



## U.S. Environmental Protection Agency Office of Inspector General

13-P-0387  
September 11, 2013

# At a Glance

### Why We Did This Review

The U.S. Environmental Protection Agency Office of Inspector General conducted this review in response to a congressional request about the EPA's management of the Clean Air Scientific Advisory Committee and the Advisory Council on Clean Air Compliance Analysis. We sought to determine whether the EPA has managed the CASAC and Council in accordance with applicable laws, regulations and guidance pertaining to (1) potential conflicts of interest, (2) appearances of a lack of impartiality, (3) rotation of members (i.e., term limits), (4) balance of committee viewpoints and perspectives and (5) peer review. The EPA's Science Advisory Board Staff Office manages the CASAC and Council, which provide advice to the EPA on setting air quality standards and in developing cost-benefit analyses of the Clean Air Act.

### This report addresses the following EPA Goals or Cross-Cutting Strategies:

- *Taking action on climate and improving air quality.*
- *Advancing science, research, and technological innovation.*

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:  
[www.epa.gov/oig/reports/2013/20130911-13-P-0387.pdf](http://www.epa.gov/oig/reports/2013/20130911-13-P-0387.pdf)

### EPA Can Better Document Resolution of Ethics and Partiality Concerns in Managing Clean Air Federal Advisory Committees

#### What We Found

In general, the EPA managed the CASAC and Council in accordance with applicable statutes and regulations. These regulations allow agencies discretion in choosing federal advisory committee members and achieving balance.

We reviewed 47 CASAC and Council member appointments, including all ozone panel appointments for the last two ozone standard reviews. We found that the EPA has adequate procedures for identifying potential ethics concerns, including financial conflicts of interest, independence issues and appearances of a lack of impartiality. However, the EPA can better document its decisions on selecting members with independence and partiality concerns. This would allow for better transparency, thus giving assurance that CASAC and the Council provide independent and objective advice to the Administrator on such important decisions as setting ambient air standards. We also identified one instance where agency procedures involving a potential conflict of interest were not followed.

We also reviewed the peer review process for three EPA-developed analyses included in scientific assessments peer reviewed by the CASAC. Peer review is one method for enhancing the quality and credibility of the government's scientific information. One of these analyses was not peer reviewed in accordance with Office of Management and Budget and agency guidance. The EPA's National Center for Environmental Assessment did not have a formal process for determining whether such analyses were subject to OMB requirements and the EPA's peer review guidance before public dissemination.

#### Recommendations and Planned Corrective Actions

We recommend that the EPA instruct staff on the proper process for addressing potential conflicts of interest, develop procedures to document decisions and mitigating actions regarding independence and partiality concerns, and implement a process to determine whether its scientific work products are influential scientific information that require peer review in accordance with OMB and the EPA's guidance. The agency completed corrective action for one recommendation and that recommendation is closed. The agency agreed with three other recommendations and provided corrective action plans that we accepted. The agency disagreed with one recommendation but proposed an alternative action that we accepted. Thus, four recommendations are resolved but open pending completion of the corrective actions.

#### Noteworthy Achievements

Although not required, the EPA applies many Federal Advisory Committee Act guidelines and procedures to managing subcommittees and panels.