

GAO Highlights

Highlights of [GAO-15-636T](#), a testimony Before the Subcommittee on Superfund, Waste Management, and Regulatory Oversight, Committee on Environment and Public Works, U.S. Senate

Why GAO Did This Study

EPA formulates rules to protect the environment and public health. To enhance the quality and credibility of such rules, EPA obtains advice and recommendations from the SAB and CASAC—two federal advisory committees that review the scientific and technical basis for EPA decision making. ERDDAA requires the SAB to provide both the EPA Administrator and designated congressional committees with scientific advice as requested. Amendments to the Clean Air Act established CASAC to, among other things, provide advice to the Administrator on NAAQS.

This testimony reflects GAO's preliminary observations from its ongoing review that examines (1) the extent to which EPA procedures for processing congressional requests to the SAB ensure compliance with ERDDAA and (2) the extent to which CASAC has provided advice related to NAAQS.

GAO reviewed relevant federal regulations and agency documents, and interviewed EPA, SAB, and other relevant officials.

GAO is not making any recommendations in this testimony, but as it finalizes its work in this area, GAO will consider making recommendations, as appropriate.

View [GAO-15-636T](#). For more information, contact J. Alfredo Gómez at (202) 512-3841 or gomezj@gao.gov

May 20, 2015

EPA SCIENCE ADVISORY PANELS

Preliminary Observations on the Processes for Providing Scientific Advice

What GAO Found

The Environmental Protection Agency's (EPA) procedures for processing congressional requests for scientific advice from the Science Advisory Board (SAB) do not ensure compliance with the Environmental Research, Development, and Demonstration Authorization Act of 1978 (ERDDAA) because these procedures are incomplete. For example, they do not clearly outline how the EPA Administrator, the SAB staff office, and others are to handle a congressional committee's request. While the procedures reflect EPA's responsibility to exercise general management controls over the SAB and all its federal advisory committees under the Federal Advisory Committee Act (FACA), including keeping such committees free from outside influence, they do not fully account for the specific access that designated congressional committees have to the SAB under ERDDAA. For example, EPA's policy documents do not establish how EPA will determine which questions would be taken up by the SAB. EPA officials told GAO that, in responding to congressional requests, EPA follows the same process that it would apply to internal requests for questions to the SAB, including considering whether the questions are science or policy driven or are important to science and the agency. However, EPA has not documented these criteria. Under the federal standards of internal control, agencies are to clearly document internal controls. Moreover, under ERDDAA, the SAB is required to provide requested scientific advice to select committees. By clearly documenting how to process congressional requests received under ERDDAA, including which criteria to use, EPA can provide reasonable assurance that its staff process responses consistently and in accordance with law. Furthermore, EPA's charter states that, when scientific advice is requested by one of the committees specified in ERDDAA, the Administrator will, when appropriate forward the SAB's advice to the requesting congressional committee. EPA policy does not specify when it would be "appropriate" for the EPA Administrator to take this action. Such specificity would be consistent with clearly documenting internal controls. GAO will continue to monitor these issues and plans to issue a report with its final results in June 2015.

The Clean Air Scientific Advisory Committee (CASAC) has provided certain types of advice related to the review of national ambient air quality standards (NAAQS), but has not provided advice on adverse social, economic, or energy effects related to NAAQS. Under the Clean Air Act, CASAC is to review air quality criteria and existing NAAQS every 5 years and advise EPA of any adverse public health, welfare, social, economic, or energy effects that may result from various strategies for attainment and maintenance of NAAQS. An EPA official stated that CASAC has carried out its role in reviewing the air quality criteria and the NAAQS, but CASAC has never provided advice on adverse social, economic, or energy effects related to NAAQS because EPA has never asked CASAC to do so. In a June 2014 letter to the EPA Administrator, CASAC indicated it would review such effects at the agency's request. According to a senior EPA official, the agency has no plans to ask CASAC to provide advice on such adverse effects.