

March 09, 2017

Dear Representative:

The Union of Concerned Scientists **strongly opposes H.R. 1431**, the EPA Science Advisory Board Reform Act of 2017. The independence of the Environmental Protection Agency's (EPA) Science Advisory Board (SAB) and its ability to continue its work with the caliber of experts it currently employs would be seriously jeopardized if this proposal were to become law.

This proposal would make it nearly impossible for the SAB to do the crucial independent evaluations of EPA scientific analyses that enable the agency to protect public health and the environment. This bill opens the door for more corporate influence on the Board, because the bill explicitly 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 members and stack the panel with appointees who may directly benefit from the panel's activity. At a time when the ability of corporations to influence policy has significantly increased under this administration, It strikes at the heart of the whole concept of independent review.

While the legislation encourages experts with regulated industry ties to join the SAB, it also establishes significant 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 touches upon the member's own work is counterproductive and goes far beyond common-sense limits.

While SAB experts with published, peer-reviewed research should be able to address topics on which they have credentials, the language in the bill is vague and 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 their advice to the EPA administrator.

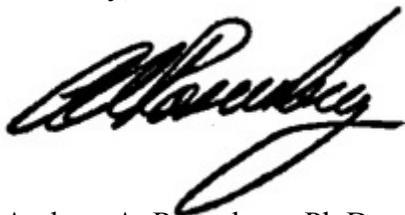
The bill slightly differs from previous versions because it now includes a provision that board members may not have current contracts with the EPA or “shall not apply for a grant or contract for 3 years following the end of that member’s service on the Board.” This is a senseless provision in the bill. EPA awards grants to academic scientists to learn more about scientific topics without a policy agenda and grantees are free to conduct the science and produce results any way they want, free from political or undue influence. There is no predetermined or desired outcome and the grant process is a completely separate from EPA policy actions. Conflating the SAB’s activity with EPA grants is to completely misunderstand how the awarding of research grants work at the agency.

Another new provision to H.R. 1431 would discourage members of the public to provide feedback to the SAB by limiting the number of similar comments that could be considered in the record. This directly impacts members of the public who sign their name to comments initiated by nonprofit organizations with a strong grassroots presence. If the thousands of comments submitted on a certain issue are only considered as one, the voices of all of those individuals would be effectively silenced. It is as much anti-democratic as it is anti-science and effectively diminishes the voice of communities most often bearing the brunt of environmental or health impacts that the SAB is charged with analyzing.

There are a number of other concerns with the bill, including limitless comment periods that could be initiated by members of the public who do not believe in the EPA’s mission. This could cripple the ability of the SAB and the EPA to address some of the most pressing and complex scientific challenges of the day.

Proponents of the legislation might argue that the EPA SAB is ‘stacked’ with scientists, and that should not be an argument in favor of the bill. It is the role of the SAB to have the necessary issue experts to protect public health and safety and help fulfill the EPA’s science-based mission. 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 to H.R. 1431.**

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