

Testimony
Scientific Integrity and Transparency Reforms at the Environmental Protection Agency
Senate Committee on Environment and Public Works and EPW Oversight Subcommittee
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Chairman Boxer, Senator Inhofe and members of the Committee on Environment and Public Works, it is my honor to testify today about the US Environmental Protection Agency (EPA) and its efforts to reform scientific integrity and transparency. I am a professor of environmental health at the Johns Hopkins Bloomberg School of Public Health. From 1993-98, I served as Assistant Administrator for Prevention, Pesticides and Toxic Substances at the US EPA. Prior to that I worked for eight years in public health with the California Department of Health Services. These views are my own.

The issue of scientific integrity at the EPA is near and dear to me. At EPA in the 1990s, we worked hard to institute procedures to strengthen the scientific basis of EPA's actions, and to focus EPA's scientific activities on research and risk assessments in support of EPA's mission to safeguard health and the environment. We instituted peer review mechanisms to assure that the science produced in support of agency actions was well founded and had the support of the scientific community. A number of science-based actions were taken that still are providing benefits today. In 1996, Congress enacted new laws, both an amendment to the Safe Drinking Water Act and the Food Quality Protection Act, which established a stronger scientific basis for protecting the public from harmful contaminants in drinking water and pesticides in food. EPA expanded the Toxic Release Inventory to add new substances that potentially threaten health and the environment. New health protective standards for ozone and particulate matter (PM) were issued under the Clean Air Act.

Last year I appeared before your committee to discuss my concerns about the changes that had been made to EPA's Integrated Risk Information System (IRIS). The assessment of hazards of a toxic chemical is a complex and challenging process that involves scientists with specialized training in a myriad of disciplines related to chemistry, toxicology and epidemiology. The peer review for such an assessment is even more challenging; a very high level of expertise is required. Mechanisms have long been available to obtain such review. Reports can be sent to individual reviewers, to EPA's Science Advisory Board and its committees, to interagency processes mediated by the National Toxicology Program and/or the White House Office of Science and Technology Policy, and to the National Academies.

Unfortunately, during the last administration we saw actions that undermined the role of science in EPA decision making. EPA had established the White House Office of Management and Budget as the final arbiter of science judgments in IRIS. Moreover, they opened the door to interference with the IRIS process by federal agencies like the Department of Defense who are responsible for waste cleanups in communities and have an interest in delaying action. In essence, other agencies could stop reviews dead in their tracks. This process was not transparent and in essence provided them with a veto over EPA's scientific conclusions. The net effect of this change in the IRIS process was to undercut the scientific credibility of the IRIS listings and to slow the process to the point where it was unproductive. It undermined the public's trust in EPA's IRIS process.

I am happy to say that the EPA, under Lisa Jackson's leadership, has taken action to restore integrity to the IRIS process. She has announced a streamlined review

schedule that should assure that the EPA completes the assessments in a timely fashion. Also, other federal agencies will no longer have the opportunity to request suspension of an assessment process to conduct research on “mission critical” chemicals. Input from other federal agencies and White House offices will be from health scientists and will focus on scientific and technical comments, and these comments will be made public. Importantly, EPA will have final authority over the contents of all IRIS assessments after considering the scientific input of experts at other agencies and White House offices. EPA will continue to require that the assessment undergo rigorous independent external peer review and public review. IRIS assessments are relied upon by the public health community, by state and local agencies, and by industry to provide authoritative information about EPA’s views about the toxicity of chemicals. Restoring transparency and credibility to IRIS is a giant step forward and I applaud it.

Likewise the last several years have seen erosion in the scientific credibility of EPA’s process to set National Ambient Air Quality Standards, so called “NAAQs”, under the Clean Air Act. The previous administration had replaced the work of EPA’s scientific experts with an Advance Notice of Proposed Rulemaking outlining potential options for air quality standards in the Federal Register. EPA on several occasions had seriously disregarded advice from EPA’s own Clean Air Scientific Advisory Committee (CASAC), so much so that members of the CASAC had publically disagreed with EPA’s decisions. Such a dispute not only decreased confidence in EPA’s decisions but also signaled to the scientific community that their advice would be disregarded, decreasing their willingness to serve EPA in this capacity.

EPA has announced steps to restore integrity to the NAAQs process. From this point forward EPA’s expert staff analyses of options will be considered by the EPA Administrator when setting air quality standards. CASAC’s advice will be taken. The staff technical analyses will once again be made available to the public prior to the initiation of formal rulemaking. EPA will continue to hold the public workshops early in the NAAQS review. As is the case with IRIS, EPA’s staff will involve scientific experts in other federal agencies early in the review of each air quality standard, to obtain the full benefit of scientific knowledge within the federal government. Restoring transparency and credibility to the NAAQs process will very much increase confidence in EPA’s decisions and will restore faith to the scientific community.

In conclusion I am heartened by these recent changes at the EPA. Going back to a much earlier time, I am reminded of EPA Administrator William Ruckelshaus, in 1983, who directed EPA to operate 'in a fishbowl.' What this means is to allow the fullest possible public participation in all aspects of decision-making, with all parties, from environmentalists to the regulated community. EPA does its best work in the sunshine. This is especially true when it comes to science, which inherently benefits from open and transparent processes. Another important step forward is an apparent commitment to get the work done in a timely fashion. By moving forward effectively with IRIS listings and NAAQ standards, the EPA will better serve the public by assuring that new scientific information is translated into action to appropriately protect health and the environment. Thank you again for the opportunity to testify before your committee today.