



Board of Directors

John Applegate
Robert Glicksman
David Hunter
Thomas McGarity
Catherine O'Neill
Amy Sinden
Sidney Shapiro
Rena Steinzor

January 24, 2012

Via hard copy and email

Dr. Angela Nugent
Designated Federal Officer
EPA Science Advisory Board (1400R)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Advisory Council

Patricia Bauman
Frances Beinecke
W. Thompson Comerford, Jr.
Robert Kuttner
John Podesta
James E. Tierney
Henry Waxman

Re: SAB Committee on Science Integration for Decision Making Draft Report (dated January 5, 2012)

Dear Dr. Nugent:

Thank you for the opportunity to provide comments on this important policy discussion. The proper integration of scientific research into EPA's regulatory programs is a safeguard against the trend toward a myopic focus on economics as the primary driver in EPA decision making. We applaud the committee for undertaking the substantial effort that went into systematically gathering data about current science integration practices at EPA and for basing its recommendations on that evidentiary record.

Beyond our general support for this work, we have three specific comments on the draft report published on January 5, 2012.

We support the committee's decision not to comment specifically on the Integrated Risk Information System (IRIS) program. As noted in the draft report, the IRIS program is currently making significant changes in the way its chemical assessments are conducted and documented. Thus a critique of IRIS assessments published over the last few years would provide little added value beyond what has been written by the Government Accountability Office (GAO) or National Academy's National Research Council (NRC). In fact, shortly after the January 5, 2012 publication of this committee's draft report, GAO released a new audit of the IRIS program that suggests ongoing efforts to improve the program are producing



positive results.¹ GAO reviewed two assessments: the urea assessment that was published in July 2011 and the diisobutyl phthalate assessment that is currently in a draft stage. Based on this limited review, GAO reported that “it appears that EPA has begun to enhance the readability of its assessments by making changes that appear to be in line with the suggestions made by the National Academies.”

Given this evidence that EPA is improving the IRIS program to address GAO and NRC concerns, and, as also noted in the January 5 draft report, the fact that a new SAB committee is being formed for the specific purpose of providing advice to the IRIS program, we support the decision to leave IRIS out of this document.

We encourage the committee to give due consideration to resource constraints faced by EPA science offices. While we understand the committee’s concern that a “narrow focus” on statutory requirements and court-ordered deadlines hampers attempts to improve science integration at EPA (p.5), we believe the committee’s discussion of this finding in the draft document could be improved by adding a passage that addresses how the “narrow focus” is largely driven by resource constraints. As it stands now, the paragraph seems to imply that a lack of vision, motivation, or skills create an agency of “silos.” Congress has delegated to EPA vast responsibilities to ensure a clean environment, most of which turn on complex scientific research. But science programs at the agency seem to be relatively short on resources in light of their fundamental responsibilities. While funding and resource allocation issues may not have been within the four corners of the committee’s charge, we urge the committee to at least provide the Administrator with some basic context for the recommendations about improved science integration, such as estimates of program costs for the programs that the committee highlights as leading examples (e.g., the NAAQS process and MIRA process). The conclusion of the draft report mentions the need for “increased support for scientists and managers responsible for science integration.” We encourage the committee to expand on that notion.

Stakeholder involvement in the problem formulation phase should be limited. As part of the framework for improved science integration, the committee recommends a “problem formulation” step, wherein EPA develops a research plan to shape the path forward for a particular project. The committee has identified stakeholder involvement as an important component of good problem formulation. We urge the committee to bolster its discussion of stakeholder involvement by providing more guidance regarding the types of information EPA should request from stakeholders and the limitations that should be put on stakeholder involvement so as to ensure that the problem formulation step does not predetermine potential regulatory action. New research indicates that industry dominates the public comment periods in rulemakings that involve highly technical material and have a direct impact on a small number of potentially regulated parties.² It follows that the problem formulation step in the committee’s recommended framework will likely also be dominated by a small number of stakeholders with constrained views. Therefore, we urge the committee to describe ways that EPA can ensure balance in the problem formulation step.

¹ U.S. GOV’T ACCOUNTABILITY OFFICE, *CHEMICAL ASSESSMENTS: Challenges Remain with EPA’s Integrated Risk Information System Program* (GAO-12-42), available at <http://www.gao.gov/products/GAO-12-42> (accessed Jan. 24, 2012).

² Wendy E. Wagner, *Administrative Law, Filter Failure, and Information Capture*, 59 Duke L. J. 1321 (2010).

Again, we appreciate the opportunity to comment on this work. The Center for Progressive Reform is a network of scholars who work with the organization's staff to protect health, safety, and the environment through analysis and commentary. CPR believes sensible safeguards in environmental policy serve important shared values, including doing the best we can to prevent harm to people and the environment, distributing environmental harms and benefits fairly, and protecting the earth for future generations.

Sincerely,



Rena I. Steinzor
President, Center for Progressive Reform
Professor, University of Maryland Carey School of Law



Matthew Shudtz
Senior Policy Analyst, CPR