

# Congress of the United States

## House of Representatives

Washington, D.C. 20515

November 3, 2017

The Honorable Scott E. Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Pruitt:

We are deeply concerned about your recent directive imposing limitations on the scientific advice and expertise that you receive from the Environmental Protection Agency's (EPA's) science advisory committees under the guise of enhancing EPA's "independence."<sup>1</sup> We agree that independent scientific advice is important, however your directive suggests a motive less about independent science and more about stacking these boards with representatives from regulated industries.

The recent EPA directive, "*Strengthening and Improving Membership on EPA Federal Advisory Committees*" inappropriately focuses on EPA grant recipients. This action appears to be a misguided and potentially unlawful attempt to favor industry and silence, if not remove, qualified scientific experts with no financial stake in EPA actions.

The list of the 17 new members you intend to appoint to the EPA's Science Advisory Board (SAB) clearly indicates you have no concerns of appointing industry representatives and industry-funded scientists to the very advisory committees tasked with making recommendations on regulatory actions to control pollution from their employers.<sup>2</sup> Many of these appointments would appear to be examples of generous favors for polluting industries. Adding more industry-friendly voices on EPA's advisory committees, while simultaneously attempting to remove independent scientists, would diminish the quality and integrity of EPA's science. Taken together, these actions would prioritize industry's advice over objective and independent science, at the expense of the health and safety of the American public.

Additionally, EPA boards already include representatives from a wide range of industrial sectors, including the oil, gas and energy industry, mining industry, automotive industry, chemical companies and others. In fact, some EPA advisory committees are required to consider

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<sup>1</sup> "Strengthening and Improving Membership on EPA Federal Advisory Committees," Issued by EPA Administrator E. Scott Pruitt, Environmental Protection Agency (EPA), October 31, 2017.

<sup>2</sup> Sean Reilly, "Who's in, who's out on advisory panels," *E&E News*, October 31, 2017

and include candidates from the appropriate regulated industries.<sup>3</sup> The notion that private corporations and industries that are regulated by the EPA do not have a voice on the Agency's science advisory boards is simply false.

EPA's recent directive also appears to potentially violate statutory requirements for agency advisory committees. Excluding this category of experts from consideration will prevent the Agency from complying with the requirements of the Federal Advisory Committee Act (FACA) to ensure that advisory committees are balanced with respect to the viewpoints of the members of the Committee as a whole. The policy you are prescribing appears to contradict government-wide practice and FACA requirements as well as conflict of interest regulations set by the General Services Agency and the Office of Government Ethics, respectively. Your apparent willingness to stack the EPA's science advisory committees with individuals who will reflect industry interests all but ensures industry advice will be emphasized over public health and safety considerations. These actions will potentially violate FACA requirements and needlessly endanger the public from heightened environmental risks.

This biased, harmful policy must be withdrawn. We advise you to follow FACA regulations and policy in selecting qualified individuals to serve on EPA's science advisory committees just as previous administrations led by both parties have done. Anything less is a great disservice to the public interest.

We appreciate your attention to this important matter and request a response no later than November 17, 2017. Should you have questions, please contact Doug Pasternak with the Committee on Science, Space, and Technology, Democratic Staff at (202) 225-6375 or Jon Monger with the Committee on Energy and Commerce, Democratic Staff at (202) 225-3641.

Sincerely,



Eddie Bernice Johnson  
Ranking Member  
Committee on Science, Space & Technology



Frank Pallone Jr.  
Ranking Member  
Committee on Energy & Commerce

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<sup>3</sup> See e.g. U.S. EPA Charter for the Clean Air Act Advisory Committee (Oct. 24, 2016) "In selecting members, EPA will consider candidates from business and industry, academic institutions, State, local and tribal governments, EPA officials, unions, public interest groups, environmental organizations and service groups."

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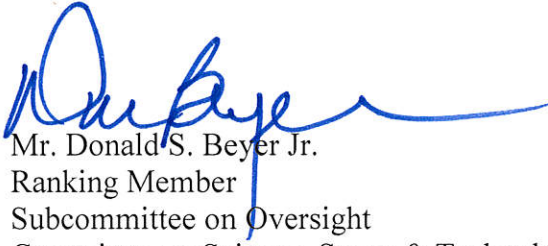
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Ms. Suzanne Bonamici  
Ranking Member  
Subcommittee on Environment  
Committee on Science, Space & Technology



Mr. Paul Tonko  
Ranking Member  
Subcommittee on Environment  
Committee on Energy & Commerce



Mr. Donald S. Beyer Jr.  
Ranking Member  
Subcommittee on Oversight  
Committee on Science, Space & Technology



Ms. Diana DeGette  
Ranking Member  
Subcommittee on Oversight and  
Investigations  
Committee on Energy & Commerce

Cc: The Honorable Greg Walden  
Chairman, Committee on Energy and Commerce

The Honorable Lamar Smith  
Chairman, Committee on Science, Space, and Technology