

**Natural Resources Defense Council * Environmental Defense Fund * Clean Water Action *
Physicians for Social Responsibility * Earthjustice * League of Conservation Voters**

April 10, 2013

The Honorable Lamar Smith
U.S. House of Representatives
2409 Rayburn House Office Building
Washington, DC 20515-4304

The Honorable Eddie Bernice Johnson
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515-4330

Dear Chairman Smith and Ranking Member Johnson:

We are writing to express our strong opposition to H.R. 1422, the “EPA Science Advisory Board Reform Act of 2013.” The bill, which would amend the Environmental Research, Development, and Demonstration Authorization Act of 1978, would hinder the ability of the Environmental Protection Agency’s Science Advisory Board (EPA SAB) to reach timely, independent, objective, credible conclusions that can form the basis of policy. Notwithstanding changes made to the bill relative to that introduced in the 112th Congress (H.R. 6564), H.R. 1422 would still significantly weaken and complicate the SAB review process, with no discernible benefit to EPA or the public.

Our most serious specific concerns with the bill are described below, in the order in which the provisions appear:

P. 2, line 23 to P.3 line4, creating Section 8(b)(2)(C) in the underlying Act, **promotes inclusion of panelists with financial conflicts, as long as they disclose their conflicts and obtain a waiver**

The bill shifts the current presumption against including people with financial conflicts on SAB panels. The bill appears to effectively mandate participation of scientists with financial conflicts, as long as the conflicts are disclosed, notwithstanding the reference to one portion of existing ethics law.

Policies and practices to identify and eliminate persons with financial conflicts, interests, and undue biases from independent scientific advisory committees have been implemented by all the federal agencies, the National Academy of Sciences, and international scientific bodies such as the International Agency for Research on Cancer of the World Health Organization. The bill’s provisions are inconsistent with a set of nearly universally accepted scientific principles to eliminate or limit financial conflicts. Following these principles is the way agencies, the public, and Congress should ensure their scientific advice is credible and independent.

P. 3, lines 9-11, creating a Section 8(b)(2)(E) in the underlying Act, **Intentionally creates committees of non-experts**

This language will impede high-quality scientific review. If the SAB is to be made up of experts, their own work may be relevant to a question under review. That work will often be one of dozens if not hundreds of relevant studies. This language would result in committees of non-experts lacking first-hand in-depth technical knowledge of the topic under discussion.

P.4, lines 18-24 to P.5, lines 1-3, Section 2(b)(1) and 2(b)(2)(A), **Expands the scope of the SAB’s work, and increases the burden**

This provision broadens the scope of the SAB's work to include risk or hazard assessments proposed by the agency, a dramatic and unnecessary expansion. The expansion would increase the burden on the SAB and slow the Board's ability to complete review of the criteria documents, regulations and other matters that are within the Board's current scope of work.

P. 6, lines 22-25 to P.7, lines 1-4, creating a Section 8(h)(4) in the underlying Act, **Ensures endless delay, burden and red tape under the guise of "transparency"**

This provision would give industry unlimited time to present its arguments to the SAB. Industry representatives already dominate proceedings because of their greater numbers and resources. In addition, the requirement for the SAB to respond in writing to "significant" public comments is vague (who defines what is "significant," and how?) and would tie down the SAB with needless and burdensome process. It also misconstrues the nature of both the SAB's role and the role of public comment in the SAB process. The role of the SAB is to provide its expert advice to the Agency. The role of the public comments during this phase is to provide informative input to the SAB as it deliberates, but the final product of the SAB deliberation is advice from the panel members, not an Agency proposal or decision that requires response to public comment. Members of the public, including stakeholders, have multiple opportunities to provide input directly to the Agency.

In short, H.R. 1422 would alter the nature of the SAB, which has been largely successful in providing the EPA expert review of key scientific and technical questions and would encourage industry conflicts in the review of scientific materials. It would also pile new and burdensome requirements on the Board, severely hampering its work and effectiveness. The result would be to further stall and undermine important public health, safety and environmental measures.

We urge you to abandon any efforts to advance this counter-productive bill. We would be happy to discuss our concerns with you further.

Sincerely,

Natural Resources Defense Council

Environmental Defense Fund

Clean Water Action

Physicians for Social Responsibility

Earthjustice

League of Conservation Voters