

March 2, 2015

Dear Representative:

The Union of Concerned Scientists strongly opposes H.R. 1029, the EPA Science Advisory Board Reform Act of 2015, set to be voted on by the House of Representatives this week. This bill would greatly impede the Environmental Protection Agency's ability to protect public health informed by the best available science.

Last November, when a similar bill was up before the House, the Administration threatened a veto. The Administration noted that the 2014 bill "would negatively affect the appointment of experts and would weaken the scientific independence and integrity of the SAB." That observation continues to hold true for the 2015 version.

This proposal would make it nearly impossible for the Board to do the crucial independent evaluations of EPA scientific analyses that enable the agency to protect public health. This bill opens the door for more corporate influence on the Board, because the bill directly stipulates that experts with financial ties to corporations affected by SAB assessments are "not excluded." This signal likely will increase the number of conflicted SAB panelists empowering companies to delay the SAB's work for years, if not decades. It strikes at the heart of the whole concept of independent reviews, and at a time when the ability of corporations to influence policy is already high.

At the same time this bill encourages corporate experts to join the SAB, it creates roadblocks for academic experts to meaningfully participate by banning experts' participation in "advisory activities that directly or *indirectly* involve review and evaluation of their own work." This effectively turns the idea of conflict of interest on its head, with the bizarre presumption that corporate experts with direct financial interests are not conflicted while academics who work on these issues are.

The notion that a member of the SAB cannot fully participate in a discussion that cites the member's own work is counterproductive and goes far beyond the common-sense limits imposed by the National Academies.

Unlike the 2014 bill, the 2015 bill does appear to permit SAB experts with published, peer-reviewed research, to address those topics on which they have credentials, provided that their expertise is publicly disclosed. But the language in the bill is so vague that it raises many questions. Generally, experts have developed their

knowledge base over time, and not purely through peer-reviewed publications. How is an academic scientist supposed to make that distinction? What happens if a scientist relies on expertise that is not specifically permitted in the bill? Will there be legal ramifications? Clearly, scientific experts will think twice before joining the SAB if it means they will have to consult their lawyers before they give advice.

While hamstringing experts, the bill offers almost limitless opportunities for “public comment,” opportunities that only benefit moneyed special interests. For example, for each major advisory activity, the Board must convene a public information-gathering session “to discuss the state of the science” related to that activity.

It is possible, under this requirement, that the Board may find itself repeatedly re-examining “the state of the science” on climate change or the harmful effects of certain toxins – each time it made an assessment that touched on either climate change impacts or reducing air pollution.

In addition, both the EPA, before it asks for the Board’s advice, and the Board itself, would be required to “accept, consider, and address” public comments on the agency’s questions to the Board. As the SAB deliberates, it must also encourage public comments “that shall not be limited by an insufficient or arbitrary time restriction.” In effect, these provisions turn a scientific evaluation into a public hearing, even though EPA must already accept public input on all its regulations.

The Board is required to respond in writing to each “significant” comment. In practice, it is difficult to see how the Board could impose any deadlines on accepting comment. Nor is it a reasonable expectation on the Board’s membership of pro bono experts.

Last year, the nonpartisan Congressional Budget Office estimated that implementing the law’s mandates would cost the EPA about \$2 million over a four-year period. These are funds that could be put to much better use by a cash-strapped agency.

This bill would not improve the work of the Board, and would make it more difficult for the EPA to receive the independent science advice it needs to do its work. We strongly urge your opposition.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Rosenberg". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Andrew A. Rosenberg, Ph.D.
Director, Center for Science and Democracy
Union of Concerned Scientists