

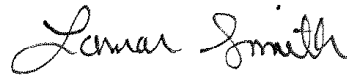
- Even more alarming, a member of the CASAC panel on fine particulate matter, Dr. Robert Phalen, testified that “CASAC was not allowed to discuss any of the adverse consequences associated with setting new standards” and that “the subcommittee that I was on did not adequately inform the Administrator on the pitfalls, the scientific limitations, and even the adverse health consequences that would flow from a more stringent regulation.”<sup>10</sup>

Given the importance of ensuring that Congress and the EPA have high quality scientific information on which to base informed decisions, we would like the Government Accountability Office to examine the following:

- 1) To what extent has the SAB provided scientific advice to the Congressional committees listed in section 8(a) of the Environmental Research, Development, and Demonstration Authorization Act? What procedures does the SAB have in place to ensure that timely and responsive advice is provided to these committees when requested? What is EPA’s role with regard to the SAB’s interaction with these committees, and is that role consistent with the Act? Does the SAB need to seek permission from EPA or the Administrator in order to provide scientific advice to Congress?
- 2) To what extent has EPA provided proposed regulations and associated scientific and technical information to the SAB for review at the time it is provided to any other Federal agency for formal review and comment?
- 3) To what extent has CASAC carried out the activities identified in section 109(d)(2)(C)(iv) of the Clean Air Act? Given that CASAC is supposed to have “complete independence” from EPA, what procedures are in place to ensure CASAC’s independence in carrying out these activities and to what extent have they been implemented?
- 4) To what extent has EPA’s management of the independent SAB and CASAC been consistent with the legal requirements discussed above?

Please feel free to contact Science Committee staff should you have any questions.

Sincerely,



Lamar Smith  
Chairman  
Committee on Science, Space, and  
Technology

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<sup>10</sup> Committee on Science, Space, and Technology, “Quality Science for Quality Air,” 112th Cong., 1st sess., 4 October 2011, <http://www.gpo.gov/fdsys/pkg/CHRG-112hrg70587/html/CHRG-112hrg70587.htm>.

the CASAC Ozone Review Panel cannot advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of a new ozone NAAQS?

- 2) In establishing CASAC, Congress indicated that "[t]his committee is intended to assist the Administrator, but it is also intended to have complete independence."<sup>5</sup> What steps has CASAC or the CASAC Ozone Review Panel taken to carry out its duties under Section 109(d)(2) of the Clean Air Act?
- 3) Does CASAC or the CASAC Ozone Review Panel plan to advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of a new ozone NAAQS during the CASAC meeting on March 25-27, 2014 or the public teleconference scheduled for May 28, 2014? Does CASAC or the Ozone Review Panel plan to advise the Administrator of any adverse effects prior to EPA's proposal of a revised ozone standard in 2015? If not, why not?
- 4) If CASAC or the CASAC Ozone Review Panel does not intend to advise the Administrator of any adverse effects of a revised ozone standard as part of the current advisory process, when and how do you plan to advise the Administrator?
- 5) Please identify all specific instances historically in which CASAC or an individual CASAC Review Panel has advised an EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of NAAQS?

Sincerely,



Lamar Smith  
Chairman  
Committee on Science, Space, and  
Technology

cc: Dr. Holly Stallworth, CASAC Designated Federal Officer  
Members of the CASAC Ozone Review Panel

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<sup>5</sup> H.R. Rep. No. 95-294 at 182-83 (1977).

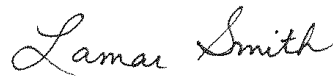
Need for Transparency

In testimony before the Committee last year, Dr. Roger McClellan stated that “[v]ery little of the CASAC panel work is done in public view. Most of the discussion takes place off-line and is only manifest in the written draft comments of the CASAC Panel Members in response to EPA staff written questions.”<sup>16</sup> In light of these serious concerns, it is unacceptable for EPA to move forward with new rules without first addressing potential conflicts of interest and a lack of transparency within a panel intended to provide the Agency with independent scientific assessments.

Please provide all communications between EPA staff, CASAC staff, and the CASAC Ozone Review Panel related to potential revisions to the ozone NAAQS. This should include all e-mail correspondence and meeting records since the start of the panel formation process in 2008. Please provide these communications to the Committee by March 25, 2014.

Your staff has indicated that the upcoming CASAC Ozone Review Panel meeting to be held March 25-27, 2014 will be webcast live on the Agency’s website. Please ensure that an archived version of this webcast will be available online to the public following the meeting.

Sincerely,



Lamar Smith  
Chairman  
Committee on Science, Space, and  
Technology

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<sup>16</sup> Committee on Science, Space, and Technology, “Improving EPA’s Scientific Advisory Process,” 113<sup>th</sup> Cong., 1<sup>st</sup> sess., 20 March 2013, <http://www.gpo.gov/fdsys/pkg/CHRG-113hhrg80553/pdf/CHRG-113hhrg80553.pdf>.