

August 12, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We write to urge you to clarify that members of the EPA Science Advisory Board (SAB) and the twenty other EPA science advisory committees¹ have the right and are encouraged to speak to the public and the press about any scientific issues, including those before these committees, in a personal capacity without prior authorization from the agency.

It has come to our attention that a memorandum from EPA chief of staff Gwendolyn Keyes Fleming outlines a new policy² requiring advisory committee members who receive requests from the public and the press “to refrain from responding in an individual capacity” regarding issues before the committee. The policy requires all requests, both formal and informal, to be routed through EPA officials. This prevents many of our nation’s top independent environmental science experts from sharing their expertise, unfiltered, with the public.

The new policy undermines EPA’s efforts to increase transparency. It also contradicts the EPA’s new scientific integrity policy³ as well as the Science Advisory Board’s handbook.⁴ In addition, the new policy only reinforces any perception that the agency prioritizes message control over the ability of scientists who advise the agency to share their expertise with the public. On July 8, 38 journalism and good government organizations wrote the president expressing concern about “the stifling of free expression” across many agencies, including the EPA.⁵

Federal advisory committees are generally composed of experts outside the federal government who provide advice to policymakers on a broad range of issues. Very often, their advice carries great weight and is reflected in final rules, especially when statutes require that regulations (such as air pollution rules) be developed based solely on the best available science.

¹ <http://www.epa.gov/ocem/faca/facacomcontacts.htm>

² [http://yosemite.epa.gov/sab/sabproduct.nsf/webfiles/policy-communication/\\$file/policy-gkf-04.11.14.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/webfiles/policy-communication/$file/policy-gkf-04.11.14.pdf)

³ <http://www.epa.gov/research/htm/scientific-integrity.htm>

⁴

[http://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Serving%20on%20the%20EPA%20Science%20Advisory%20Board:%20A%20Handbook%20for%20Members%20and%20Consultants/\\$File/Serving%20on%20the%20EPA%20Science%20Advisory%20Board%20SABSO-12-001.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Serving%20on%20the%20EPA%20Science%20Advisory%20Board:%20A%20Handbook%20for%20Members%20and%20Consultants/$File/Serving%20on%20the%20EPA%20Science%20Advisory%20Board%20SABSO-12-001.pdf)

⁵ <http://www.spj.org/news.asp?ref=1253>

Other federal agencies, such as the National Oceanic and Atmospheric Administration, have taken a markedly different approach to protecting scientific integrity. “To support a culture of openness, one of the policy’s key provisions affirms unequivocally that NOAA scientists may speak freely with the media and public about scientific and technical matters based on their official work without approval from the public affairs office or their supervisors,” said then NOAA Administrator Jane Lubchenco when the agency’s scientific integrity policy was released.⁶

Further, we are concerned that the memorandum could set a poor precedent for other agencies and departments. About 1,000 advisory committees with more than 60,000 members advise the federal government on a wide array of issues that directly impact the public, from the toxicity of chemicals to food safety.⁷ Many top experts will find these conditions to be untenable, and will refuse to serve. We need the best and brightest experts to advise the federal government, and should not be setting up barriers to their service.

As a science and regulatory agency, the EPA is always under scrutiny from outside groups. The appropriate response to such scrutiny is to stand by the agency’s pledge to remain transparent, not to stifle public access to agency employees. We look forward to hearing what steps you plan to take to ensure that scientists are encouraged to serve on EPA advisory committees without giving up their ability to share their expertise with those who would benefit from it.

Sincerely,

American Geophysical Union
Center for Science and Democracy at the Union of Concerned Scientists
Investigative Reporters and Editors
Reporters Committee for Freedom of the Press
Society for Conservation Biology
Society of Environmental Journalists
Society of Professional Journalists

Cc: Gwendolyn Keyes Fleming, Chief of Staff
Tom Reynolds, Associate Administrator for External Affairs
Robert Kavlock, Acting Science Advisor
Francesca Grifo, Scientific Integrity Officer
Christopher Zarba, Director, Office of the Science Advisory Board
David Allen, Chairman, Science Advisory Board

⁶ http://www.noaanews.noaa.gov/stories2011/20111207_scientificintegrity.html

⁷ <http://www.gsa.gov/portal/content/101010>