

Oral Public Comment on the

**CASAC Review of EPA's draft Integrated Science Assessment for the Review of
the National Ambient Air Quality Standards for Ozone and Related
Photochemical Oxidants (External Review Draft – September 2019)**

**The NAAQS Review Process for Ozone Should be
Suspended Until Process Deficiencies are Corrected**

COMMENT BY:

H. Christopher Frey, Ph.D.

**Glenn E. and Phyllis J. Futrell Distinguished University Professor
Department of Civil, Construction, and Environmental Engineering
North Carolina State University**

SUBMITTED TO

**Clean Air Scientific Advisory Committee
U.S. Environmental Protection Agency
Washington, DC**

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This is a transcript of the oral public comment that I delivered to the EPA Clean Air Scientific Advisory Committee at its December 4, 2019 meeting regarding the draft Integrated Science Assessment for the Review of the National Ambient Air Quality Standards for Ozone and Related Photochemical Oxidants (External Review Draft – September 2019). Oral public comments were limited to 5 minutes.

I am a past chair of CASAC and chaired the ozone review panel from 2012 to 2014. I am providing these comments on behalf of myself and 17 other members of the ozone review panel. More detail is in our December 2 letter submitted as a public comment.¹

We unanimously find that myriad unwarranted changes have been made to the NAAQS review process and to the composition of the CASAC since 2017. These changes are collectively harmful to the quality, credibility, and integrity of EPA's scientific review process and to CASAC as an advisory body. These changes have been made without advance notice to, or input from, the CASAC, cognizant EPA staff, or the public. These changes should be reversed. The NAAQS review for ozone should be suspended until these deficiencies are corrected.

We find that the EPA career staff in the Office of Research and Development have undertaken a good faith effort to produce a first draft of the ISA. We likewise find that the EPA career staff in the Office of Air Quality Planning and Standards have undertaken a good faith effort to produce a first draft of the PA. However, both of these draft documents were produced under trying and unprecedented constraints. We commend the staff for this effort.

On July 27, 2018, EPA issued a Federal Register notice on "Request for Nominations of Experts for the Clean Air Scientific Advisory Committee (CASAC) Ozone Review Panel." In a press release on October 10, 2018, EPA stated that a panel would not be formed but gave no sensible rationale for this specious, arbitrary, and capricious decision that undermines the process.

Although a smaller "pool" of consultants was recently appointed to support the CASAC, the pool is not focused on ozone, in that there is not adequate breadth, depth, and diversity of scientific expertise and experience needed for the ozone review, interacts with the CASAC only in writing, and is not allowed to deliberate with the CASAC; therefore, the pool does not adequately or appropriately substitute for an Ozone Review Panel.

EPA should continue to follow the successful practice, proven for four decades, of augmenting CASAC with the expertise it needs via qualified review panels that deliberate,

¹ Frey, H.C., A.V. Diez Roux, G. Allen, E.L. Avol, J. Brain, D.P. Chock, D.A. Grantz, J.R. Harkema, D.J. Jacob, D.M. Kenski, S.R. Kleeberger, F.J. Miller, H.S. Neufeld, A.G. Russell, J.S. Ultman, K.C. Weathers, P.B. Woodbury, and R. Wyzga, Advice from the former U.S. EPA Clean Air Scientific Advisory Committee Ozone Review Panel on EPA's Integrated Science Assessment for Ozone and Related Photochemical Oxidants (External Review Draft – September 2019), and EPA's Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (External Review Draft – October 2019), Letter to EPA Administrator Andrew Wheeler from members of the former Clean Air Scientific Advisory Committee Ozone Review Panel (2009-2015), December 2, 2019. [https://yosemite.epa.gov/sab/sabproduct.nsf//B2AF0B23ABE6A60E852584C4007312E3/\\$File/EPA+CA+SAC+O3+Review+ISA+PA+Letter+191202+Final.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf//B2AF0B23ABE6A60E852584C4007312E3/$File/EPA+CA+SAC+O3+Review+ISA+PA+Letter+191202+Final.pdf)

interactively, with members of the chartered CASAC. An Ozone Review Panel should be appointed to provide CASAC with the expertise it needs.

The current seven-member CASAC does not have the breadth, depth, or diversity of expertise and experience needed for the ozone review, nor could any group of this size cover the needed scientific disciplines.

The draft ISA and PA have retained the causality determination framework for health effects, and retained the causality framework for at-risk populations. We concur with this choice.

Since 2017, EPA has made the following changes to the NAAQS review process and to the chartered CASAC, all of which have undermined and compromised the process:

- (1) CASAC appointment criteria emphasize geographic location and not scientific expertise;
- (2) CASAC appointment criteria emphasize government affiliation and not scientific expertise;
- (3) CASAC appointment criteria ban nongovernmental but not governmental recipients of EPA scientific research grants;
- (4) Complete turn-over of CASAC membership;
- (5) The CASAC PM Review Panel was disbanded;
- (6) There was refusal to form an Ozone Review Panel for which nominations had already been solicited;
- (7) A “pool” of consultants was formed with serious shortcomings of expertise and an inability to deliberate;
- (8) Compressed the scientific review into a timeframe that results in lack of transparency, in part, by reducing opportunities for public comment;
- (9) Eliminated revised external review drafts of complex scientific documents;
- (10) Eliminated planning for the risk and exposure assessments;
- (11) Eliminated separate risk and exposure assessment documents for external review; and
- (12) Commingled policy with science by producing and reviewing policy and science assessments concurrently.

These changes ignore statutory requirements for a thorough and accurate review of scientific criteria. **Statutory deadlines are not an excuse for deficiencies in the review process.** The NAAQS review for ozone should be suspended until these deficiencies are corrected.