



December 10, 2015

The Honorable Thad Cochran
Chairman
Committee on Appropriations
U.S. Senate
Washington, DC 20510

The Honorable Barbara Mikulski
Ranking Member
Committee on Appropriations
U.S. Senate
Washington, DC 20510

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Nina Lowey
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Cochran, Ranking Member Mikulski, Chairman Rogers and Ranking Member Lowey:

Science is the bedrock of sound regulatory decision making. The best science undergirds everything our organizations do to improve health. Our organizations ask for your opposition to all policy riders on appropriations bills, especially riders that weaken existing stronger policies in place to ensure the scientific basis for regulations that protect public health.

We are concerned that the “conflicts of interest” section in the report language of the FY2016 House Interior and Environment Appropriations bill mischaracterizes existing EPA policy, and adds unnecessary burden to the review process. A rider based on this report language would add additional, duplicative delay in the work to protect human health, and would provide incorrect information on the highly transparent and public process currently in place.

The report language alleges a “lack of transparency” in how members of the EPA’s Science Advisory Board (SAB) members are chosen. Perhaps the drafters did not look at available information on the EPA’s [website on the process](#), which includes an extensive, published description of the process for selection of members, as well as frequently-asked-questions for those who would like to serve and for the public detailed information on the annual process for nominating members. Also on the SAB website are [public nominating instructions](#), Federal Register notices of nominations requested, and information about all candidates with an invitation to comment on individual nominations.

The report language erroneously claims that state, local and tribal representatives are unnecessarily excluded from the SAB. Currently, the states have two representatives on the SAB, and one now-retired state agency representative.

The report language also misstates the current disclosure and review of conflicts of interest and ethics. Individuals who seek to serve on the SAB must file disclosure documents that include EPA grants as a specific example on the electronic form, as well as other extensive information. The EPA also provides information on its [website about how the Agency uses this information](#). Once a person is chosen to serve, he or she must take an ethics training course and update the disclosure documents annually.

The report language would also require EPA to review how the SAB solicits and responds to public comments. This language fails to recognize that the SAB is currently governed by the Federal Advisory Committee Act and already has the required public comment system in place.

The report language would require the SAB to suspend all of its current and planned reviews until EPA submits a policy statement to the National Academy of Sciences (NAS). This would unnecessarily delay the SAB's, and EPA's, important work. The SAB is composed of independent scientific and technical experts who are tasked with evaluating the science and providing advice that EPA uses to inform its decision making. The current law provides for balanced panels and experts with diverse backgrounds. Historically, many of these scientists have served on the NAS review panels and the SAB has adopted the rigor of the evaluation requirements used at the NAS.

The "Conflicts of Interest" language in the House Interior and Environment Appropriations bill mischaracterizes the current adopted, fully transparent processes of the SAB and EPA's implementation of them. A rider based on this language would add unnecessary duplicative review of already-reviewed and well-established policies, which would delay EPA's work with SAB on these crucial science reviews. Our organizations strongly urge you to exclude all riders, especially ones that threaten lung health – including this rider -- from any future appropriations bills, along with all other harmful riders.

Sincerely,

American Lung Association
American Public Health Association
American Thoracic Society
Health Care Without Harm
Physicians for Social Responsibility