

Written Statement to the
Science Advisory Board
U.S. Environmental Protection Agency

Breaking a Public Trust: Adverse Changes to the Science Advisory Board and Its Lack of Proper Utilization by the EPA Undermine the Credibility of Science Advice Received by the Agency

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On October 31, 2017, Administrator Pruitt signed a memo regarding SAB membership that changed the criteria for appointing members to the Science Advisory Board and other EPA advisory committees, such as the Clean Air Scientific Advisory Committee. This memorandum was developed without input from the SAB, other advisory committees, EPA career staff, and the public. This memo changed criteria for appointments to the SAB. The memo ignores scientific expertise but emphasizes increased member turn-over, geographic diversity, and representation of government agencies, and bars EPA grant recipients from academia but not government agencies. This memo has led to fewer researchers on the SAB and increased representation of motivational biases related to regulated industries, ideological organizations, and previously stated fringe views. The increased member turnover means loss of institutional memory. According to the General Accountability Office, political leadership at EPA have had an unusually direct role in selecting members of the SAB and CASAC.² Furthermore, EPA has not consistently ensured that special government employees who serve on its advisory committees meet Federal ethics requirements.

The current Administration has repeatedly proposed science-based regulations without proper attention to the science, with the so-called transparency rule being just one example. The proposed rule was developed without input from the SAB, other advisory committees, career staff, or the public.

¹ Affiliation is given for informational purposes only.

² GAO, EPA Advisory Committees: Improvements Needed for the Member Appointment Process, US General Accountability Office, Washington, DC, July 2019.

This EPA either ignores or flouts statutory requirements under which EPA must interact with advisory committees, including the Environmental Research, Development and Demonstration Authorization Act of 1978 (ERDDA), which pertains to the SAB. I provided more detail on this point in my June 5, 2019 comments to the SAB. Failure of an agency to follow established procedures, and the law, is contrary to the Administrative Procedures Act (APA).

With regard to the proposed so-called Transparency rule, the **EPA violated ERDDAA by failing to notify the SAB, as required by law, of the proposed rule. EPA further ignored SAB's request to provide advice regarding the rule. EPA has now engaged in a charade of asking the SAB for a consultation on an absurdly narrow scope for a proposed rule with broad implications.** A consultation means that individual members submit individual comments. The SAB will not produce a consensus position based on interactive deliberations. **EPA can then issue a talking point that they consulted with the SAB. In reality, EPA is refusing to engage a properly constituted SAB in a broad scale interactive and deliberative review of the scientific basis and implications of the entire proposed rule.**

The EPA has also refused to engage the SAB in reviewing the scientific basis of other rules, such as the so-called Affordable Clean Energy rule, oil and gas new source performance standards, the so-called glider repeal, and the rollback of vehicle GHG emission standards, among others. The SAB should have been engaged in providing scientific review and advice on these and other rules.

These changes break an important public trust that has existed for decades. SAB members should refuse to participate in today's charade. Instead, use this opportunity to provide your comments regarding the harm done to the composition and operation of the SAB under this science-averse administration, and how these harms should be remedied.