

June 4, 2019

Written Statement for the Public Meeting of the Executive Committee of the EPA Science Advisory Board, 6/5-6/6

On behalf of the Union of Concerned Scientists (UCS), I submit this comment to the Environmental Protection Agency (EPA) Science Advisory Board in anticipation of its meeting to discuss the agency's proposed Science and Transparency Rule, regulatory agenda items, and other issues. UCS is a science-based nonprofit working for a healthy environment and a safer world. Our organization combines independent scientific research and citizen action to support innovative, practical solutions and secure responsible changes in government policy, corporate practices, and consumer choices.

First, it is imperative that the Science Advisory Board continue to fulfill its roles and responsibilities as laid out in statute. It is my concern that the Administrator is viewing the work of this committee as a perfunctory hurdle that he must clear to be one step closer to deregulation. Such an approach undermines the essential role that this committee plays in guiding the EPA toward actions rooted in the best available science and supporting its mission to protect public health and the environment. The SAB's experts ought to be working on the toughest technical questions as the agency designs policy solutions, rather than relegated to a less significant role in which its advice is an afterthought, its concerns are not adequately considered, and its charge is only to answer disproportionately narrow questions about broad scientific topics.

Administrator Wheeler's April letter to the SAB explained the interest in being more transparent with this group as a part of EPA's regulatory development process.¹ Transparency about EPA actions is key but a briefing to the SAB of EPA proposed policies should not be a replacement for a full review of the scientific content of memos, guidance, and proposed and final rules. The Environmental Research, Development, and Demonstration Authorization Act (ERDAA) requires EPA to provide the SAB the proposal along with the technical information supporting it. Further, the SAB can provide its advice on the "adequacy of the scientific and technical basis" of the proposed policy.² Thus it is fully within the responsibility of the SAB to review the scientific basis of the Strengthening Transparency rule in its entirety, as the SAB work group has proposed, not just the "existing mechanisms for secure access to confidential business information and personally identified information" proposed by the administrator in his April letter.³ A robust SAB review should occur before the EPA moves forward with the proposal.

¹ Wheeler, Andrew R. 2019. Letter to Dr. Michael Honeycutt and Members of the SAB Re: SAB Discussions about EPA Planned Actions in the Fall 2017 Unified Agenda, Spring 2017 Unified Agenda, "Strengthening Transparency in Regulatory Science" and its Supporting Science; and Review of EPA's report titled *Screening Methodologies to Support Risk and Technology Review (RTR): A Case Study Approach and Framework for Assessing Biogenic CO2 Emissions from Stationary Sources* (2014), April 19.

² U.S. Congress. 1978. *Environmental Research, Development, and Demonstration Authorization Act*. 1978. Public Law 95-477, 95th Congress, October 18.

³ Wheeler (2019).

Equally important is the SAB's responsibility to be involved in the agency's development of cancer and noncancer risk assessment guidelines. In accordance with ERDAA, the SAB should have access to not just the proposed guidelines but the scientific justification for updating them and the committee should be given the time and platform to meaningfully contribute throughout the development process which should include peer review by the National Academy of Sciences and opportunities for public comment, as have occurred when EPA risk assessment guidelines were changed previously. Changing risk assessment guidelines on the tight timeline proposed here is functionally challenging and scientifically questionable.

Likewise, it is imperative that the SAB have the opportunity to fully review the EPA's air office's regulatory proposal on cost benefit assessment. This administration has attempted to undermine the way in which EPA counts the ancillary benefits of regulations, including avoided particulate exposure in issuing clean air standards. The SAB has the responsibility to review the agency's justification and provide advice related to the appropriateness of its proposals. This review process should be thorough, involve independent experts, and should take as long as is required rather than meeting an arbitrary deadline set by the Administrator.

The SAB must also be prepared with a fully staffed expert drinking water subcommittee to handle the review projects that should be coming soon from the EPA related to PFAS and the agency's action plan. Relatedly, the agency continues to do itself a disservice by considering an EPA grant a financial conflict of interest. The current SAB should demand a reversal of this memo to stop arbitrarily limiting the pool of experts that may be considered for a seat at this table.

Finally, in light of all of the important work that must be done by the SAB over the coming months, EPA must provide ample opportunity for the SAB to meet *publicly*, in person or by phone and that conflicts of interest and recusals are being adequately monitored to secure objectivity and public trust in the science advice process.

Sincerely,

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