



Center for Regulatory Effectiveness

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December 22, 2005

Dr. Tyrone B. Hayes
University of California
Department of Integrative Biology
3060 Valley Life Sciences
Bldg #3140
Berkeley, CA 94720-3140

Re: Accusations of SAP Bias

(By email and certified class mail)

Dear Prof. Hayes:

The Center for Regulatory Effectiveness (CRE) understands that you have once again impugned the integrity of the Environmental Protection Agency's (EPA) Science Advisory Panel (SAP) which reviewed your studies on the potential effects of atrazine on frogs. We now understand that you again accused the June 17-20, 2003 SAP on Potential Developmental Effects of Atrazine on Amphibians of being biased, and claimed the Panel criticized your tests because the SAP conclusion ("that additional information is required to evaluate potential causal relationships between atrazine exposure and gonadal development") created new opportunities for contracts from atrazine manufacturers to perform these tests. We understand that you made these allegations in reference to the current research being conducted on behalf of Syngenta Crop Protection by Dr. Werner Kloas during a presentation at the American Public Health Association meeting in Philadelphia on December 13, 2005.

The CRE has followed this SAP from its inception and is aware of the research activities that have been initiated based on the Panel's recommendations. We understand that prior to and during the SAP, Syngenta Crop Protection had no contact with Dr. Kloas, in fact was not even acquainted with Dr. Kloas, thus there would have been no reason to assume or allege that he had any bias or conflict of interest.

Dr. Kloas, Distinguished Professor for Endocrinology at Humboldt University, Berlin is a world-renowned expert who sat on the EPA Scientific Advisory Panel in June 2003 and helped to develop protocols for ongoing frog-atrazine studies. In fact, after the SAP issued its findings and upon learning of Dr. Kloas' outstanding research capabilities in the field of amphibian endocrinology, Syngenta (with EPA's knowledge) contracted with Dr. Kloas and the Forschungsverbund Berlin e.V. for its Institute of Freshwater Ecology and Inland Fisheries to conduct one of the studies required by EPA under a Data Call-In. Syngenta and Dr. Kloas recognize that by conducting this current research, Dr. Kloas will not be able to serve as a Science Advisor on any other panels convened by EPA under the Federal Advisory Committee Act (FACA) to address the data generated on potential atrazine effects on frogs.

However, even given the above information, you continue, as you have done numerous times since June 2003, to characterize the SAP process, this particular SAP and Dr. Kloas, as biased. Since you have a full understanding of this information, it is unclear why you would stoop to misrepresent the openly impartial EPA process and the reputation of Dr. Kloas unless it is to detract from the shortcomings of your own studies as outlined by the SAP in June 2003 (See Attachment).

If our understanding of your representation of the SAP and Dr Kloas is correct, then these are very serious accusations. We ask that you:

- 1) Deny that you ever stated or insinuated that the June 17-20, 2003 SAP on Potential Developmental Effects of Atrazine on Amphibians was biased in any way, and acknowledge that the SAP reviewed your tests in an independent, expert manner; or
- 2) Acknowledge that you made these statements or insinuations that the aforementioned SAP was biased, but now withdraw them because you have no basis for them; or
- 3) Acknowledge that you made these statements or insinuations that the aforementioned SAP was biased, still maintain them, and have evidence to support them.

If you adopt the third position above, then we ask that you provide CRE, the rest of the public, and EPA with the evidence supporting your statements and insinuations.

As stated previously in this letter, the CRE was an active participant in the EPA SAP on Potential Developmental Effects of Atrazine on Amphibians. We believe that this SAP was comprised of unbiased experts who fairly and correctly reviewed all the data, including yours, and correctly found flaws in all the tests, including yours.

Attached for your review and comment is an article from the CRE website that discusses the SAP review of the available data, including yours. We request that you submit to me any comments on this attached article that you deem appropriate. We will publish unedited on the CRE website any comments on the article that you send me.

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This letter, the attached article and any comments you send us will be posted on the CRE *FACA Under Fire* website (www.facaunderfire.org). This CRE site is intended to safeguard the Federal Advisory Committee Process. The June 17-20, 2003 SAP was a FACA committee.

Once again, we urge you to respond to this letter. You owe it to the scientific community and to the general public either to deny that you ever made such statements and insinuations, or to substantiate them if you did.

Please contact the undersigned regarding this issue at your earliest convenience.

Sincerely yours,



Scott Slaughter
The Center for Regulatory Effectiveness

Attachment

Cc w/attach:

All members of the June 17-20, 2003 EPA SAP on Potential Developmental Effects of Atrazine on Amphibians:

Science Advisory Members

Stephen Roberts Ph.D., Chair
Stephen Heeringa, Ph.D.
Gary E. Isom, Ph.D.
Fumio Matsumura, Ph.D.
Mary Anna Thrall, Ph.D.

FQPA Science Review Board Members

Joel Coats, Ph.D.
Peter Delorme, Ph.D.
Robert J. Denver, Ph.D.
Kames Gibbs, Ph.D.
Sherril L. Green, DMV, Ph.D.
Werner Kloas, Ph.D.
Darcy B. Kelley, Ph.D.
Gerald A. LeBlanc, Ph.D.
Carl Richards, Ph.D.
David Skelly, PH.D.

EPA SAP Federal Official: Mr. Paul Lewis