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(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R. 1422

To amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEWART introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “EPA Science Advisory
5 Board Reform Act of 2013”.

1 **SEC. 2. SCIENCE ADVISORY BOARD.**

2 (a) MEMBERSHIP.—Section 8(b) of the Environ-
3 mental Research, Development, and Demonstration Au-
4 thorization Act of 1978 (42 U.S.C. 4365(b)) is amended
5 to read as follows:

6 “(b)(1) The Board shall be composed of at least nine
7 members, one of whom shall be designated Chairman, and
8 shall meet at such times and places as may be designated
9 by the Chairman in consultation with the Administrator.

10 “(2) Each member of the Board shall be qualified by
11 education, training, and experience to evaluate scientific
12 and technical information on matters referred to the
13 Board under this section. The Administrator shall select
14 Board members from nominations received as described
15 in paragraph (3) and shall ensure that—

16 “(A) the scientific and technical points of view
17 represented on and the functions to be performed by
18 the Board are fairly balanced among the members of
19 the Board;

20 “(B) at least ten percent of the membership of
21 the Board are from State, local, or tribal govern-
22 ments;

23 “(C) persons with substantial and relevant ex-
24 pertise are not excluded from the Board due to af-
25 filiation with or representation of entities that may
26 have a potential interest in the Board’s advisory ac-

1 activities, so long as that interest is fully disclosed to
2 the Administrator and the public and appointment
3 to the Board complies with section 208 of title 18,
4 United States Code;

5 “(D) in the case of a Board advisory activity on
6 a particular matter involving a specific party, no
7 Board member having an interest in the specific
8 party shall participate in that activity;

9 “(E) Board members may not participate in ad-
10 visory activities that directly or indirectly involve re-
11 view and evaluation of their own work; and

12 “(F) Board members shall be designated as
13 special Government employees.

14 “(3) The Administrator shall—

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

17 “(B) solicit nominations from relevant Federal
18 agencies, including the Departments of Agriculture,
19 Defense, Energy, and Health and Human Services;

20 “(C) make public the list of nominees, including
21 the identity of the entities that nominated them, and
22 shall accept public comment on the nominees;

23 “(D) require that, upon their provisional nomi-
24 nation, nominees shall file a written report disclosing
25 financial relationships and interests, including Envi-

1 ronmental Protection Agency grants, contracts, co-
2 operative agreements, or other financial assistance,
3 that are relevant to the Board's advisory activities
4 for the three-year period prior to the date of their
5 nomination, and relevant professional activities and
6 public statements for the five-year period prior to
7 the date of their nomination; and

8 “(E) make such reports public, with the excep-
9 tion of specific dollar amounts, for each member of
10 the Board upon such member's selection.

11 “(4) The terms of the members of the Board shall
12 be three years and shall be staggered so that the terms
13 of no more than one-third of the total membership of the
14 Board shall expire within a single fiscal year. No member
15 shall serve more than two terms over a ten-year period.”.

16 (b) RECORD.—Section 8(c) of such Act (42 U.S.C.
17 4365(c)) is amended—

18 (1) in paragraph (1)—

19 (A) by inserting “risk or hazard assess-
20 ment,” after “at the time any proposed”; and

21 (B) by inserting “risk or hazard assess-
22 ment,” after “to the Board such proposed”;

23 and

24 (2) in paragraph (2)—

1 (A) by inserting “risk or hazard assess-
2 ment,” after “the scientific and technical basis
3 of the proposed”; and

4 (B) by adding at the end the following:
5 “The Board’s advice and comments, including
6 dissenting views of Board members, and the re-
7 sponse of the Administrator shall be included in
8 the record with respect to any proposed risk or
9 hazard assessment, criteria document, standard,
10 limitation, or regulation and published in the
11 Federal Register.”.

12 (c) MEMBER COMMITTEES AND INVESTIGATIVE PAN-
13 ELS.—Section 8(e) of such Act (42 U.S.C. 4365(c)) is
14 amended by adding at the end the following:

15 “These member committees and investigative panels—

16 “(1) shall be constituted and operate in accord-
17 ance with the provisions set forth in paragraphs (2)
18 and (3) of subsection (b), in subsection (h), and in
19 subsection (i);

20 “(2) do not have authority to make decisions on
21 behalf of the Board; and

22 “(3) may not report directly to the Environ-
23 mental Protection Agency.”.

1 (d) PUBLIC PARTICIPATION.—Section 8 of such Act
2 (42 U.S.C. 4365) is amended by adding after subsection
3 (g) the following:

4 “(h)(1) To facilitate public participation in the advi-
5 sory activities of the Board, the Administrator and the
6 Board shall make public all reports and relevant scientific
7 information and shall provide materials to the public at
8 the same time as received by members of the Board.

9 “(2) Prior to conducting major advisory activities, the
10 Board shall hold a public information-gathering session to
11 discuss the state of the science related to the advisory ac-
12 tivity.

13 “(3) Prior to convening a member committee or in-
14 vestigative panel under subsection (e) or requesting sci-
15 entific advice from the Board, the Administrator shall ac-
16 cept, consider, and address public comments on questions
17 to be asked of the Board. The Board, member committees,
18 and investigative panels shall accept, consider, and ad-
19 dress public comments on such questions and shall not ac-
20 cept a question that unduly narrows the scope of an advi-
21 sory activity.

22 “(4) The Administrator and the Board shall encour-
23 age public comments, including oral comments and discus-
24 sion during the proceedings, that shall not be limited by
25 an insufficient or arbitrary time restriction. Public com-

1 ments shall be provided to the Board when received. The
2 Board's reports shall include written responses to signifi-
3 cant comments offered by members of the public to the
4 Board.

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

8 (e) OPERATIONS.—Section 8 of such Act (42 U.S.C.
9 4365) is further amended by adding after subsection (h),
10 as added by subsection (d) of this section, the following:

11 “(i)(1) In carrying out its advisory activities, the
12 Board shall strive to avoid making policy determinations
13 or recommendations, and, in the event the Board feels
14 compelled to offer policy advice, shall explicitly distinguish
15 between scientific determinations and policy advice.

16 “(2) The Board shall clearly communicate uncertain-
17 ties associated with the scientific advice provided to the
18 Administrator.

19 “(3) The Board shall ensure that advice and com-
20 ments reflect the views of the members and shall encour-
21 age dissenting members to make their views known to the
22 public and the Administrator.

23 “(4) The Board shall conduct periodic reviews to en-
24 sure that its advisory activities are addressing the most

- 1 important scientific issues affecting the Environmental
- 2 Protection Agency.”.