

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

June 10, 2021

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

The Honorable Merrick Garland  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Honorable Michael S. Regan  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Secretary Becerra, Attorney General Garland, and Administrator Regan:

The Subcommittee on Economic and Consumer Policy and the Subcommittee on Civil Rights and Civil Liberties seek information about the federal government's efforts to determine whether or not it is safe to use tear gas products on humans. As a signatory to the United Nations' Chemical Weapons Convention, the United States has agreed not to use tear gas in war.<sup>1</sup> However, tear gas is frequently used in this country by law enforcement as a "riot control agent." Given this domestic use, we would have expected an analysis demonstrating that tear gas products are safe to use on humans, but we have not seen this. In fact, evidence suggests that tear gas may be connected to long-term adverse health impacts for those exposed.<sup>2</sup> The Subcommittees have been unable to determine whether there is any federal oversight regarding the composition or safety of these products.

The term "tear gas" refers to a number of chemical compounds containing different combinations of chemical agents, such as those known as chloroacetophenone (CN), chlorobenzylidenemalonitrile (CS), chloropicrin (PS), bromobenzylcyanide (CA), and

---

<sup>1</sup> *Fact Check: It's True Tear Gas Is a Chemical Weapon Banned in War*, USA Today (Jun. 6, 2020) (online at [www.usatoday.com/story/news/factcheck/2020/06/06/fact-check-its-true-tear-gas-chemical-weapon-banned-war/3156448001/](http://www.usatoday.com/story/news/factcheck/2020/06/06/fact-check-its-true-tear-gas-chemical-weapon-banned-war/3156448001/)).

<sup>2</sup> Knapick et al., *o-Chlorobenzylidene Malonitrile (CS Riot Control Agent) Associated Acute Respiratory Illnesses in a U.S. Army Basic Combat Training Cohort*, *Military Medicine* (July 1, 2014) (online at <https://academic.oup.com/milmed/article/179/7/793/4259353>); Jordt et al., *Tear Gas: An Epidemiological and Mechanistic Reassessment*, *Annals of the New York Academy of Sciences* (July 8, 2016) (online at [www.ncbi.nlm.nih.gov/pmc/articles/PMC5096012/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC5096012/)).

dibenzoxazepine (CR).<sup>3</sup> Tear gas is not a gas but a pressurized powder or liquid, and the substance can be deployed via a number of means, including being sprayed from cans, shot from canisters, or expelled from grenades.<sup>4</sup> People in proximity to these chemical compounds are exposed by breathing in the substance or through skin or eye contact.<sup>5</sup>

Tear gas weapons are indiscriminate: the powder can spread unpredictably and affect bystanders, law enforcement officers, or medical personnel in the vicinity. The use of tear gas can also affect nearby inhabitants, who have complained of side effects from tear gas seeping into their homes.<sup>6</sup>

There are many questions about the safety of tear gas for use on humans. One study found that military personnel exposed to tear gas in basic training had an almost 2.5-times greater risk of later being diagnosed with acute respiratory illness after their exposure to tear gas compared to before the exposure.<sup>7</sup> Other studies have likewise shown respiratory impacts for people who are repeatedly exposed to tear gas.<sup>8</sup> Researchers have expressed concerns about tear gas formulations having gotten stronger over time and how that might factor into long-term health risks of exposure.<sup>9</sup>

Despite concerns about health impacts, tear gas is commonly used in the United States by law enforcement as “riot control agents.”<sup>10</sup> In the summer of 2020 alone, at least 100 law enforcement agencies used tear gas against civilian protestors.<sup>11</sup> Law enforcement officials assert that “less lethal weapons,” including tear gas, are effective crowd-control tools and are less

---

<sup>3</sup> Centers for Disease Control and Prevention, *Facts About Riot Control Agents Interim Document* (online at <https://emergency.cdc.gov/agent/riotcontrol/factsheet.asp>) (accessed May 17, 2021).

<sup>4</sup> *Id.*; *Tear Gas Is Way More Dangerous than Police Let On—Especially During the Coronavirus Pandemic*, ProPublica (June 4, 2020) (online at [www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic](http://www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic)).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Knapick et al., *o-Chlorobenzylidene Malonitrile (CS Riot Control Agent) Associated Acute Respiratory Illnesses in a U.S. Army Basic Combat Training Cohort*, *Military Medicine* (July 1, 2014) (online at <https://academic.oup.com/milmed/article/179/7/793/4259353>).

<sup>8</sup> *Tear Gas Is Way More Dangerous than Police Let On—Especially During the Coronavirus Pandemic*, ProPublica (June 4, 2020) (online at [www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic](http://www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic)).

<sup>9</sup> *Lack of Study and Oversight Raises Concerns About Tear Gas*, Associated Press (Aug. 6, 2020) (online at <https://apnews.com/article/virus-outbreak-charlotte-race-and-ethnicity-ap-top-news-police-c814cc7b873ccaf60b95b10e96ecfc12#:~:text=It's%20unclear%20exactly%20who%20in,the%20use%20of%20tear%20gas>).

<sup>10</sup> Centers for Disease Control and Prevention, *Facts About Riot Control Agents Interim Document* (online at <https://emergency.cdc.gov/agent/riotcontrol/factsheet.asp>) (accessed May 17, 2021).

<sup>11</sup> *Here Are the 100 U.S. Cities Where Protestors Were Tear Gassed*, *New York Times* (June 18, 2020) (online at [www.nytimes.com/interactive/2020/06/16/us/george-floyd-protests-police-tear-gas.html](http://www.nytimes.com/interactive/2020/06/16/us/george-floyd-protests-police-tear-gas.html)).

damaging than direct physical force.<sup>12</sup> However, without proper study and regulation, there is no certainty that the use of tear gas is not causing significant and long-term health problems for those exposed. There are also concerning unanswered questions about whether tear gas has exacerbated COVID-19 symptoms or caused long-term lung damage to protestors.<sup>13</sup>

Even with clear public health implications, the safety of tear gas products sold in the United States appears to be largely left to the discretion of the manufacturers.<sup>14</sup> There appears to be no federal tracking of tear gas safety and usage by law enforcement in the U.S.<sup>15</sup> This is a shocking gap in regulation given the hazardous nature of these chemical compounds.

These products have routinely been deployed on non-violent protestors exercising their First Amendment rights. People should not have to worry that if they attend a non-violent protest, are in the vicinity of law enforcement action, or are medical workers assisting injured individuals, they may be exposed to poison with unknown effects.

For these reasons, we request that your agencies provide a briefing to our staff on your regulation of tear gas. Please contact Committee staff by June 17, 2021, to schedule a briefing that addresses the following topics:

1. Each agency's role in the regulation of tear gas products and determinations of tear gas safety for human use, including an explanation of all steps taken towards imposing standards for composition and use of tear gas products;
2. All research and conclusions on the effect on human health of tear gas products, including all data collected or being collected by each agency, and all research reviewed or solicited by each agency, to assess all health risks connected to human exposure to tear gas;
3. The feasibility of establishing and implementing universal standards for all tear gas products; and

---

<sup>12</sup> *Lack of Study and Oversight Raises Concerns about Tear Gas*, Associated Press (Aug. 6, 2020) (online at <https://apnews.com/article/virus-outbreak-charlotte-race-and-ethnicity-ap-top-news-police-c814cc7b873ccaf60b95b10e96ecfc12#:~:text=It's%20unclear%20exactly%20who%20in,the%20use%20of%20tear%20gas>).

<sup>13</sup> *Tear-Gassing Protesters During an Infectious Outbreak Called 'A Recipe for Disaster'*, NPR (June 5, 2020) (online at [www.npr.org/sections/health-shots/2020/06/05/870144402/tear-gassing-protesters-during-an-infectious-outbreak-called-a-recipe-for-disast](http://www.npr.org/sections/health-shots/2020/06/05/870144402/tear-gassing-protesters-during-an-infectious-outbreak-called-a-recipe-for-disast)); *Tear Gas Is Way More Dangerous than Police Let On—Especially During the Coronavirus Pandemic*, ProPublica (June 4, 2020) (online at [www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic](http://www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic)).

<sup>14</sup> *Id.*

<sup>15</sup> *The Business of Tear Gas*, Axios (June 2, 2020) (online at [www.axios.com/companies-produce-tear-gas-protests-58051fa3-8ac2-4fa7-817f-8cda0af1a14d.html](http://www.axios.com/companies-produce-tear-gas-protests-58051fa3-8ac2-4fa7-817f-8cda0af1a14d.html)).

The Honorable Xavier Becerra  
The Honorable Merrick Garland  
The Honorable Michael S. Regan  
Page 4

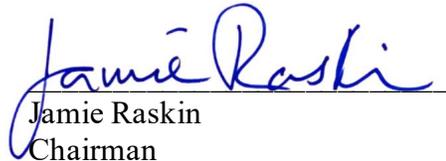
4. Actions taken by the Environmental Protection Agency to ensure tear gas products sold and used in the United States comply with the acute-exposure guideline levels for tear gas.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Raja Krishnamoorthi  
Chairman  
Subcommittee on Economic and  
Consumer Policy



Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and  
Civil Liberties



Cori Bush  
Member of Congress



Alexandria Ocasio-Cortez  
Member of Congress

cc: The Honorable Michael Cloud, Ranking Member  
Subcommittee on Economic and Consumer Policy

The Honorable Pete Sessions, Ranking Member  
Subcommittee on Civil Rights and Civil Liberties