



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR
SCIENCE ADVISORY BOARD

June 26, 2014

MEMORANDUM

SUBJECT: Formation of the Science Advisory Board Advisory Panel on EPA's Report on the Environment 2014

FROM: Stephanie Sanzone */signed/*
Designated Federal Officer
EPA Science Advisory Board Staff Office (1400R)

THRU: Wanda Bright */signed/*
Ethics Officer
EPA Science Advisory Board Staff Office (1400R)

TO: Christopher S. Zarba
Director and Deputy Ethics Official
EPA Science Advisory Board Staff Office (1400R)

On October 3, 2012, the Director of the Science Advisory Board (SAB) Staff Office signed a memorandum (attached) that announced the formation of an SAB panel to review the EPA's draft Report on the Environment. The memorandum provided a set of determinations that were necessary in forming the panel and described all relevant information considered in making these determinations, including consideration of ethics issues, impartiality, and panel balance. The first meeting of the panel is now scheduled for July 2014. Given the passage of time since the formation of the SAB panel and changes in the availability of several panelists identified in the October 2012 memorandum, the SAB Staff Office reaffirms the determinations in the October 3, 2012 memorandum and provides an updated list of panel members. The members of the SAB Advisory panel on EPA's Report on the Environment 2014, including augmented expertise from members of the chartered SAB, are as follows:

SAB Advisory Panel on EPA's Report on the Environment 2014

Dr. James Sanders, Skidaway Institute of Oceanography (GA), Chair

Dr. Joseph Arvai, University of Calgary (Canada)

Dr. Sharan Campleman, University of California (CA)

Dr. John C. Crittenden, Georgia Institute of Technology (GA)

Dr. Terry Daniel, University of Arizona (AZ)

Dr. H. Christopher Frey, North Carolina State University (NC)

Dr. Lucinda Johnson, University of Minnesota Duluth (MN)

Dr. Robert J. Johnston, Clark University (MA)

Dr. Allan Legge, Biosphere Solutions (Canada)

Dr. James R. Mihelcic, University of South Florida (FL)
Dr. H. Keith Moo-Young, Washington State University (WA)
Dr. Eileen Murphy, Rutgers University (NJ)
Dr. James Opaluch, University of Rhode Island (RI)
Dr. Rebecca Parkin, George Washington University (DC)
Dr. Amanda Rodewald, Cornell University (NY)
Dr. Sujoy Roy, Tetra Tech Inc. (CA)
Dr. Thomas L. Theis, University of Illinois at Chicago (IL)
Dr. Stephen Weisberg, Southern California Water Research Project Authority (CA)

Concurred,

/signed/

June 26, 2014

Christopher S. Zarba
Director and Deputy Ethics Official
EPA Science Advisory Board Staff Office (1400R)

Date

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR
SCIENCE ADVISORY BOARD

October 3, 2012

MEMORANDUM

SUBJECT: Formation of Science Advisory Board Advisory Panel on EPA's Report on the Environment (2012)

FROM: Thomas Armitage */signed/*
Designated Federal Officer (DFO)
EPA Science Advisory Board Staff Office (1400R)

THRU: Wanda Bright */signed/*
SAB Ethics Officer
EPA Science Advisory Board Staff Office (1400R)

TO: Vanessa Vu, Ph.D.
Director
EPA Science Advisory Board Staff Office (1400R)

The U.S. Environmental Protection Agency (EPA) Office of Research and Development requested that Science Advisory Board (SAB) review EPA's Web-based Report on the Environment (2012) (ROE-2012). The ROE-2012 is a comprehensive online source of scientific indicators describing the condition of and trends in the environment and human health in the United States. The ROE-2012 indicators are intended to inform strategic planning, priority setting, and decision making across EPA and provide information for the public on the state of the environment. EPA has developed an interactive website to provide access to the data and information in the ROE-2012. EPA has also developed: 1) a conceptual framework, based on a sustainability paradigm, to illustrate connections among ROE-2012 indicators and Agency programs, 2) new and revised ROE-2012 indicators, including sustainability indicators that incorporate economic data, and 3) statistical information to address indicator variability and uncertainty. The EPA Office of Research and Development has requested that the SAB review the ROE-2012 to assess the scientific and technical integrity and clarity of the overarching sustainability framework, sustainability indicators, statistical information, and other information presented on the ROE-2012 website.

This memorandum addresses the set of determinations that were necessary for forming the SAB Advisory Panel on EPA's Report on the Environment (2012), including:

- (A) The type of review body that will be used to conduct the review, and the nature of the review;
- (B) The list of candidates to be considered for the panel;
- (C) Financial conflict of interest considerations, including identification of parties who are potentially interested in or may be affected by the topic to be reviewed;
- (D) How regulations concerning "appearance of a lack of impartiality," pursuant to 5 C.F.R. § 2635.502, apply to members of the Panel; and
- (E) The selection of Panel members.

DETERMINATIONS:

- (A) The type of review body that will be used to conduct the review, and the nature of this review.

An *ad hoc* panel, composed of subject matter experts, will be formed under the auspices of the Science Advisory Board (SAB) to provide advice and recommendations to EPA through the chartered SAB on the scientific and technical integrity of the ROE-2012.

- (B) The list of candidates to be considered for the Panel.

The SAB Staff Office announced in a *Federal Register* Notice (Volume 77, Number 52 Pages 15753-15754) published on March 16, 2012 that it was forming an SAB panel to review EPA's Web-Based Report on the Environment.

The SAB Staff Office identified 32 candidates based on their relevant expertise and willingness to serve from the *Federal Register* Notice. On June 15, 2012, the SAB Staff Office posted a notice on the SAB Web site inviting public comments on the List of Candidates for the Panel, including biographical sketches, by July 6, 2012. The SAB Staff Office received one set of comments on the candidate list from Dr. Otto Doering, Purdue University.

- (C) Financial conflict of interest considerations, including identification of parties who are potentially interested in or may be affected by the topic to be reviewed.

- (a) Identification of parties who are potentially interested in or may be affected by the topic to be reviewed: The principal potentially interested parties for this topic are: 1) federal, state, and local government agencies; 2) non-governmental organizations that focus on environmental policy development; 3) A broad range of academic and industry researchers; or academic, industry, and government sponsored research institutes addressing environmental indicators and national environmental trends.

(b) Conflict of interest considerations: For Financial Conflict of Interest (COI) issues, the basic 18 U.S.C. § 208 provision states that: “An employee is prohibited from participating personally or substantially in an official capacity in any particular matter in which he, to his knowledge, or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest [emphasis added].” For a conflict of interest to be present, all elements in the above provision must be present. If an element is missing, the issue does not involve a formal conflict of interest; however, the general provisions in the appearance of impartiality guidelines must still apply and need to be considered.

(i) Does the charge to the SAB Advisory Panel on EPA’s Report on the Environment (2012) involve a particular matter? A “particular matter” refers to matters that “...will involve deliberation, decision, or action that is focused upon the interest of specific people, or a discrete and identifiable class of people.” It does not refer to “...consideration or adoption of broad policy options directed to the interests of a large and diverse group of people.” [5 C.F.R. § 2640.103 (a)(1)]. A particular matter of general applicability means a particular matter that is focused on the interests of a discrete and identifiable class of persons, but does not involve specific parties [5 C.F.R. § 2640.102(m)].

The ROE-2012 review does not qualify as a particular matter in that it does not involve deliberation, decision or action that is focused upon the interests of a discrete and identifiable class of people and does not involve specific parties. Nor does this review include matters which involve formal parties or extend to legislation or policy-making that is narrowly focused upon the interests of a discrete and identifiable class of persons. Rather it covers reporting a broad range of environmental indicators to provide public information and track environmental progress.

Because this does not constitute a particular matter, the chain of elements leading to a determination that a conflict of interest exists is broken. No such conflict exists and there is no need to pursue the additional elements in determining the existence of a conflict of interest (i.e., Personal and Substantial Participation; Direct and Predictable Effect on Members Financial Interest).

(D) How regulations concerning “appearance of a lack of impartiality,” pursuant to 5 C.F.R. § 2635.502, apply to members of the Panel

The Code of Federal Regulations at 5 C.F.R. § 2635.502(a) states that: “Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the person determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and has received authorization from the agency designee.” Further, § 2635.502(a)(2) states that, “An employee who is concerned that circumstances other than those specifically described in this

section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.”

Prospective candidates for the Panel were evaluated against the 5 C.F.R. 2635(a)(2) general requirements for considering an appearance of a lack of impartiality. Information used in this evaluation has come from information provided by potential advisory committee members (including, but not limited to, EPA 3110-48 confidential financial disclosure forms) and public comment as well as their responses to the following supplemental questions (included on the EPA 3110-48 confidential financial disclosure form):

1. Do you know of any reason that you might be unable to provide impartial advice on EPA’s Report on the Environment 2012 or any reason that your impartiality in the matter might be questioned?
2. Have you had any previous involvement with EPA’s Report on the Environment 2012 including authorship, collaboration with the authors (the principal authors of EPA’s Report on the Environment, 2012 are: Danelle Lobdell, Patricia Murphy, and Madalene Stevens – EPA Office of Research and Development; Jan Connery, Jenny Helmick, John Wilhelmi, Chris Lamie, Michelle Arbogast, and Naida Gavrelis – Eastern Research Group; Kent Thornton– FTN Associates; Nancy Tosta and Jerry Boese – Ross & Associates; and Joseph Fiksell – Ohio State University) or previous peer review functions? If so, please identify and describe that involvement.
3. Have you served on previous advisory panels, committees or subcommittees that addressed EPA’s previous Reports on the Environment? If so, please identify those activities.
4. Have you made any public statements (written or oral) that would indicate to an observer that you have taken a position on this review subject? If so, please identify those statements.

(E) The selection of Panel members

The SAB Staff Office Director makes the final decision about who serves on the Advisory Panel on EPA’s Report on the Environment (2012) based on all relevant information. As a result of a review of all relevant information including each candidate’s confidential financial disclosure form (EPA Form 3110-48), the responses to the four questions above, and public comments, the SAB Staff Office has determined that there are no conflicts of interest or appearances of a lack of impartiality for the members of this Panel.

For the SAB Staff Office, a balanced committee or panel is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the general charge. Specific criteria to be used in evaluating an individual committee member include: (a) scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of

impartiality; (e) skills working in committees, subcommittees and advisory panels; and, for the committee as a whole, and (f) for the Panel as a whole, diversity of expertise and viewpoints.

On the basis of the above-specified criteria, the members of the Advisory Panel on EPA's Report on the Environment (2012) are as follows:

Advisory Panel on EPA's Report on the Environment (2012) Members

- Dr. James Sanders**, Skidaway Institute of Oceanography (GA), Chair
- Dr. Anna Alberini**, University of Maryland (MD)
- Dr. Joseph Arvai**, University of Calgary (Canada)
- Dr. Sharan Campleman**, Electric Power Research Institute (CA)
- Dr. Aaron Cohen**, Health Effects Institute (MA)
- Dr. John Crittenden**, Georgia Institute of Technology (GA)
- Dr. Christopher Frey**, North Carolina State University (NC)
- Dr. Lucinda Johnson**, University of Minnesota, Duluth (MN)
- Dr. Allan Legge**, Biosphere Solutions (Canada)
- Dr. Horace Moo-Young**, California State University, Los Angeles (CA)
- Dr. Eileen Murphy**, Rutgers University (NJ)
- Dr. James Opaluch**, University of Rhode Island (RI)
- Dr. Rebecca Parkin**, George Washington University (DC)
- Dr. Amanda Rodewald**, Ohio State University (OH)
- Dr. Sujoy Roy**, Tetra Tech, Inc (CA)
- Dr. Donald Scavia**, University of Michigan (MI)
- Dr. David Skelly**, Yale University (CT)
- Dr. Allan Steinman**, Grand Valley State University (MI)
- Dr. Thomas Theis**, University of Illinois at Chicago (IL)
- Dr. Stephen Weisberg**, Southern California Coastal Water Research Project Authority (CA)

Concurred,

/signed/

October 3, 1012

Vanessa Vu, Ph.D.
Staff Director
EPA Science Advisory Board (1400R)

Date