

**Testimony of Scott Faber
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Before the

**Subcommittee on Superfund, Waste Management, and Regulatory Oversight
of the Senate Committee on Environment and Public Works**

on

S. 543, the EPA Science Advisory Board Reform Act of 2015

May 20, 2015

Thank you for the opportunity to testify. My name is Scott Faber and I am Senior Vice President of Government Affairs for EWG, a national environmental health organization.

EWG strongly opposes legislation designed to cripple the Environmental Protection Agency's ability to carry out its essential functions, including S. 543, the EPA Science Advisory Board Reform Act of 2015.

By providing independent advice to the EPA Administrator, the Science Advisory Board has played a unique role in environmental protection for more than three decades. The SAB is primarily focused on *technical* issues, not policy issues, and does not make risk management or regulatory decisions. Its role is limited to offering advice on the scientific and technical basis on which the agency makes its risk management and regulatory decisions. The Board makes recommendations that are grounded in science, not politics.

Unfortunately, S. 543 would inject politics and needless delay into the Board's scientific and technical deliberations.

First, S. 543 would place the affiliation of potential Board members ahead of their scientific qualifications by establishing a quota for representatives of state, local and tribal governments. SAB members are called upon to provide their technical and professional expertise, not to represent the views of any particular agency or organization. By creating such a quota system, S. 543 would undermine the integrity of the SAB and the original intent of Congress to enlist the advice of scientists “qualified by education, training and experience to evaluate scientific and technical information.”¹

Second, S. 543 would allow the appointment of Board members who have potential financial conflicts of interest, so long as those interests are disclosed. Under current law, EPA carefully evaluates the potential conflicts of interest of all Board members in accordance with federal law, which permits waivers in some cases, and with the ethics requirements of the Federal Advisory Committee Act (FACA). Like the quota system described in Sec. 2(b)(2)(B) of S. 543, a provision permitting Board members with financial conflicts would undermine the integrity, and potentially the impartiality, of SAB reviews.

Third, S. 543 would discourage qualified experts from agreeing to serve on the Board. In particular, Sec. 2(b)(3)(D) would have a chilling effect on participation by requiring public disclosure of SAB members’ private financial information. In addition, Sec. 2(b)(7) would needlessly limit the number of terms a Board member could serve, frustrating the SAB’s access to individuals with specialized expertise.

Fourth, S. 543 would create significant new and unnecessary burdens on the Board that are ultimately designed to delay EPA action. In particular, S. 543 would require the SAB to provide written responses to all public comments – which in some cases number more than 100,000. In addition, S. 543 would extend the public comment period beyond a Board meeting – even though FACA prevents the board from considering such comments without holding yet another public meeting. This would create an endless cycle of meetings and comments that would ultimately

¹ 42 U.S.C. 4365

impede and delay the Board's ability to provide the Administrator with its scientific and technical advice.

Advocates for S. 543 claim these reforms would increase transparency, empower scientists, avoid conflicts of interest and enhance the Board's scientific integrity.² However, the Federal Advisory Committee Act already provides important safeguards that prevent conflicts of interest and ensure public access and input to the SAB's deliberations. What's more, the Board already has launched initiatives to solicit even greater public participation.³ More generally, the Office of Science and Technology Policy⁴ has taken steps to ensure the scientific integrity of agency actions and the EPA has adopted its own Scientific Integrity Policy,⁵ consistent with the Information Quality Guidelines of the Office of Management and Budget.⁶

In summary, these provisions of S. 543 would undermine the SAB's scientific integrity by making Board membership subject to organizational affiliation rather than merit; by increasing, not reducing, financial conflicts of interest; and by creating a needless cycle of meetings and comments that will only serve to delay action.

As the Union of Concerned Scientists has noted, S. 543 and S. 544, the so-called "Secret Science Reform Act of 2015," are elements of a broader strategy to delay and ultimately deny to EPA the ability to improve air and water quality for all Americans.

In particular, S. 544 would sharply limit the science EPA can rely on by prohibiting the use of studies based on private health data, proprietary models and confidential business information. S.

²<http://www.boozman.senate.gov/public/index.cfm/press-releases?ID=2d5d3849-5c88-4cac-a0e5-5a6afb4e5a05>

³<http://yosemite.epa.gov/sab/sabproduct.nsf/WebSABSO/PublicInvolvement?OpenDocument>

⁴<https://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09>

⁵http://www2.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

⁶https://www.whitehouse.gov/sites/default/files/omb/inforeg/iqg_oct2002.pdf

544 would also prohibit the use of long-term studies, workplace exposure studies, oil and chemical spill studies, and other research that is difficult or impractical to “reproduce” but that provides critical information about health effects. What’s more, S. 544 creates an outrageous double standard by restricting the use of such studies in actions designed to protect public health but permitting them in actions that benefit industry, such as permit approvals and chemical registrations.

Taken together, these bills would needlessly rob EPA of the ability to rely upon basic science and needlessly limit the agency’s ability to subject scientific and technical questions to review by the Science Advisory Board. We urge you to oppose S. 543 and S. 544.

Thank you for the opportunity to testify.