

**American Bird Conservancy * Clean Water Action *Earthjustice* Environmental Defense Fund
League of Conservation Voters * Natural Resources Defense Council
Physicians for Social Responsibility * Union of Concerned Scientists**

December 6, 2012

The Honorable Ralph M. Hall
U.S. House of Representatives
2405 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 Hall and Ranking Member Johnson:

We are writing to express our strong opposition to H.R. 6564, the “EPA Science Advisory Board Reform Act of 2012.” The bill, which would amend the Environmental Research, Development, and Demonstration Authorization Act of 1978, would radically alter notions of conflict of interest and would severely hamper 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. The bill would weaken longstanding conflict-of-interest considerations for industry scientists while imposing unprecedented and unnecessary limitations on government-funded scientists.

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

P. 2, lines 20-23, creating Section 8(b)(2)(C) in the underlying Act, **Limits participation by EPA-funded scientists**

This apparently unprecedented limitation on current recipients of government funding would severely limit the ability of EPA to get the best, most independent scientists on its premier advisory board -- as well as any committees or panels of the board -- without any evidence that no-strings government funding, such as research grants, constitutes a conflict of interest. Moreover, the 10 percent limitation is utterly arbitrary, and would be especially limiting on smaller panels and committees, which are covered under the bill. Indeed, by statute the SAB itself need be only nine members. Ironically, this section appears intentionally designed to eliminate independent scientists from the Board, exactly the kind that the Board is supposed to be making great efforts to recruit.

P. 2, line 24 to P.3 line 8, creating Sections 8(b)(2)(D) and (E) in the underlying Act, **Fails to exclude people with conflicts**

While imposing new limitations on government-funded scientists, the bill sweeps away longstanding conflict of interest considerations on everyone else, replacing them with a vague disclosure requirement and an ill-defined “single entity” criterion, which, like much else in the bill could weaken conflict-of-interest standards for industry while restricting the participation of anyone else.

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. These 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)(F) 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 14-15, Section 2(b)(1), **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 10-16, 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 public comments is open-ended 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. 6564 would encourage industry conflicts in the review of scientific materials while impeding the agency's ability to draw on independent experts. 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,

Frances Beinecke
President
Natural Resources Defense Council

George Fenwick
President
American Bird Conservancy

Gene Karpinski
President

League of Conservation Voters

Kevin Knobloch
President

Union of Concerned Scientists

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Cc: House Science Committee Members