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“Scientific Integrity and Transparency Reforms at the EPA”
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Good morning, my name is Francesca Grifo. I am a Senior Scientist and the Director of the Scientific Integrity Program at the Union of Concerned Scientists, a leading science-based nonprofit working for a healthy environment and a safer world. Thank you Chairmen Boxer and Whitehouse, Ranking Members Inhofe and Barrasso, and the Members of the Committee for the opportunity to speak to you this morning about scientific integrity and transparency reforms at the EPA.

The U.S. Environmental Protection Agency (EPA) is at a crossroads. The EPA is emerging from a period where agency science was often a casualty of political decisions made behind closed doors. Our research documented that 889 scientists personally experienced at least one incident of political interference between 2002 and 2007.

The current administrator, Lisa Jackson, has reversed course on many of the most egregious of these decisions and has spoken eloquently about the central role of science and transparency in her vision for the EPA. Yet, as the agency faces mounting challenges in the coming years, the urge to justify policy decisions with tampered science will remain a constant temptation.

We urge Administrator Jackson and Congress to go beyond reversing bad policies from the previous administration and to take steps to secure the credibility of future EPA decisions. In truth there is no silver bullet that will forever protect EPA science from political manipulation. Any law or policy regime that is flexible enough to allow fact-based decision making is vulnerable to mischief by unscrupulous policy makers. There is simply no way to watch over every data point in its journey from scientist to policy arena. But what we can do is increase transparency, empower scientists to speak out when they observe abuses of science, instill broader reforms, and ask Congress for attention to these issues when drafting legislation and continued oversight.

TRANSPARENCY

Transparency means that the media has access to EPA science and scientists

- Our finding that 783 scientists disagreed or strongly disagreed that EPA policies allow scientists to “speak freely to the news media about their findings” suggests the importance of the implementation of an agency-wide media policy that allows scientists and researchers to freely express their personal views with an explicit disclaimer that they are speaking as private citizens and not seeking to represent official agency policy. Public affairs officers need to have clearly defined and important roles, but are not “gatekeepers” of information. Our analysis of 15 federal agencies demonstrates that some agencies are already successfully doing this.

Transparency also means that the public has a right to know the extent of outside influence on the EPA.

- The EPA should institute a transparency policy for meetings including a complete public record of all meetings with outside entities. Computers now make this possible as a quick addition to the routine of signing in when visiting a federal agency.

Transparency can protect the integrity of EPA science.

- The EPA should take steps to ensure that science is not manipulated in the regulatory process, specifically by expanding the information it shares with the public about its decisions. The EPA's rule-making dockets should contain all scientific studies in an agency's possession related to a proposed regulation, regardless of whether the study was directly cited or whether it directly informed the final decision, and all official interagency communications regarding rules under review, including those from the White House.
- The EPA should 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 should explain how officials made the final decision given the evidence. The statement should include (1) the rationale for the decision, including all scientific documents and data used to make it, (2) a minority report voicing any significant dissenting scientific evidence or opinions and an explanation of how the agency resolved such differences of opinion, and (3) identification by name of each official and employee who participated in the decision.

EPA whistleblowers are the last bastion against abuses of science

- The agency's scientists have a profound responsibility to the U.S. public. To fulfill that responsibility, they need reassurance that standing behind their scientific work will not open them to official or unofficial retaliation. The House is considering a strong bipartisan comprehensive whistleblower protection bill. We strongly support that legislation, and urge that the Senate strengthen its whistleblower bill, S. 372, in line with the House reforms. But even before strong whistleblower protection legislation is enacted, we hope that Administrator Jackson now will send a strong message to agency managers that federal scientists who raise concerns or expose agency misconduct should not be retaliated against.

Transparency means the public has a right to know about the conflicts of interest of those who advise EPA

- Advisory committees also present opportunities for transparency through public announcement of their organization, operation, meetings and products. For example the EPA should use disclosure to ensure that the proper level of scrutiny of conflicts of interest occurs. 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 entirely free of financial conflicts of interest.

FUTURE REFORMS

Looking ahead to future, there are far-reaching reforms that should be considered to better equip the EPA for the challenges of the twenty-first century.

- To prevent political interference in EPA science by other agencies, the EPA needs to be empowered to take the lead on cross-cutting environmental issues. A 2002 GAO report found merit in the idea of elevating the EPA to a cabinet-level agency and we concur.
- Problems with monitoring and enforcement need to be addressed by Congress and the president to ensure that the EPA is the robust environmental agency that our country needs. EPA scientists and policy makers need access to accurate and up-to-date data in order to craft sound policy. Similarly, the EPA has a responsibility to provide environmental information to the public. Congress should provide the EPA with resources commensurate with its growing responsibilities and should work to ensure that selective internal budget cuts are not used to punish inconvenient programs or offices. The president should commit to strong and consistent enforcement of the nation's environmental laws.
- The EPA is an organization that necessarily houses both scientific and policy making functions. The interaction between these two functions can lead to political interference, but is also a source of strength and credibility for the organization. The science and policy wings of an agency should work as if separated by a semi-permeable membrane that ensures the flow of scientific information and advice from scientists to policy makers to facilitate the creation of fact-based policies but strongly limits how policy makers can affect agency scientists. While these issues are complex, Congress could considering tasking the GAO with identifying best and worst practices both at EPA and in other agencies to inform reforms to EPA's organizational structure.

ROLE FOR CONGRESS

It is vitally important that Congress continue its oversight of agency programs and activities. Risk Assessment, Cost-Benefit Analysis, interactions with OMB, and the Federal Advisory Committees have all proven fertile ground for interference in the past. I urge this committee to laud Administrator Jackson for her accomplishments, but also to exercise its oversight authority to remain vigilant to abuses of science.

Also when considering the creation of the next generation of environmental and public health laws, Congress should take steps to ensure those laws use transparency, the empowerment of scientists, and other means to increase accountability and make use of the best available science and in this way create laws that are resistant to political tampering. I look forward to working with this committee to prevent abuses of science in federal policymaking. Thank you.