EPA ADVISORY COMMITTEES

Improvements Needed for the Member Appointment Process

Why GAO Did This Study

Federal advisory committees provide advice to federal agencies on many topics. As of March 31, 2018, EPA managed 22 such committees. They advise the agency on such issues as developing regulations and managing research programs. Questions have been raised about EPA’s process for appointing committee members after recent policy changes affecting who serves on the advisory committees.

GAO was asked to review issues related to how EPA appoints advisory committee members. This report examines: (1) EPA’s process for appointing advisory committee members, (2) the extent to which EPA followed its process for selecting members from October 2016 through March 2018, and (3) how, if at all, selected characteristics of EPA advisory committees changed after January 2017. GAO reviewed relevant federal laws, regulations, and guidance; reviewed documents from committees that appointed members over this period; analyzed information from the GSA’s FACA database; and interviewed agency officials.

What GAO Found

Based on GAO’s review of U.S. Environmental Protection Agency’s (EPA) guidance, the agency’s established process for appointing advisory committee members involves three main phases: soliciting nominations, evaluating candidates, and obtaining approvals. Each phase involves several steps. For example, a key step for evaluating candidates involves EPA staff’s preparing documents that reflect staff recommendations on the best qualified and most appropriate candidates for achieving balanced committee membership.

EPA generally followed its established process for most of its 22 advisory committees; however, in fiscal year 2018, EPA did not follow a key step for appointing 20 committee members to two committees GAO reviewed: the EPA Science Advisory Board and Clean Air Scientific Advisory Committee, which advise the agency on environmental regulatory matters, among other things. The 2018 appointment packets for these two committees did not contain documents reflecting EPA staff rationales for proposed membership, as called for by EPA’s established process. EPA developed guidance to implement the Federal Advisory Committee Act (FACA). By directing officials responsible for appointing committee members to follow a key step in its process to document staff rationales for proposed membership, the agency would have better assurance that it will (1) consistently meet FACA’s purpose of encouraging uniform appointment procedures and (2) show how it made appointment decisions to achieve the best qualified and most appropriate candidates for balanced committee membership.

What GAO Recommends

GAO is recommending that EPA direct (1) officials responsible for appointing committee members to follow a key step in its appointment process to document staff rationales for proposed membership and (2) EPA’s Ethics Office to evaluate the quality of financial disclosure reviews of SGEs appointed to advisory committees. EPA disagreed with the first and agreed with the second recommendation. GAO continues to believe that both are valid, as discussed in the report.

View GAO-19-280. For more information, contact J. Alfredo Gomez at (202) 512-3841 or gomezj@gao.gov