

**Center for Regulatory Effectiveness (“CRE”) Comments on
*Endocrine Disruptor Screening Program (“EDSP”):
Use of High Throughput Assays and Computational Tools,*
80 FR 35350 (June 19, 2015), at
<http://www.gpo.gov/fdsys/pkg/FR-2015-06-19/pdf/2015-15182.pdf> .**

**Comments filed on August 16, 2015, at
[WWW.Regulations.Gov](http://www.regulations.gov), Docket Identification Number
EPA-HQ-OPPT-0305**

CRE supports and commends EPA’s efforts to provide High Throughput Assays (HTP) and Toxicity Forecaster (ToxCast) as an alternative to the current EDSP Tier 1 screening assays. CRE advocated use of HTP and ToxCast in previous comments filed with EPA.¹

EPA should not require products that have already undergone current Tier 1 screening to be rescreened and/or reevaluated through HTP and ToxCast. Required rescreening/reevaluation would be an unnecessary waste of time, effort and money. The products that should not be required to undergo HTP/ToxCast rescreening and reevaluation include those with Endocrine Disruptor Screening Program Tier 1 Assessments at <http://www2.epa.gov/ingredients-used-pesticide-products/endocrine-disruptor-screening-program-tier-1-assessments> . This CRE comment is consistent with EPA’s statements regarding HTP/ToxCast screening: *e.g.*,

“Accordingly, EPA intends a future recipient of an EDSP test order to be able to satisfy the screening requirement for ER, ERTA, and uterotrophic in one of three ways: (1) cite existing ToxCastTM “ER Model” for bioactivity data as “other scientifically relevant information” (where available); (2) generate new data relying on the 18 ER high throughput assays and the ToxCastTM “ER Model” for

¹ See, *e.g.*, CRE comments at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2013-0230-0016> ; and at <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2011-0966-0014> . These two previous CRE comments are incorporated in their totality into CRE’s instant comments.

bioactivity; or (3) generate their own data using the current Tier 1 ER binding, ERTA, and uterotrophic assays.”²

EPA should have another Science Advisory Panel (SAP) review EPA’s conclusions about HTP/ToxCast and the Current Tier 1 uterotrophic screening assay. The December 2014 SAP concluded that EPA has not validated the use of HTP/ToxCast as a substitute for the uterotrophic assay.³ Validation and SAP approval are statutorily necessary for EPA’s use of any EDSP test. See 21 U.S.C. 346a(p). EPA needs SAP approval before the Agency implements its stated intent to allow HTP/ToxCast as an alternative for the current EDSP Tier 1 screening assay.⁴

The new SAP identified recommended above should also be charged with determining whether EPA has addressed the concerns that the December 2014 SAP⁵, and the July 2014 SAP,⁶ identified with the use of HTP and/or ToxCast as alternatives to the current ER Tier 1 screening assay.

Finally, EPA needs to produce a white paper that clearly and comprehensively explains the EDSP validation process, including EPA’s standards for validation, and that explains why EPA believes that HTP/ToxCast has been demonstrated accurate, reliable and reproducible for the ER and uterotrophic EDSP Tier 1 screening assays. The current administrative record on this issue is fragmented, incomplete and difficult to follow. We note that the Endocrine Policy Forum made similar comments to the December 2014 SAP, so this is a continuing problem.⁷

We thank you for the opportunity to submit these comments, and we look forward to EPA’s response to them.

The Center for Regulatory Effectiveness
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² Section III.B, at <https://www.federalregister.gov/articles/2015/06/19/2015-15182/use-of-high-throughput-assays-and-computational-tools-endocrine-disruptor-screening-program-notice>.

³ *E.g.*, Minutes, page 14, <http://www.epa.gov/scipoly/sap/meetings/2014/december/120214minutes.pdf>.

⁴ See, *e.g.*, II.D, at <https://www.federalregister.gov/articles/2015/06/19/2015-15182/use-of-high-throughput-assays-and-computational-tools-endocrine-disruptor-screening-program-notice>, for an example of EPA’s stated intent to use HTP/ToxCast as an alternative to uterotrophic assays despite the SAP’s failure to approve validation.

⁵ See, *e.g.*, Minutes pages 10-19, <http://www.epa.gov/scipoly/sap/meetings/2014/december/120214minutes.pdf>.

⁶ See, *e.g.*, Minutes, pages 10-17, <http://www.epa.gov/scipoly/sap/meetings/2014/july/072914minutes.pdf>.

⁷ <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2014-0614-0025>.