

August 20, 2003

Via electronic transmission to: Smith.Jane-Scott@epa.gov

Chair and Members
Endocrine Disruptor Methods Validation Subcommittee
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Docket OPPT-2003-0027 – Comments on EPA Detailed Review Paper for an Avian 2-Generation Reproduction Study



PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS

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On behalf of the more than 750,000 members and supporters of People for the Ethical Treatment of Animals (PETA), I am writing to register our strong opposition to the Environmental Protection Agency's (EPA) continued efforts to develop an avian two-generation reproductive toxicity study and to call on the agency to halt any further work on this and other ecotoxicological studies as part of its Endocrine Disruptor Screening Program (EDSP). Our position is based predominantly on the following policy considerations, although we also have a number of technical questions and concerns regarding the Detailed Review Paper (DRP) itself, which are discussed below:

1. The EPA is under no obligation to determine the effects of substances on species other than humans.
2. The EPA is under no obligation to determine hormonal effects other than those "...produced by a naturally occurring estrogen;" in fact, the FQPA specifically refers to the creation of an "Estrogenic Substances Screening Program" (ESSP).
3. The EPA's voluntary expansion of the ESSP beyond its Congressional mandate will invariably lead to a marked increase in the amount of animal testing that is carried out, which directly contradicts the agency's stated interest in minimizing its animal testing requirements.
4. The EPA has failed to meet the three-year timetable for implementation of an ESSP and is now more than four years behind schedule. Again, this is directly attributable to the EPA's voluntary and unnecessary expansion of Congress' intended ESSP.

It should go without saying that compliance with a Congressional mandate should take precedence over agency- and stakeholder-proposed initiatives. Yet in the context of the ESSP, the opposite situation has emerged: the EPA's former Endocrine Disruptor Screening and Testing Advisory Committee recommended the marked expansion of the ESSP to include a large number of screening and testing assays for several hormone types in multiple taxonomic groups, and the EPA embraced this recommendation wholeheartedly. In so doing, the agency has created a program that is so large and unwieldy in terms of its scope and costs that timely implementation—to say nothing of proper test method validation—has become a virtual impossibility.

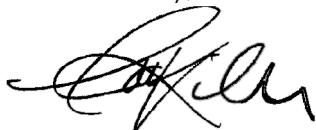
In addition, from an animal protection perspective, it is inconceivable to us how a government agency that claims to be committed to the minimization of animal testing would *voluntary* expand a chemical-testing program in such a way as to more than quadruple the amount of animal testing that could potentially take place (assuming all five Tier 2 studies are required, as well as androgen-, thyroid-, and/or wildlife-specific Tier 1 studies as well). Nonetheless, should the

EPA choose to continue forward with the development and validation of an avian two-generation reproductive toxicity study, we submit the following specific comments and questions in relation to the revised draft DRP:

- The DRP vacillates between an ecological/population-level risk assessment scenario—which is generally the accepted basis of ecotoxicity studies—and the examination endocrine-related effects at the individual and/or mechanistic level. However, no cogent explanation is provided as to the relevance of many of the proposed endpoints in the context of an ecological risk assessment or how they might be drawn together in a coherent manner for interpretation and regulatory use. These issues must be clearly addressed, and superfluous endpoints—particularly neurobehavioral observations—eliminated.
- The DRP neglects to offer clear guidance with respect to the exposure or other criteria that could trigger a requirement to conduct an avian 2-generation study. This is a major oversight that must be remedied.
- How does the EPA propose to validate the proposed study design in terms of determining the relevance of observations in a single species—Japanese quail—to literally thousands of avian species in the wild? This issue was raised repeatedly at the OECD Stockholm validation conference in 2002; however, consensus could not be reached among member countries and technical experts.
- The study design outlined in the DRP fails to demonstrate any meaningful consideration of the 3Rs. Indeed, it has been suggested that the testing of a single chemical in the study as it is currently proposed could kill upwards of 5,500 birds, assuming:
 - 4 doses x 20 P₁ pairs/dose x 2 birds/pair = 160 P₁ birds
 - 64 female P₁ x 1 F₁ egg/day x 7 days/week x 6 weeks/study = 2,688 F₁ eggs/study (assuming 160 F₁ females, resulting in 2,688 F₂ eggs)
 - TOTAL = 160 P₁ + 2,688 F₁ + 2,688 F₂ = **5,536 birds/chemical tested**
- The DRP seems to presume that current avian reproductive toxicity studies are inadequate, that existing data will not suffice, and that risk assessment decisions cannot be made in the absence of *de novo* testing according to the proposed protocol; however, there is a notable lack of empirical evidence in the DRP to support this conclusion. Does the EPA have evidence that the proposed study design will be significantly more powerful than conventional avian reproduction studies (i.e., that lower no effect levels will be obtained or that chemicals will be identified that would otherwise have been missed)? If so, this evidence should be clearly presented in the DRP. On the other hand, if such evidence does not currently exist, and this entire exercise is being undertaken as part of a “leap of faith,” the EPA should terminate this project immediately.

Thank you in advance for your attention and responsiveness to these comments. Please contact me with any questions or concerns at TroyS@peta.org or 757.622.PETA.

Sincerely,



Troy Seidle
Science Policy Advisor