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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

January 9, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt:

We write to request information about the process used to select members for the Environmental Protection Agency's (EPA's) 23 Federal Advisory Committees. As you know, these Committees were established to advise the agency on environmental science, public health, safety, and other subjects central to the EPA's work. We are concerned that some of the newly-appointed members of these nonpartisan scientific advisory committees and boards may have financial and ethical conflicts of interest. In addition, some of these individuals may not possess the appropriate level of scientific expertise or credentials. This underscores our concern¹ that your actions to replace many highly-qualified members of these committees—including the unprecedented action to remove any scientist who was a recipient of EPA grants from eligibility—has led to Federal Advisory Committees that are not balanced in viewpoints because they wrongly exclude qualified applicants while allowing for the appointment of industry-funded committee members who may be either not qualified or not impartial. This approach undermines the process of providing sound, science-based advice that EPA can use as a basis for environmental regulations that are aimed at protecting human health and the environment.

On May 9, 2017, one of us (Ranking Member Carper) sent you a letter² requesting information about the EPA's dismissal of 12 scientists from its Board of Scientific Counselors. Included in your response³ to that request was a two-page redacted document titled "Executive Briefing Summary" which summarizes public commenters' concerns about several candidates the EPA ultimately appointed to some of its Federal Advisory Committees (attached).

Specifically, it appears that public commenters warned that Drs. Louis Anthony (Tony) Cox, Jr. (a researcher for the petroleum industry) and S. Stanley Young (a researcher for the pharmaceutical and petroleum industry) may have financial conflicts of interest, may risk an appearance of impartiality, and may lack the scientific expertise necessary to serve on one or more Federal Advisory Committees. According to this "Executive Briefing Summary"

¹ <https://www.whitehouse.senate.gov/news/release/senators-to-gao-examine-pruitts-science-advisory-board-double-standard>

² <https://www.epw.senate.gov/public/index.cfm/2017/5/carper-questions-epa-s-abrupt-dismissal-of-scientists-from-agency-board>

³ https://www.epw.senate.gov/public/_cache/files/0/8/082228f6-6e7f-4712-8328-277ac631a63f/A2BF7E362C7819D25F248413F6568A2A.science-advisory-committee-conflicts-of-interest.pdf

document, these concerns were relayed to agency decision-makers, but it is unclear what steps were taken by EPA to address any of these concerns. On November 3, 2017, Dr. Cox was named Chair of the Clean Air Scientific Advisory Committee and a member of the Science Advisory Board and Dr. Young was named to serve on the Science Advisory Board.

The “Executive Briefing Summary” document additionally references concerns that the list of nominated candidates includes candidates who are not physicians or National Academy of Sciences members—contrary to the Federal Register Notice solicitation. Finally, despite the references in the “Executive Briefing Summary” document that describe the input EPA received as “public comments,” the comments EPA received were not posted publicly, making it difficult to determine what informed the EPA’s selection of Federal Advisory Committee members and how the concerns submitted to EPA by the public were resolved.

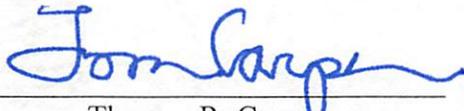
So that we can understand more about the process that was used to nominate and select EPA’s advisory committee members, we ask that you provide responses to the following requests for information:

1. For Drs. Louis Anthony (Tony) Cox, Jr. and S. Stanley Young, please provide all documents received or obtained by EPA (including emails, comments, memos, white papers, meeting minutes and correspondence) that are related to their appointments to any EPA Federal Advisory Committee.
2. For Drs. Louis Anthony (Tony) Cox, Jr. and S. Stanley Young, please explain what specific steps were taken to address potential conflicts of interest, appearance of impartiality, lack of scientific expertise, and lack of scientific credentials. Please provide copies of all documents (including emails, comments, memos, white papers, meeting minutes and correspondence) memorializing these steps.
3. For each other individual nominated in 2017 to serve on a Federal Advisory Committee at the EPA, please provide copies of all documents (including emails, comments, memos, white papers, meeting minutes and correspondence) written or received by EPA that are related to potential conflicts of interest, lack of impartiality, or lack of scientific expertise or credentials. Your response should include all documents received from the public and/or internally before, during, and after the public comment period, as well as all documents relating to summaries of public comments, concerns about nominees, recommendations about how to proceed, and the ultimate decision on each nominee. Further, for each nominee who was ultimately appointed to serve on an EPA advisory committee or board, please explain and document the specific steps that were taken to address potential conflicts of interest, appearance of impartiality, or lack of scientific expertise or credentials.
4. For each nominee who was chosen in 2017 to serve on a Federal Advisory Committee, please provide copies of their financial disclosure forms and Ethics Training certificates.
5. Why did EPA decide not to publish the public comments about nominees to serve on EPA’s advisory boards or committees, particularly in light of the presumption of

openness with which the federal government approaches non-confidential agency information?⁴

Thank you very much for your attention to this important matter. Please provide your response no later than January 30, 2018. If you or members of your staff have further questions, please feel free to ask them to contact Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832.

Sincerely yours,



Thomas R. Carper
Ranking Member



Sheldon Whitehouse
United States Senator

cc: The Honorable Gene L. Dodaro

⁴ Open Government Directive, M-10-06 (December 8, 2009)

operating with a clear line of governmental responsibility and accountability.

Thank you very much for your attention to this matter. Please provide your response no later than August 30, 2017. If you have any further questions, please feel free to call them to contact the Committee on Government and Public Policy at (202) 552-8833.

Sincerely,



Steven Whitford
United States Senator



Tom Carper
United States Senator

cc: [illegible]