

FEBRUARY 25, 2015

RULES COMMITTEE PRINT 114-10
TEXT OF H.R. 1029, EPA SCIENCE ADVISORY
BOARD REFORM ACT OF 2015

[Showing the text of the bill as ordered reported by the
Committee on Science, Space, and Technology.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “EPA Science Advisory
3 Board Reform Act of 2015”.

4 **SEC. 2. SCIENCE ADVISORY BOARD.**

5 (a) INDEPENDENT ADVICE.—Section 8(a) of the En-
6 vironmental Research, Development, and Demonstration
7 Authorization Act of 1978 (42 U.S.C. 4365(a)) is amend-
8 ed by inserting “independently” after “Advisory Board
9 which shall”.

10 (b) MEMBERSHIP.—Section 8(b) of the Environ-
11 mental Research, Development, and Demonstration Au-
12 thorization Act of 1978 (42 U.S.C. 4365(b)) is amended
13 to read as follows:

14 “(b)(1) The Board shall be composed of at least nine
15 members, one of whom shall be designated Chairman, and
16 shall meet at such times and places as may be designated
17 by the Chairman.

1 “(2) Each member of the Board shall be qualified by
2 education, training, and experience to evaluate scientific
3 and technical information on matters referred to the
4 Board under this section. The Administrator shall ensure
5 that—

6 “(A) the scientific and technical points of view
7 represented on and the functions to be performed by
8 the Board are fairly balanced among the members of
9 the Board;

10 “(B) at least ten percent of the membership of
11 the Board are from State, local, or tribal govern-
12 ments;

13 “(C) persons with substantial and relevant ex-
14 pertise are not excluded from the Board due to af-
15 filiation with or representation of entities that may
16 have a potential interest in the Board’s advisory ac-
17 tivities, so long as that interest is fully disclosed to
18 the Administrator and the public and appointment
19 to the Board complies with section 208 of title 18,
20 United States Code;

21 “(D) in the case of a Board advisory activity on
22 a particular matter involving a specific party, no
23 Board member having an interest in the specific
24 party shall participate in that activity;

1 “(E) Board members may not participate in ad-
2 visory activities that directly or indirectly involve re-
3 view or evaluation of their own work, unless fully
4 disclosed to the public and the work has been exter-
5 nally peer-reviewed;

6 “(F) Board members shall be designated as
7 special Government employees; and

8 “(G) no registered lobbyist is appointed to the
9 Board.

10 “(3) The Administrator shall—

11 “(A) solicit public nominations for the Board by
12 publishing a notification in the Federal Register;

13 “(B) solicit nominations from relevant Federal
14 agencies, including the Departments of Agriculture,
15 Defense, Energy, the Interior, and Health and
16 Human Services;

17 “(C) make public the list of nominees, including
18 the identity of the entities that nominated each, and
19 shall accept public comment on the nominees;

20 “(D) require that, upon their provisional nomi-
21 nation, nominees shall file a written report disclosing
22 financial relationships and interests, including Envi-
23 ronmental Protection Agency grants, contracts, co-
24 operative agreements, or other financial assistance,
25 that are relevant to the Board’s advisory activities

1 for the three-year period prior to the date of their
2 nomination, and relevant professional activities and
3 public statements for the five-year period prior to
4 the date of their nomination; and

5 “(E) make such reports public, with the excep-
6 tion of specific dollar amounts, for each member of
7 the Board upon such member’s selection.

8 “(4) Disclosure of relevant professional activities
9 under paragraph (3)(D) shall include all representational
10 work, expert testimony, and contract work as well as iden-
11 tifying the party for which the work was done.

12 “(5) Except when specifically prohibited by law, the
13 Agency shall make all conflict of interest waivers granted
14 to members of the Board, member committees, or inves-
15 tigative panels publicly available.

16 “(6) Any recusal agreement made by a member of
17 the Board, a member committee, or an investigative panel,
18 or any recusal known to the Agency that occurs during
19 the course of a meeting or other work of the Board, mem-
20 ber committee, or investigative panel shall promptly be
21 made public by the Administrator.

22 “(7) The terms of the members of the Board shall
23 be three years and shall be staggered so that the terms
24 of no more than one-third of the total membership of the

1 Board shall expire within a single fiscal year. No member
2 shall serve more than two terms over a ten-year period.”.

3 (c) RECORD.—Section 8(e) of such Act (42 U.S.C.
4 4365(c)) is amended—

5 (1) in paragraph (1)—

6 (A) by inserting “or draft risk or hazard
7 assessment,” after “at the time any proposed”;

8 (B) by striking “formal”; and

9 (C) by inserting “or draft risk or hazard
10 assessment,” after “to the Board such pro-
11 posed”; and

12 (2) in paragraph (2)—

13 (A) by inserting “or draft risk or hazard
14 assessment,” after “the scientific and technical
15 basis of the proposed”; and

16 (B) by adding at the end the following:
17 “The Board’s advice and comments, including
18 dissenting views of Board members, and the re-
19 sponse of the Administrator shall be included in
20 the record with respect to any proposed risk or
21 hazard assessment, criteria document, standard,
22 limitation, or regulation and published in the
23 Federal Register.”.

24 (d) MEMBER COMMITTEES AND INVESTIGATIVE PAN-
25 ELS.—Section 8(e)(1)(A) of such Act (42 U.S.C.

1 4365(e)(1)(A)) is amended by adding at the end the fol-
2 lowing: “These member committees and investigative pan-
3 els—

4 “(i) shall be constituted and operate
5 in accordance with the provisions set forth
6 in paragraphs (2) and (3) of subsection
7 (b), in subsection (h), and in subsection
8 (i);

9 “(ii) do not have authority to make
10 decisions on behalf of the Board; and

11 “(iii) may not report directly to the
12 Environmental Protection Agency.”.

13 (e) PUBLIC PARTICIPATION.—Section 8 of such Act
14 (42 U.S.C. 4365) is amended by amending subsection (h)
15 to read as follows:

16 “(h)(1) To facilitate public participation in the advi-
17 sory activities of the Board, the Administrator and the
18 Board shall make public all reports and relevant scientific
19 information and shall provide materials to the public at
20 the same time as received by members of the Board.

21 “(2) Prior to conducting major advisory activities, the
22 Board shall hold a public information-gathering session to
23 discuss the state of the science related to the advisory ac-
24 tivity.

1 “(3) Prior to convening a member committee or in-
2 vestigative panel under subsection (e) or requesting sci-
3 entific advice from the Board, the Administrator shall ac-
4 cept, consider, and address public comments on questions
5 to be asked of the Board. The Board, member committees,
6 and investigative panels shall accept, consider, and ad-
7 dress public comments on such questions and shall not ac-
8 cept a question that unduly narrows the scope of an advi-
9 sory activity.

10 “(4) The Administrator and the Board shall encour-
11 age public comments, including oral comments and discus-
12 sion during the proceedings, that shall not be limited by
13 an insufficient or arbitrary time restriction. Public com-
14 ments shall be provided to the Board when received. The
15 Board’s reports shall include written responses to signifi-
16 cant comments offered by members of the public to the
17 Board.

18 “(5) Following Board meetings, the public shall be
19 given 15 calendar days to provide additional comments for
20 consideration by the Board.”.

21 (f) OPERATIONS.—Section 8 of such Act (42 U.S.C.
22 4365) is further amended by amending subsection (i) to
23 read as follows:

24 “(i)(1) In carrying out its advisory activities, the
25 Board shall strive to avoid making policy determinations

1 or recommendations, and, in the event the Board feels
2 compelled to offer policy advice, shall explicitly distinguish
3 between scientific determinations and policy advice.

4 “(2) The Board shall clearly communicate uncertain-
5 ties associated with the scientific advice provided to the
6 Administrator or Congress.

7 “(3) The Board shall ensure that advice and com-
8 ments reflect the views of the members and shall encour-
9 age dissenting members to make their views known to the
10 public, the Administrator, and Congress.

11 “(4) The Board shall conduct periodic reviews to en-
12 sure that its advisory activities are addressing the most
13 important scientific issues affecting the Environmental
14 Protection Agency.

15 “(5) The Board shall be fully and timely responsive
16 to Congress.”.

17 **SEC. 3. RELATION TO THE FEDERAL ADVISORY COM-**
18 **MITTEE ACT.**

19 Nothing in this Act or the amendments made by this
20 Act shall be construed as supplanting the requirements of
21 the Federal Advisory Committee Act (5 U.S.C. App.).

1 **SEC. 4. RELATION TO THE ETHICS IN GOVERNMENT ACT OF**
2 **1978.**

3 Nothing in this Act or the amendments made by this
4 Act shall be construed as supplanting the requirements of
5 the Ethics in Government Act of 1978 (5 U.S.C. App.).

