



**BOXER AND FEINSTEIN CONCERNED ABOUT IMPARTIALITY OF
NATIONAL ACADEMY OF SCIENCES PERCHLORATE COMMITTEE**

May 14, 2004

Washington, D.C.— California's two United States Senators today raised concerns about the impartiality of two of the members of the National Academy of Sciences (NAS) Committee that is assessing the health implications of perchlorate exposure.

In a letter to NAS President Bruce Alberts, Senators Barbara Boxer and Dianne Feinstein said that "records indicate that a financially interested party has funded two of the committee scientists, Dr. Richard Bull and Dr. Charles Capen. Dr. Bull's conflicts of interest were partially acknowledged only due to external pressure. Dr. Capen's reported relationship with Lockheed Martin remains unnoted. This raises serious issues about NAS review of conflict of interest, bias, and balance for this panel."

The Senators went on to say that even the "appearance of conflict of interest or bias undermines NAS's credibility," and asked that NAS "fully investigate and disclose and potential conflicts of interests of any panel member immediately."

Attached please find a copy of the Senators' letter to NAS President Bruce Alberts:

May 14, 2004

Bruce Alberts
President, National Academy of Sciences
Chairman, National Research Council
2101 Constitution Avenue NW
Washington, DC 20418

Dear Dr. Alberts:

We are concerned by an apparent violation of rules governing conflict of interest, bias and balance in the appointment of scientists to the National Academy of Sciences' (NAS) Committee to Assess the Health Implications of Perchlorate. It is critical that NAS scientific evaluations fairly and objectively reflect the state of science. The appointment of individuals with a conflict of interest undermines the Academy's credibility and violates the Federal Advisory Committee Act, 5 U.S.C. App. 2 §15(b)(1). FACA charges NAS with avoiding conflicts of interest (except in narrow circumstances not applicable here), and with assuring committee balance. NAS policies also require that the Academy avoid persons with strong bias.

As you know, the widespread contamination of drinking water sources by perchlorate is a significant problem in California and throughout the nation. Perchlorate dissolves easily, moves quickly, and persists indefinitely. Even at low concentrations, perchlorate poses serious health threats, including impaired physical and brain development in fetuses and newborns. More than 20 million Americans in 24 states drink perchlorate contaminated water, and contamination is suspected in 19 other states. Because of this widespread contamination and public interest in perchlorate, it is especially important that NAS avoid any action that could cast doubt on the objectivity of its study.

EPA published its first draft proposed reference dose (RfD) for perchlorate in 1992, and its most recent draft perchlorate RfD in January 2002 with a recommended RfD of 1 ppb (part per billion). This voluminous proposal examined decades of data and hundreds of studies. At the time, EPA said it would finalize a tap water standard for perchlorate by the end of 2002.

Instead of finalizing a standard, the administration has asked for further study. NAS is currently evaluating studies underlying EPA's 2002 proposal. The committee has met several times, but it appears that critical information relating to conflicts of interest was not adequately disclosed or considered. Records indicate that a financially interested party has funded two of the committee scientists, Dr. Richard Bull and Dr. Charles Capen. Dr. Bull's conflicts of interest were partially acknowledged only due to external pressure. Dr. Capen's reported relationship with Lockheed Martin remains unnoted. This raises serious issues about NAS review of conflict of interest, bias, and balance for this panel.

We cannot overstate the importance of impartiality at the NAS. Even an appearance of conflict of interest or bias undermines NAS's credibility. We ask that you fully investigate and disclose any potential conflicts of interest of any panel member immediately. Any individual with a conflict of interest or strong bias in contravention of federal law or NAS guidelines must step down to ensure scientific integrity. Thank you for your prompt attention to this critical issue.

Sincerely,

Barbara Boxer

Dianne Feinstein

United States Senator

United State Senator

cc: James E. Jensen, Director, The Office of Congressional and Government Affairs, The National Academies, 2101 Constitution Avenue, NW, Room 220, Washington, D.C. 20418

Andrew Pope, Director, Board on Health Sciences Policy, Institute of Medicine, 500 Fifth Street, NW, Washington, D.C. 20001

James J. Reisa, Director, Board on Environmental Studies and Toxicology, 500 Fifth Street, NW, Washington, D.C. 20001

Warren Muir, Executive Director, Division on Earth and Life Studies, The Keck Center of the National Academies, 500 Fifth St., NW, Washington, D.C. 20001