



JOHN ELIAS BALDACCI

GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
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AUGUSTA, MAINE
04333-0001

March 17, 2008

The Honorable Stephen Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

I was very disappointed to learn that at the request of a chemical industry lobbyist, your agency dismissed the chairperson of the External Review Panel developing a key health standard for Deca PBDE and other brominated fire retardants that contaminate human blood and breast milk.

The chairperson, Dr. Deborah Rice, is an award-winning, retired EPA scientist now with the Maine Center for Disease Control and Prevention. Dr. Rice is also an Associate Editor of the peer-reviewed journal *Neurotoxicology*. According to the chemical industry, Dr. Rice displayed an "appearance of bias" by stating the position of the Maine Department of Health and Human Services in support of state legislation to restrict Deca in a scientific briefing and work session presentation before the Natural Resources Committee of the Maine Legislature. In response, your agency removed Dr. Rice from the panel, stripped her comments from the final panel report, and republished the altered document.

In their request for Rice's removal, the chemical industry lobby group, the American Chemistry Council cited EPA guidance that cautions against selecting expert reviewers with an "appearance of lack of impartiality." But the guidance also counsels EPA to avoid choosing reviewers for whom the matter at hand has "a direct and predictable effect on [their] financial interest" or when "circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter" (EPA 2006). Removal of Dr. Rice from the panel appears contrary to this guidance.

This action by your agency creates a questionable framework in which state or federal scientists who represent the views of their agencies in public, or any expert who concludes based on their review of the peer-reviewed science that a chemical may present a risk to the public health, will be barred from EPA expert panels. Given the value of and public trust in state and federal scientists who base their conclusions on peer-reviewed science, this runs counter to the best interests of the public health.

To rebuild public trust in the independence of the Agency's science and decision making, I respectfully request that you reinstate Dr. Rice as chair of the Deca panel and restore her comments to the expert panel report.



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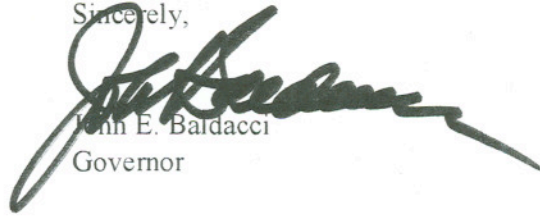
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I look forward to receiving your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Baldacci". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John E. Baldacci

Governor

cc: Senator Olympia Snowe
Senator Susan Collins
Congressman Tom Allen
Congressman Michael Michaud