



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR  
SCIENCE ADVISORY BOARD

June 16, 2015

EPA-SAB-15-009

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Subject: Science Advisory Board (SAB) Consideration of EPA Planned Actions in the Fall 2014  
Unified (Regulatory) Agenda and their Supporting Science

Dear Administrator McCarthy:

As part of its statutory duties, the Science Advisory Board (SAB) recently concluded discussions about possible review of the science supporting major EPA planned actions associated with the Fall 2014 Unified (Regulatory) Agenda and Regulatory Plan. The EPA Office of Policy provided notice of the release of this information on November 21, 2014. The SAB held a public teleconference on May 27, 2015, to discuss whether to review the science supporting any of the planned regulatory actions in that agenda in order to provide advice and comment on the adequacy of the science.

The SAB focused its attention on seven major actions identified by the EPA Office of Policy as being planned but not yet proposed as of the date the Agenda was published in the *Federal Register*. At the May 27, 2015, public teleconference, the SAB decided that it will not undertake review of the science supporting any actions in the Fall 2014 semi-annual regulatory agenda at this time.

The Board notes that one action, *Proposed Finding that Greenhouse Gas Emissions from Aircraft Cause or Contribute to Air Pollution that May Reasonably be Anticipated to Endanger Public Health and Welfare and Advanced Notice of Proposed Rulemaking* (2060-AS31), addresses a topic of high interest. The SAB recognizes that the action will be based on information that has been well-reviewed and that will be based on inference approaches for which there is precedent. However, the SAB anticipates that subsequent steps in the regulatory process will involve substantive scientific issues that may warrant SAB consideration. It asks the agency to regularly inform the SAB about the status of subsequent steps on this topic and also asks the EPA to provide it with briefings on the science underlying agency approaches to address greenhouse gas emissions and related climate change actions.

An additional action, the Proposed Rulemaking for 40 CFR Part 192: *Amendments to Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings* (2060-AP43) was included in this review and discussed at the May 27, 2015, teleconference meeting. This proposed action was previously considered in the Board's review of the Spring 2013 Regulatory Agenda and a disposition was deferred by the Board because information provided by the agency was insufficient to evaluate the scientific and technical basis at that time. The SAB's Radiation Advisory Committee (RAC) had reviewed the draft technical report supporting the proposed rulemaking and the agency briefly responded to the SAB's comments in 2012; however, limited information on how the agency addressed

those recommendations was available to the Board. From the additional information provided during this most recent review of EPA planned actions, the SAB found that the agency addressed the 2012 SAB recommendations and incorporated most of the recommendations into the proposed action. Yet, it was not clear if the current modeling techniques were adequate (e.g., validated science-based techniques that address the varying conditions at the site). Accordingly, the SAB finds that this action does not merit further SAB consideration. However, the Board recommends that the agency consider guidance in the final rule that addresses the validity of the use of existing or proposed modeling techniques at sites with varying physical and chemical conditions (input parameters) not previously encountered in site profiles.

The SAB appreciates the information provided by the EPA Office of Policy and the EPA program offices describing the planned actions, associated scientific questions, and agency plans for scientific analyses and peer review. The written information provided and the results of fact-finding discussions with EPA Staff are available on the SAB website.

On behalf of the SAB, I thank you for the opportunity to support EPA through consideration of the science supporting actions in the agency's regulatory agenda.

Sincerely,

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Dr. Peter S. Thorne, Chair  
Science Advisory Board

Enclosure

(1) Roster of SAB Members

## **NOTICE**

This report has been written as part of the activities of the EPA Science Advisory Board (SAB), a public advisory group providing extramural scientific information and advice to the Administrator and other officials of the Environmental Protection Agency. The SAB is structured to provide balanced, expert assessment of scientific matters related to problems facing the agency. This report has not been reviewed for approval by the agency and, hence, the contents of this report do not represent the views and policies of the Environmental Protection Agency, nor of other agencies in the Executive Branch of the Federal government, nor does mention of trade names of commercial products constitute a recommendation for use. Reports of the SAB are posted on the EPA website at <http://www.epa.gov/sab>.

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