



**American Water Works
Association**

The Authoritative Resource on Safe Water SM

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June 2, 2011

Angela Nugent
Designated Federal Officer
EPA Science Advisory Board (1400R)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA Science Advisory Board Staff Invitation to a Session on Public
Involvement in EPA Advisory Activities Supported by the SAB Staff Office

Dear Ms. Nugent,

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to the improvement of drinking water quality and supply. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our more than 50,000 members represent the full spectrum of the drinking water community: treatment plant operators and managers, environmental advocates, scientists, academicians, and others who hold a genuine interest in water supply and public health. Our membership includes more than 4,000 utilities that supply roughly 80 percent of the nation's drinking water. Protecting public health is an essential goal of the drinking water profession and the mission of each public water system.

AWWA appreciates the board's recent notice requesting input on public involvement in EPA advisory activities (76 ***Federal Register*** 27315). AWWA also appreciates the work of the Science Advisory Board and strongly believes that risk-management decisions should be based on the best available science. EPA's policy decisions have important direct and indirect consequences for risk management, both here in the United States and internationally. Consequently, it is critical that the agency's policy decisions are firmly rooted in the best available science and that the agency's use of such science be subject to rigorous peer-review. The SAB plays a critical role

in assuring that these objectives are met. In this regard, SAB review has a long and positive history of informing federal drinking water policy.

In order to assure the very best advice is provided to the agency, we offer the following observations:

1. The charge questions provided to SAB panels are often tightly scripted and worded in a way that precludes the most meaningful response by the panel. A solution would be to ensure that at least one charge question for each panel specifically solicited the SAB to identify the most critical scientific challenges at issue and to provide input on the state of the science and the soundness of the agency's approach to those issues.
2. Information provided by the public is often treated as less valuable than the information compiled by the agency. The typical committee process:
 - a. Occurs with one public notice in the *Federal Register*, giving the public only a few weeks to compile information for the committee discussion even on the most technically complex issues.
 - b. Provides very little time, frequently just a few days, to review the charge questions, key documents, and ancillary materials from the relevant program office.
 - c. Includes little time for public comment, typically less than five minutes per individual.
 - d. Actively discourages the exchange of information between SAB members and knowledgeable observers, through direct instruction to the committee members, informal pressure on committee members and the public, or both.

Effective scientific exchange does not occur through public comment rather through expert discussion. Toward this end, the SAB's review process should include an opportunity for face-to-face dialogue between interested and informed experts and the peer-review panel. Such interactions need not reach consensus, but provide a mechanism for a full and open discussion of the state of the science relevant to an SAB panel's work. Facilitated discussion and expert symposia are two involvement techniques which the SAB could adapt to this purpose. Non-governmental organizations, like AWWA, can assist the SAB in encouraging participation in such efforts by the expert scientific community relevant to particular panels.

3. Panel reports frequently mix policy and science-based recommendations and are seldom transparent as to which recommendations are policy-

based. This makes the recommendations difficult for the public to understand and the agency to utilize.

SAB panels are often most relevant when their advice occurs at the nexus of science and policy. In drafting reports the SAB could employ a drafting guide for reports that encourages panels to clearly and succinctly distinguish where there is: (1) a clear and specific basis for a recommendation in the available science; (2) sufficient information to extrapolate to an expert conclusion using the available data; or (3) a combination of available science, policy and/or opinion provide the basis for a recommendation.

4. Recently, and not limited to the current administration's tenure, in addressing the important objective of greater diversity of perspective and amid concerns over conflicts of interest, the number of panel members lacking relevant expertise and objectivity has increased.

Achieving a balance of perspectives within an expert panel is essential and that balance must in many situations capture a diverse range of scientific expertise. However, in constructing panels the SAB should not forgo ensuring adequate expertise within the panel about the topic at hand.

5. Conflict of interest is not treated uniformly. Potential panel members are regarded as having conflicts of interest if they are associated with regulated entities that will be impacted by the panel's charge. However, panel members maintaining research programs that benefit from federal policy related to the topic at hand, or who are selected because of their personal interests in a particular risk management philosophy, are selected without being seen as holding a conflict of interest.

It is exceedingly difficult to bring informed experts in a scientific specialty together to talk about an issue of national importance, where those individuals will (1) not have an informed perspective that will color their recommendations or (2) dispassionately review the data and remain unaffected professionally either directly by the findings of the panel or the underlying science policy. Given this reality, the SAB should work to establish a culture where panel members are selected based on relevant expertise; recommendations are based on the available science; how and why specific data is valued is transparently communicated; and all scientific perspectives are equally welcome and can be freely stated in the scientific discussion.

AWWA strongly believes that SAB committees with balanced participation and free access to the available science resources can make a tremendous and vitally important contribution to EPA. We appreciate the opportunity to offer observations

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on the limitations of the current process. Please take these observations as supportive and constructive suggestions. EPA very much needs the SAB to be the “gold stamp of approval” for agency science, and consequently continuous improvement of the current SAB process can only benefit the SAB and the agency. If you have any questions regarding this correspondence or if AWWA can be of assistance in some other way, please contact me or Steve Via at (202) 326-6130 or svia@awwa.org.

Best regards,

Thomas W. Curtis

Deputy Executive Director

cc: Vanessa Vu

Anthony F. Maciorowski

Cynthia Dougherty