



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 8 2012

THE INSPECTOR GENERAL

The Honorable James M. Inhofe
Ranking Member
Committee on Environment and Public Works
United States Senate

Re: EPA Management of Clean Air Advisory Committees

Dear Senator Inhofe:

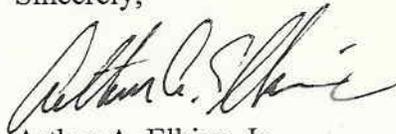
Thank you for your correspondence requesting the U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) review of EPA's management of certain federal advisory committees. In response to your letters dated August 4, 2011, and December 19, 2011, OIG staff met with staff of the Committee on Environment and Public Works on February 14, 2012, to discuss our plans to conduct a "Review of EPA's Management of Selected Clean Air Advisory Committees" (Assignment No. OPE-FY12-001). As requested by your staff, this letter summarizes our evaluation objectives and scope as discussed at that meeting.

Our objective is to determine whether EPA has managed the Clean Air Science Advisory Committee (CASAC) and Advisory Council on Clean Air Compliance Analysis (ACCACA) in accordance with applicable federal laws, regulations, policies, and guidance as they pertain to (1) balance of committee viewpoints and perspectives, (2) potential conflicts of interest, (3) appearance of impartiality, (4) rotation of members, and (5) peer review.

The scope of our work will be limited to addressing EPA's management of these committees and members for specific National Ambient Air Quality Standards (NAAQS) and documents and whether the Agency adhered to required processes for (a) reconsideration of the 2008 NAAQS for ozone, (b) development of the 2011 NAAQS for particulate matter, (c) peer review of EPA's "Benefits and Costs of the Clean Air Act: Second Prospective Study 1990-2010," (d) peer review of an EPA memorandum reanalyzing published clinical ozone studies (the Brown Memorandum), (e) peer review of an EPA internally-conducted nitrogen dioxide (NO₂) meta analysis for development of the NO₂ NAAQS, and (f) peer review of an EPA internal analysis of human clinical studies for development of the sulfur dioxide (SO₂) NAAQS. We do not plan to evaluate EPA's compliance with other aspects of the Federal Advisory Committee Act (FACA), nor do we plan to evaluate the quality or integrity of scientific advice provided to EPA by the CASAC and ACCACA committees.

As requested by the staff, the attachment to this letter identifies the questions included in your letters referenced above that we believe our assignment will address. If you or your staff have any questions regarding this memorandum or the attachment, please contact Eileen McMahon, Assistant Inspector General for Congressional and Public Affairs, at (202) 566-2391. Thank you for your interest in this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur A. Elkins, Jr.", written in dark ink.

Arthur A. Elkins, Jr.

Enclosure

cc: George Y. Sugiyama, Chief Counsel, Committee on Environment and Public Works,
United States Senate

The objective and scope of our work will likely address key aspects of the following questions included in your letters of August 4, 2011, and December 19, 2011 (questions are verbatim from the letters):

A. EPA's Management of the CASAC Advisory Panel

- Did EPA violate its own guidance on peer review by selecting members for the 2011 PM [Particulate Matter] NAAQS Panel who had made public pronouncements against the standard under review?
- On what basis did EPA select members from the 2006 panel to be reappointed to the 2011 panel?
- What percentage of those reappointed have made public statements opposing or supporting the 2006 annual standard?
- Was the 2011 PM Review Panel balanced in terms of the viewpoints expressed in accordance with the requirements of FACA?
- Of those members who have been reappointed to the 2011 panel, how long will they have served as advisors on PM related issues?
- Why did EPA believe it was acceptable to reappoint the same members to 2011 PM Panel, such that they would serve 12 years providing advice on the same issue?
- Are there any officials within EPA that monitor the Agency's compliance with the Administration's peer review policy?

B. EPA's Management of the Advisory Council on Clean Air Compliance Analysis (ACCACA)

- Is it permissible or acceptable under current Administration policy to select the authors of the main studies on which EPA relied to participate in the review panel? What were EPA's stated reasons for doing so?
- Does EPA disagree with the National Academies' position that individuals should not serve on a committee that is reviewing and evaluating their own work?
- What role did EPA officials have in identifying potential candidates to serve on the review panel?
- Did EPA approve the selection of experts for this Expert Elicitation panel?