

Scientific Integrity Recommendations for the Environmental Protection Agency

Problem: Widespread political interference at the EPA over the past several years has degraded the credibility of EPA decision making and demoralized the scientific workforce. Challenges from industry lobbyists and some political leaders to the agency's processes have too often led to the suppression and distortion of the scientific findings underlying those decisions—to the detriment of both science and the health of our nation.

In 2007, the Union of Concerned Scientists sent a questionnaire to nearly 5,500 EPA scientists to get their input on a range of issues confronting the agency. We received completed surveys from 1,586 scientists representing EPA headquarters, all 10 regional offices and more than a dozen research laboratories across the country. Of these respondents, 889 scientists had personally experienced at least one incident of political interference in the past five years. (The full report is at www.ucsusa.org/EPAscience.)

These findings highlight the need for strong reforms to reduce politicization of the regulatory process, make agency decision making more transparent, and protect EPA scientists. This memo briefly outlines these problems and provides solutions to restore scientific integrity to EPA decision making.

Solutions:

Agency Independence and Regulatory Reform

The EPA was created to implement and enforce the nation's environmental laws, and it has developed the expertise, experience, processes, and policies to fulfill those critical duties. The regulatory process should respect the agency's reservoir of scientific and technical knowledge.

In responding to our survey, hundreds of scientists reported instances where political appointees at other agencies had inappropriately involved themselves in EPA decisions. Nearly 100 scientists identified the White House Office of Management and Budget (OMB) as a primary culprit.

Two recent examples highlight how political interference, by the White House and other federal agencies, has weakened EPA decisions and placed the public health and the environment at risk:

Interagency Review of the IRIS Toxics Database. In April 2008, the EPA announced a new review process granting other federal agencies greater control over the Integrated Risk Information System (IRIS), a highly-used public database of scientific information about the toxicity of various

"Do not allow other entities such as OMB to interfere with, or suppress the publication of, EPA's scientific work products. Maintain an open peer review process... strengthen whistleblower protections for civil servants."

-A scientist from an EPA regional office

"The decisions that are made should be justified and be transparent as to why a decision was made and the risks and benefits be clearly and honestly presented."

-A scientist from the Office of Prevention, Pesticides, and Toxic Substances

"Do not allow political appointees into the process of scientific review. Their job is to make management decisions, not influence the data and information before it is collected and presented."

-A scientist from an EPA regional office



chemicals. The new process allows agencies—some with clear conflicts of interest such as the Department of Defense (DOD)—and OMB, to delay and influence scientific assessments of the toxicological and cancerous effects of chemicals. EPA’s finalization of chemical risk assessments has ground virtually to a halt in recent years, depriving state regulators and the public of scientific information that is crucial to their health and well-being.

Air Pollution and the National Ambient Air Quality Standards (NAAQS). The White House has instructed the EPA to overrule its scientific advisers multiple times on the subject of air pollution. In the case of the NAAQS for fine particulate matter and ozone air pollution, the EPA issued final rules that are weaker than what the science indicates is necessary to protect public health (as required by the Clean Air Act). In each case, investigations found that high-level White House pressure led EPA to reverse its findings. More troublingly, the new process for setting the NAAQS removes the objective scientific assessment and marginalizes the role of the Clean Air Scientific Advisory Committee (CASAC).

To secure the primacy of the EPA in addressing environmental questions, President-elect Obama should:

- ✓ **Elevate the EPA to a cabinet-level agency, or establish a Department of the Environment.** A 2002 GAO report found that such a reorganization would help ensure “environmental policy be given appropriate weight” in interagency disputes and would “clarify the organization’s direct access to the President on environmental matters.”
- ✓ **Issue an executive order outlining his regulatory decision-making process that repeals the three major tenets of executive order 13422.** Such an order should (1) restore the “regulatory policy officer” to a policy coordination role, and return the power to commence rule making to the EPA Administrator, (2) ensure that OMB review does not extend to inappropriate political review of EPA scientific documents, and (3) remove “market failure” as the primary justification for agency regulations, allowing the EPA to craft regulations consistent with their legislative mandates.

The next EPA Administrator should identify specific programs that have been harmed by political interference and move to correct those problems. Specifically, the administrator should:

- ✓ **Issue a new streamlined process for conducting and finalizing IRIS risk assessments.** This new process should strongly affirm EPA’s ultimate control over the scientific content of IRIS and limit interagency involvement to providing advice and comment. The process should make all interagency documents and comments available to the public.
- ✓ **Work with CASAC to craft a new process for setting the national ambient air quality standards.** This new process should reinstate the EPA Staff Paper as an objective assessment of the state of scientific knowledge and should rely on the expert opinion of CASAC as a key step in the policy making process.

Greater Transparency in EPA Decision Making

Both democracy and science are based on the free exchange of ideas. A strong democracy depends on well-informed citizens who have access to comprehensive and reliable information about their government’s activities. Similarly, science thrives when scientists are free to interact with each other, opening their ideas up to scrutiny.

The integrity of EPA science is threatened by decisions made behind closed doors. In numerous cases—from closed-door meetings with industry representatives about the pesticide atrazine to selective edits made by White House officials to EPA scientific documents—a lack of transparency has allowed abuse of science to occur and bad decisions to escape detection. The EPA has also prevented its scientists from speaking freely about their scientific research, both to the media and to their colleagues at scientific conferences.

Improvements in transparency at the EPA are inexpensive to implement and will go a long way toward rebuilding public trust in the agency's decisions. The next EPA Administrator should:

- ✓ **Issue a memo to all EPA employees declaring that the EPA will strive to be as transparent as possible and conduct its operations in a “fishbowl.”** In 1983, to restore the credibility of the agency after multiple scandals, then EPA Administrator William Ruckelshaus issued such a memo—which was re-issued by each subsequent administrator through the Clinton administration.
- ✓ **Institute a transparency policy for official meetings with outside entities.** This policy should require that the agency post on its website a complete record of all meetings with outside entities including for-profit and not-for-profit organizations, other agencies, and individuals.
- ✓ **Publish a summary statement discussing the scientific basis for any regulatory decisions informed by science.** The statement should be available in a timely fashion, and clarify on what evidence officials made the final decision. The statement should include: (1) the rationale for the decision, including all scientific documents and data used to make it, (2) a minority report including any dissenting opinions and how the agency resolved such differences of opinion, and (3) identification by name of each official and employee who participated in the decision.
- ✓ **Implement an agency-wide policy that seeks to ensure free and open communication between scientists and researchers, and the media, policy makers, and the public.** This policy should explicitly state that (1) EPA scientists may freely express their personal views provided they make it clear they are not speaking on behalf of the agency, and (2) EPA scientists have the right to review, amend and comment publicly on the final version of any document that significantly relies on their research, identifies them as an author or contributor, or purports to represent their scientific opinion.
- ✓ **Review agency policies on the clearance of official and non-official publications, presentations, and other information.** The agency should affirm that scientific peer review, not policy or political review, is the appropriate standard for approving the quality of agency scientific information. For non-official scientific papers, the authors should have the option of bypassing any policy review and publishing with a disclaimer stating the paper does not represent official EPA policy.

Strengthening EPA's Advisory Committee System

The EPA relies on a network of official advisory committees to augment its staff expertise and gather expert advice on a wide-range of topics. The following reforms that would strengthen those advisory committees, particularly the ones specifically charged with making scientific assessments.

The EPA Administrator should:

- ✓ **Take concrete steps to ensure that** advisory committee members are selected based solely on their experience and technical qualifications in the topic the committees will address.
- ✓ **Specify which advisory committees are expressly scientific and which are designed to gather stakeholder input.**
- ✓ **For committees whose mission is purely to provide objective scientific advice (as opposed to committees designed to gather input from stakeholders), committee members should be appointed as “special government employees” and should be entirely free of financial conflicts of interest.** Scientists and researchers with conflicts of interest may provide their expertise to scientific advisory committees through presentations and responses to questions, but agencies should take steps to ensure that they do not have decision-making or other roles on those committees.
- ✓ **Scientists who have taken public positions on issues should not be excluded from an advisory committee because of concerns about bias.** Having a point of view does not preclude an objective assessment of the information presented to a committee. A scientist’s membership in a scientific association should not be considered evidence of bias, even if that association has a stated policy agenda.

Protecting EPA Scientists

Federal scientists have chosen to dedicate their lives and careers to public service. These scientists deserve a workplace in which their science is respected, they are encouraged to participate in the scientific community, and they are protected from retaliation.

- ✓ **The EPA Administrator should instruct his management staff to refrain from retaliating against whistle-blowers through reassignments, demotions or terminations.**
- ✓ **The EPA Administrator should issue a statement that encourages staff to speak out internally about concerns and communicate that the agency values their input.**
- ✓ **EPA staff members should feel empowered to report not just waste, fraud and abuse, but also instances where science has been manipulated, suppressed or distorted.**
- ✓ **Agencies should proactively educate government scientists and researchers regarding their rights and protections.** These efforts should include mandatory briefings for new hires, requirements for posting educational information in workplaces, and in-service trainings.

For more recommendations from the Scientific Integrity Program, please see our report, *Federal Science and the Public Good*, available at:

www.ucsusa.org/federalscience

