



Legislative Bulletin.....November 18, 2014

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H.R. 1422 — EPA Science Advisory Board Reform Act of 2013 (Stewart, R-UT)

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Order of Business: [H.R. 1422](#) is expected to be considered on November 18, 2014, under a structured [rule](#).

The rule makes in order one [amendment from Rep. Stewart](#) that makes technical changes to the underlying bill. The rule allows for 10 minutes of debate on the amendment.

Summary: H.R. 1422 would reform the Environmental Protection Agency’s (EPA) Science Advisory Board in an effort to bring diversity to its membership and encourage additional public participation.

The Administrator of the EPA would be required to select members so that the points of view represented are fairly balanced and that at least ten percent of board members are from state, local, and tribal governments.

Individuals affiliated with entities with an interest in the board’s activities are not excluded from membership, as long as those interests are disclosed and those members are barred from participating in an activity that they have an interest in or from reviewing their own work. Registered federal lobbyists would be prohibited from serving on the Board.

Board members would be designated as [Special Government Employees](#). This designation allows individuals to perform governmental duties on a temporary basis without having to “forego their private professional lives.”

Nominations for board members would be made public, as well as the entities that nominated them. The EPA would solicit public comments on the nominees in the Federal Register. Nominees would be required to file a publicly-available report regarding potential conflicts of interest, including financial relationships.

H.R. 1422 would add Risk or Hazard Assessments to the proposals the EPA is required to provide to the Board for comment and advice.

H.R. 1422 would also require the EPA and the Board to make all reports and scientific information public at the same time they are provided to the Board. The bill would require additional public interaction with the Board, including public information gathering sessions, soliciting public comments, and requiring written responses to significant public comments.

Additional Background: The EPA [Science Advisory Board](#) was established by the Environmental Research, Development, and Demonstration Authorization Act of 1978. The mission of the Board is to “review the quality and relevance of the scientific and technical information being used by the EPA or proposed as the basis for Agency regulations; review EPA research programs and plans; provide science advice as requested by the EPA Administrator, and advise the agency on broad scientific matters.”

Currently, the Board has 52 [members](#), which are appointed by the Administrator of the EPA to serve a three-year term. According to [testimony](#) before the Science Committee, the large majority of members are affiliated with academic institutions, while private industry is underrepresented. The only state governments represented are California and Vermont’s environmental protection agencies, while local and tribal governments do not have any representation. Members also represent radical left-wing groups such as the ClimateWorks Foundation and the Environmental Defense Fund.

Committee Action: On [March 20, 2014](#), the Subcommittee on Environment of the House Committee on Science, Space, and Technology held an oversight hearing on Improving EPA’s Scientific Advisory Processes. H.R. 1422 was introduced on April 9, 2013, and referred to the House Committee on Science, Space, and Technology. The Committee marked up the bill on [April 11, 2013](#), and favorably reported H.R. 1422 by a 21 – 16 vote.

Cost to Taxpayers: According to [CBO](#), H.R. 1422 would “cost less than \$500,000 annually or about \$2 million over the 2014-2018 period, subject to the availability of appropriated funds. That funding would provide for additional personnel and related administrative expenses.”

Administration Position: According to the [SAP](#), “if the President were presented with H.R. 1422, his senior advisors would recommend that he veto the bill,” because it would “negatively affect the appointment of experts and would weaken the scientific independence and integrity of the [Science Advisory Board].”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3 Article 1, Section 8, Clause 18”

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