, nor invited a diverse enough set of witnesses, to reach any meaningful conclusions today. The letters I am attaching to my statement ask us to believe that the styrene industry is wrong and the Committee is biased in its approach. They may or may not be right on the first issue, but their criticism of the hearing's structure is valid.

To restore the perception of our independence and objectivity, we desperately need another hearing and a different set of witnesses. I hope we can work together on that hearing Mr. Chairman. Then, we can begin to come to a fuller understanding of the complex questions before us.