

**COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
SUBCOMMITTEE ON INVESTIGATIONS & OVERSIGHT
SUBCOMMITTEE ON ENVIRONMENT
U.S. HOUSE OF REPRESENTATIVES**

ADDENDUM TO THE HEARING CHARTER

EPA Advisory Committees: How Science Should Inform Decisions

Tuesday, July 16, 2019
2:00 p.m.
2318 Rayburn House Office Building

In July 2019, the Government Accountability Office (GAO) finished work on its report on the appointment process of advisory committees at the Environmental Protection Agency (EPA). The Senate offices who requested this report, entitled “*EPA Advisory Committees: Improvements Needed for the Member Appointment Process*,” released it from embargo on July 15, 2019 at 1:30 p.m.¹

Summary of Report

EPA’s established process to appoint members to FACs includes three main phases to ensure implementation of the Federal Advisory Committee Act: soliciting nominations, evaluating candidates, and obtaining approvals. GAO’s audit specifically looked at “(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.”

During the audit, GAO found that the agency followed its established internal appointment procedures for most of the 22 FACs at the EPA, except for the appointment of 20 members in fiscal year 2018 to the EPA Science Advisory Board (SAB) and CASAC. EPA staff responsible for FAC member appointments to these two committees did not prepare standard draft membership grids with staff rationales for member appointments, as called for by EPA’s internal process. All consultation with EPA management on member appointments occurred at in-person meetings, and GAO did not obtain any documentation regarding the rationale for choosing committee members.

GAO found that EPA did not consistently ensure that FAC members appointed as special government employees (SGEs) met federal ethics requirements, with 23% of the financial disclosure forms reviewed not bearing a signature from an ethics official confirming the SGE

¹ “EPA Advisory Committees: Improvements Needed for the Member Appointment Process,” GAO-19-280, Government Accountability Office, July 2019, accessed here: <https://www.gao.gov/assets/710/700171.pdf>

was in compliance with ethics rules. The agency also did not conduct periodic reviews of its ethics program.

Additionally, GAO determined that there were notable changes to certain characteristics² of EPA FACs after January 2017 as compared to after January 2009. Both the SAB and BOSC saw a notable decrease in members affiliated with academic institutions after January 2017; a 27% decrease on SAB and 45% decrease on BOSC. There was also a notable change in membership turnover following January 2017, with 71% of BOSC members leaving, and 62% of the CASAC members leaving.

The GAO report provided two recommendations to EPA: first that the Administrator direct EPA staff responsible for FAC member appointments to develop and include draft membership grids in appointment packets that include staff rationale for appointments, as called for in EPA's internal process and; second, that the EPA's Designated Ethics Official should direct the agency's Ethics Office to include in its periodic review of EPA's ethics program, spot-checks of the quality of financial disclosure reviews for SGEs appointed to FACs.

EPA disagreed with the first finding of the report – that the Agency follow its appointment procedures by developing membership grids – and requested that it be removed from the report. EPA did not dispute the second recommendation – that the Agency evaluate its ethics review process – and noted that the Ethics Office was understaffed at the time of the audit. The Agency says it has resolved these staffing issues.

² Characteristics reviewed by the GAO include committee composition, regional affiliation, membership turnover, and number of committee meetings.