

March 2, 2007

Frequently Asked Questions and Answers for External Experts Interested in Serving on EPA Clean Air Scientific Advisory Committee (CASAC) Review Panels

EPA recently announced changes to the process for updating the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants every five years. As described in the EPA Deputy Administrator Memorandum of December 7, 2006, the Agency's Office of Research Development (ORD) and Office of Air and Radiation (OAR) will first conduct a workshop for each criteria pollutant to address science and policy-relevant questions central to the Agency's NAAQS review. The workshop is open to the public and EPA will invite external scientist participation. CASAC members and panelists will also be invited to participate in the workshop as observers. Following the workshop, the CASAC panel will conduct a consultation on EPA's Integrated Plan for the NAAQS review. The CASAC panel will subsequently review EPA's Integrated Science Assessment and Risk/Exposure Assessment. The CASAC panel will also provide science-based recommendations to the EPA Administrator regarding the NAAQS of the criteria pollutant under review.

It generally takes EPA's Science Advisory Board (SAB) Staff Office about four months to form a CASAC NAAQS-related review panel. Due to timing constraints, external experts may be invited to participate in an EPA workshop before or during the CASAC panel formation process. Common questions often arise among invited workshop participants about the potential impact of workshop participation and their eligibility for serving on CASAC panels. This fact sheet provides general background on the CASAC panel formation process and addresses frequently asked questions about this matter.

SAB Panel Formation Process

The SAB Staff Office establishes advisory or review panels in accordance with *SAB Panel Formation Process: Immediate Steps to Improve Policies and Procedures* (EPA-SAB-EC-COM-02-003). The process provides the public an opportunity to nominate experts and to comment on the "short list" candidates. The SAB Staff Office Director makes the final decision about the panel membership based on all relevant information. Primary selection criteria include diversity and balance of needed expertise and scientific viewpoints, absence of financial conflict of interest, absence of an appearance of a lack of impartiality, and willingness to serve.

To evaluate and determine an absence of an appearance of a lack of impartiality, prospective candidates are asked to respond to the following questions:

- (a) Do you know of any reason that you might be unable to provide impartial advice on this matter or any reason that your impartiality in the matter might be questioned?
- (b) Have you had any previous involvement with the EPA's documents under consideration (including authorship, collaboration with the authors, or peer review

functions)? If so, please identify and describe that involvement.

(c) Have you served on previous advisory panels, committees or subcommittees (Federal or otherwise) that have addressed the topic under consideration? If so please identify those activities.

(d) Have you made any public statements (written or oral) on the issue? If so, please identify those statements.

(e) Have you made any public statements that would indicate to an observer that you have taken a position on the issue under consideration? If so, please identify those statements.

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Experts invited to serve on CASAC panels are also required to submit a Confidential Financial Disclosure Form for Special Government Employees (EPA Form 3110-48). In addition, invited experts are required to take EPA's Ethics Training Course for Special Government Employees. The course provides an overview of basic principles regarding the conduct of business under the Federal Advisory Committee Act (FACA) to ensure that advisory members fulfill their ethics requirements and maintain public trust.

Frequently Asked Questions and Answers

Question 1: If I accept EPA's invitation to participate in the workshop, am I eligible to serve on a CASAC review panel?

Answer: Yes, as long as there is neither financial conflict of interest nor an appearance of a lack of impartiality (see the evaluative process described above).

Question 2: I have been asked by EPA to present my research findings at this workshop. Am I eligible to serve on an associated CASAC review panel?

Answer: Yes, it is appropriate for you to present new scientific information in areas of your expertise and suggest EPA to consider such information for the NAAQS review. However, you should refrain from making any public statements that would indicate to an observer that you have taken a position concerning the NAAQS under consideration (see question "e" under appearance of a lack of impartiality).

Question 3: I am interested in participating in the EPA workshop but want to avoid the appearance of a lack of impartiality that might preclude me from being invited to serve on a CASAC panel. Please provide general guidance.

Answer: The answer is similar to questions 1 and 2. You are free to share your scientific views on scientific questions or raise issues for EPA's consideration. However, you should refrain from articulating a position on the NAAQS such that an observer may question your impartiality.

Question 4: I am now invited to serve on a CASAC panel and invited to participate in EPA's workshop as an observer. What is my role as an observer?

Answer: You are free to share your scientific views on specific scientific issues or raise issues for EPA's consideration. However, to avoid the appearance of lack of impartiality you should refrain from making any public statements such that an observer may question your impartiality. You should always be in compliance with FACA and Federal ethics requirements.

If questions arise, please contact the Designated Federal Officer assigned to your CASAC advisory panel.