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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

July 27, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Dear Administrator Pruitt:

You have begun a proceeding to solicit nominations for the Clean Air Scientific Advisory Committee (CASAC).¹ As you review nominations, we request that you also revisit past CASAC practices to make them compliant with the statute.

Established by Section 109(d)(2) of the Clean Air Act, CASAC is to provide independent scientific advice to the Administrator regarding the development of National Ambient Air Quality Standards (NAAQS). The independent, seven-member body is to include diverse perspectives, notably one member of the National Academy of Sciences, one physician, and a representative of State air pollution control agencies. CASAC is statutorily required to provide information to the Administrator regarding:

- (i) Areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS;
- (ii) Research efforts necessary to provide the required information;
- (iii) The relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and
- (iv) Any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of NAAQS.

In the past, CASAC has failed to address these required statutory obligations. With regard to item (iv) above, a 2015 Government Accountability Office report² concluded that “CASAC has never provided advice on adverse social, economic, or energy effects related to NAAQS because EPA has never asked CASAC to do so.” Additionally, in comments on the 2015 ozone NAAQS proposal,³ the States of Alabama, Indiana, Mississippi, North Dakota, West Virginia, and

¹ Environmental Protection Agency (EPA), Request for Nominations of Candidates to the EPA’s Clean Air Scientific Advisory Committee (CASAC) and the EPA Science Advisory Board (SAB); 82 Fed. Reg. 29077 (June 27, 2017), available at: <https://www.gpo.gov/fdsys/pkg/FR-2017-06-27/pdf/2017-13332.pdf>.

² Government Accountability Office, “EPA’s Science Advisory Board: Improved Procedures Needed to Process Congressional Requests for Scientific Advice” (June 2015), available at: <http://www.gao.gov/assets/680/670647.pdf>.

³ States of Alabama, Indiana, Mississippi, North Dakota, West Virginia and Wyoming on 79 Fed. Reg. 75234 (December 17, 2015), Docket ID No. EPA-HQ-OAR-2008-0699 (March 17, 2015), available at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2008-0699-2570>.

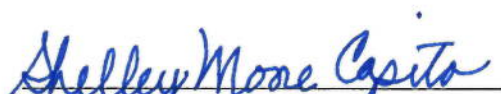
Wyoming identified failures of CASAC to address both item (iv) and issues concerning background ozone, required by item (iii). The comments highlighted unique background ozone issues faced by Western states.

As you review 2017 nominations for CASAC members, we request that you put measures in place to ensure that moving forward, CASAC complies with these statutory obligations. CASAC must be constituted of experts who can provide independent counsel to you in all of the above areas.

Please direct further communication on these issues to Elizabeth Horner of the Committee's staff at 202-224-6176.

Sincerely,


John Barrasso, M.D.
Chairman


Shelley Moore Capito
Chairman
Subcommittee on Clean Air &
Nuclear Safety


M. Michael Rounds
Chairman
Subcommittee on Superfund, Waste
Management and Regulatory Oversight