

THE HIGHLY MISLEADING AND OUTRIGHT DISHONEST TESTIMONY OF NANCY BECK

On June 16, 2020, Nancy Beck, [a former senior director with the leading lobbying group for the chemical industry](#)¹ and Donald Trump’s nominee to chair the Consumer Product Safety Commission, [testified before the Senate Commerce Committee](#). Some of Beck’s most notable mistruths, distortions, and obfuscations from that hearing are described below.

BECK’S RESPONSIBILITY FOR DELAYING SAFEGUARDS FROM DEADLY METHYLENE CHLORIDE:

Senator Tom Udall recounted the stories of [families whose lost loved ones died while using paint strippers containing the dangerous chemical methylene chloride](#). These deaths occurred while Beck headed EPA’s Office of Chemical Safety, where she delayed for two years finalizing even a partial ban on this dangerous chemical. Senator Udall asked Beck about a [New York Times report](#) in which Beck was quoted questioning whether the rate of acute deaths and injuries from methylene chloride was really concerning, “is it 1%?”— as if an injury rate of *only* 1% would be acceptable.² Senator Udall asked Beck: “Is that report true or false, and is the 1% an acceptable rate of injury when those injuries include a risk of death?” [1:21:58]

Beck’s Answer: Beck avoided answering the Senator’s question. Instead, she responded: “... there is now a ban in place so that methylene chloride can no longer be manufactured, processed, distributed to retailers, or by retailers, to consumers. It is effectively removed from the big box stores and from the local hardware stores, and I’m confident that we have effectively blocked any further acute fatalities.” [1:22:37]

- **The Facts:** Beck’s assertion that EPA has “blocked any further acute fatalities” is entirely baseless.³ The EPA’s March 2019 [ban on methylene chloride paint strippers applies only to consumer sales](#) and does nothing to protect workers or others in proximity to the worksite. [Most of the known deaths from exposure to methylene chloride in paint strippers involve workers](#), and EPA, under Beck’s leadership, made the deliberate decision not to give workers *any* protections from methylene chloride. Thus, workers could still die from exposure to methylene chloride.

¹ During Beck’s opening statement, she described her professional record in detail, even referencing a volunteer job from the 1980s, but she never once mentioned her 5 years as a senior official working for the American Chemistry Council.

² EPA estimates that [over 230,000 workers nationwide are exposed to methylene chloride paint strippers](#). Beck’s quote – and her actions -- suggest it would be tolerable for 2,300 workers to die or be injured from this chemical.

³ Beck’s answer also fails to note that EPA’s consumer ban was finalized in the face [of a lawsuit to compel EPA to act](#), after refusing to do so as required under TSCA, despite having determined that both consumer and worker exposures pose an unreasonable risk to human health. Beck also failed to acknowledge the [consumer campaign](#) that led to the removal of paint strippers containing methylene chloride, or another toxic solvent, NMP, from 14 major retailers prior to EPA finalizing its consumer ban.

BECK HID THE TRUTH ABOUT TOXIC PFAS IN CONSUMER PRODUCTS:

Senator Richard Blumenthal expressed concern about consumer's exposure to PFAS, and asked Beck if she "agree[s] that PFAS poses a significant health threat and should be removed from all household items." [1:36:47]

Beck's Answer: "My understanding is that the companies that use the long-chain PFAS compounds, which were the ones that were going into consumer products, have essentially been phased out since I think 2008 or 2009. The problem is that we have these older rugs and carpets that were made before that period of time...." [1:37:06]

- **The Facts:** Beck avoided answering the Senator's question. She failed to state whether or not *she agrees* that PFAS pose a significant health threat and should be removed from all household items.
- Moreover, Beck's answer is wrong and deceptive in several respects. First, Beck's reference to a "phase-out" of long-chain PFAS is inaccurate and misleading. In 2006, [eight United States manufacturers voluntarily agreed to "work\[\] toward the elimination of \[long-chain PFAS\] from emissions and products by 2015."](#) This agreement did not eliminate use of long-chain PFAS because: some U.S. PFAS manufacturers were not part of the agreement; the agreement did not apply to the many companies that import consumer products containing long-chain PFAS; the agreement was voluntary; the commitment was only to "work[] toward" elimination.
- Second, the voluntary phase-out has failed. EPA was recently [told by chemical trade associations that long-chain PFAS are still used in a variety of products including apparel.](#)
- Third, Beck's implication that the issue of long-chain PFAS in consumer products is limited to "older rugs and carpets" vastly understates the problems of ongoing use and exposure. For example, as noted above, long-chain PFAS are still being used in apparel; PFOA, one of the most studied PFAS, even continues to be [used in stickers and labels used on CPSC-regulated products;](#) and many long-chain PFAS are still approved for use in the United States with no, or only minimal, restrictions.
- Finally, Beck's answer implies that the short-chain PFAS that have replaced some of the long-chain PFAS are not used in consumer products. This is well-known within the scientific community to be false. In fact, [EPA's own websites states that short-chain PFAS are used in fabrics, cleaning products, paints, food packaging, and other consumer products.](#) Moreover, as of 2016, [96 separate PFAS were being manufactured and/or used in large quantities in the U.S.](#) Most are likely short-chain PFAS, and most, if not all, are permitted to be used in consumer products.⁴

⁴ Beck's testimony implies that short-chain PFAS are safe, but this is not correct. Contrary to chemical industry claims, evidence is growing that [short-chain PFAS are associated with similar adverse health effects](#) as the legacy, long-chain PFAS that they have replaced. Furthermore, short-chain PFAS are as

DENYING HER LEADING ROLE IN THE TRUMP ADMINISTRATION'S FAILURES ON PFAS:

Senator Shelley Moore Capito sought to understand why Beck's name is "continually implicated in [the Trump Administration's] slowing of the regulatory agenda" on PFAS, [2:17:29] if, as Beck insisted, she is "not a decisionmaker" on anything related to PFAS, and bore no responsibility for the Trump Administration's delays and missteps in addressing this crisis. [2:17:03, 2:17:23, 2:17:44] Senator Capito asked Beck two specific questions: (1) once you went to work for the National Economic Council (NEC) in June 2019, "did you work with the PFAS Action Plan in that capacity" [2:16:28]; and (2) whether in your "position at the Office of Chemical Safety . . . PFAS [was] . . . directly in your portfolio." [2:18:14]

Beck's Answers: Regarding whether she worked "with" the PFAS Action Plan while at the NEC, Beck stated: "Only in the sense that if EPA had information they wanted to share with the interagency, we facilitated those discussions." [2:16:32] Regarding whether PFAS were in her portfolio as head of the Office of Chemical Safety, Beck stated: "[T]hrough the new chemicals program, yes," [2:18:21], implying that when she worked at EPA, she had nothing to do with PFAS other than deciding whether new PFAS chemicals should be approved to enter commerce.

- **The Facts:** An Update to the PFAS Action Plan was released in February 2020, while Beck was at the NEC. According to the New York Times, EPA Administrator Andrew Wheeler "[credited](#)" Beck with "[developing](#)" the update to the PFAS Action Plan for EPA. Wheeler's assertion that he put Beck in a leading role "developing" EPA's PFAS policy directly contradicts Beck's misleading testimony.
- In addition, Beck's suggestion that she had a very limited PFAS portfolio at EPA is false. Beck's Office of Chemical Safety had broad authority to obtain data and regulate existing uses of PFAS, including adding PFAS to the Toxics Release Inventory; requiring PFAS manufacturers to disclose information on production and exposure; adopting notice requirements for potential new uses of PFAS in consumer products; and issuing orders for exposure and toxicity testing.
- Not only did Beck fail to forthrightly disclose the scope of her office's authority under TSCA and the Toxics Release Inventory to address existing uses of PFAS and to gather additional information about releases of PFAS into communities, she declined to disclose her years-long *neglect* to use these authorities to advance information and regulation of PFAS. In particular, she failed to disclose her role in:
 - Weakening EPA's proposed "Framework Rules" under TSCA to exclude consideration of exposure to "legacy" uses of chemicals, including PFOA – [subsequently thrown out by a federal appeals court](#) (Senator Capito's questions alluded to Beck's role on "legacy" uses of PFOA but Beck avoided addressing the issue).

persistent as long-chain PFAS, are even more mobile in the environment, and are more difficult and expensive to remove from drinking water.

- Failing to list any PFAS on the Toxics Release Inventory, prompting [Congress to compel EPA to do so via a provision in the National Defense Authorization Act \(NDAA\)](#).
 - Failing to require manufacturers to report their production of PFAS and associated exposures to workers and others, prompting [Congress to compel EPA to do so via a provision in the NDAA](#).
 - Failing to take action to protect North Carolina residents from PFAS chemicals – despite requests from [North Carolina Senator Richard Burr](#) that EPA require testing, and from [North Carolina Governor Roy Cooper that EPA take regulatory action](#).
- Moreover, Beck’s suggestion that her oversight of TSCA’s new chemical program did not place PFAS directly in her “portfolio” is highly misleading. Beck’s office, EPA’s Office of Chemical Safety, was responsible for deciding whether new PFAS could enter commerce. As the head of that office, she had decisionmaking authority on the issue. During Beck’s tenure, at least fifteen (15) new PFAS entered commerce. We are aware of no applications to manufacture new PFAS that were denied during Beck’s tenure.

BECK’S ROLE IN BLOCKING CONSUMER PROTECTIONS FROM PFAS:

Senator Maria Cantwell referred Beck to [a report by Senator Tom Carper](#) which documented that while working in the White House, Beck “tried repeatedly to weaken” a rule that would restrict the use of toxic PFAS in consumer products. [1:10:02] Senator Cantwell directly asked Beck: “yes or no, did you participate in that process?”

Beck’s Answer: “I can assure you that I did not weaken or delay any PFAS rules.” [1:10:45]

- **The Facts:** [Documents released by Senator Carper](#) show that Beck, while working in the Executive Branch, repeatedly sought to use her “inter-agency” review authority to weaken the proposed rule limiting use of PFAS in consumer products. Senator Cantwell asked Beck if she “participated in th[e] process” that sought to weaken the rule. Beck’s response does not answer whether she *participated* in the process (documents show she did), or whether she *tried* to weaken the rule (documents show she did).
- Beck’s answer is also inaccurate based on her claim that she did not “delay any PFAS rules.” The rule Senator Cantwell asked about was proposed in 2015; but had not been finalized when Beck joined EPA. Beck headed EPA’s Chemical Safety Office from May 2017 to January 2019 and she remains the Deputy Assistant Administrator. Yet the rule was not finalized until Congress set a deadline in the 2020 National Defense Authorization Act, an action necessary in part due to Beck’s years-long delay in finalizing the rule.

Congress should be confident that an agency head will work cooperatively with the legislative branch to advance the agency’s mission. Based on the many evasions and half-truths that characterized Beck’s testimony at her nominations hearing, she should not be given the honor of leading the Consumer Product Safety Commission.