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September 28, 2017

Thomas Carpenter
Designated Federal Officer
U.S. Environmental Protection Agency
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Re: Public Comment on the List of Candidates for the EPA's Science Advisory Board (SAB)

Dear Mr. Carpenter:

The Environmental Integrity Project submits the following comments on the list of candidates for the Environmental Protection Agency (EPA, or "Agency") Science Advisory Board.¹ We commented on EPA's list of Clean Air Scientific Advisory Committee on September 18, 2017, and we continue to have the same concerns that we raised in that letter. Although many of the candidates on the SAB list are eminently qualified through academic training and experience, and many appear to be objective in their approach to science, there are many other candidates who raise red flags, as discussed below.

Impartiality is critically important at this moment in time, when science is too often politicized.² SAB members should always 'follow the science,' or let the most objectively defensible interpretation of the facts guide their conclusions. SAB member should not, on the other hand, approach scientific questions with pre-established outcomes in mind. For that reason, we support EPA's inclusion of additional criteria for selection, defined as "absence of an appearance of loss of impartiality" and the "[a]bsence of a financial conflict of interest," which we will refer to collectively as "impartiality."³

We are concerned that several of the candidates appear to have little or no relevant experience. It should be axiomatic that SAB members have experience in the sciences. We are also concerned that several of the candidates may not be impartial. Candidates who have worked for polluters with a financial stake in the outcome of EPA policymaking, or for politicians with a history of hostility toward public health protections, presumably have a conflict of interest and thus may fail the "impartiality" test. In addition, candidates who doubt the association between particulate matter and human health effects, or who doubt the association between anthropogenic carbon emissions and climate change, are taking a position far outside the mainstream scientific consensus, and may not be truly "impartial."

¹ U.S. EPA, Invitation for Public Comment on the List of Candidates for the EPA Chartered Science Advisory Board, [https://yosemite.epa.gov/Sab/Sabproduct.nsf/0/8E4436D62DA1FD2D85257E38006A3131/\\$File/LoC%20w-memo%20for%20ETBE%20and%20TBA%20post.pdf](https://yosemite.epa.gov/Sab/Sabproduct.nsf/0/8E4436D62DA1FD2D85257E38006A3131/$File/LoC%20w-memo%20for%20ETBE%20and%20TBA%20post.pdf) (Sept. 7, 2017) (hereinafter "SAB list").

² See, for example, Christine Todd Whitman's thoughtful critique of EPA administrator Scott Pruitt's attempts to politicize climate science. Christine Todd Whitman, How Not to Run the E.P.A. (Sept. 8, 2017), https://www.nytimes.com/2017/09/08/opinion/how-not-to-run-the-epa.html?_r=0.

³ 82 Fed. Reg. 29078.

Although an individual candidate's affiliation with regulated industry or denial of the mainstream scientific consensus on a given issue should not automatically disqualify that candidate, EPA has an impressive list of qualified and impartial candidates to choose from. We have identified a few examples of candidates that pose important, and urge EPA to prioritize other, more suitable candidates:

- Some candidates do not hesitate to state their interest in politicizing the scientific process. On his website, **Edwin Berry**⁴ includes himself on a list of SAB candidates that are “on the side of President Trump,” stating: “A key question is which candidates are on the side of President Trump. In the atmospheric sciences, the following candidates, all my friends, are on the side of President Trump (in alphabetical order): Berry, Carlin, D’Aleo, Fulks, Idso, Legates, and Steward. Berry and D’Aleo are AMS Certified Consulting Meteorologists (CCM). Berry and Carlin are Caltech graduates. Atmospheric science candidates who list their work for the UN IPCC may not be on Trump’s side. Steve Milloy (a good guy) has listed some good and bad candidates in other fields on his website here. I support Dr. James E. Enstrom in the public health field. I encourage you to email Mr. Carpenter your comments and preferences for the EPA Scientific Advisory Board.”⁵ Berry, and the other candidates “on the side of President Trump,” should be immediately excluded from consideration given their stated intention of politicizing the scientific process.⁶
- Other candidates appear to be knee-jerk contrarians rather than serious, objective scientists. **Gordon Fulks**, for example, is not a reasonable candidate. In addition to having little or no experience in the sciences over the past 30 years, Fulks appears to doubt the scientific consensus on climate change, he believes that there is a “controversy” over the widely accepted linear, no-threshold model of risk, and he appears to be hostile to “scientific scares,” which is undoubtedly how he would describe reasonable public health concerns. His is not an impartial approach to science, and he would be a counterproductive SAB selection.
- Several candidates have clear financial conflicts of interest, which violate one of EPA’s criteria for selection. For example, **Michael Jaycock**’s biosketch states that “[a]ll of his income and founding [sic] has been through his clients, with his primary client being the Dow Chemical Company.”
- **Allen Carlin** won the Climate Change Whistleblower Award from the Heartland Institute, a think tank that seeks to undermine the scientific consensus on climate change and other health threats.⁷
- **Anthony Louis Cox Jr.** has extensive experience working for private industries that are or may be affected by pollution control policies, including the American Petroleum Institute, the American Chemistry Council, the National Pork Board, the Western States Petroleum

⁴ Edwin Berry also states in his SAB biosketch that “human emissions . . . do not cause climate change.”

⁵ Edwin Berry, “EPA chooses 132 candidates for its Science Advisory Board,” <http://edberry.com/climate-physics/> (Sept. 8, 2017).

⁶ SAB list, at 7.

⁷ See, e.g., Heartland Institute, “Climate Change: The Issue” <https://www.heartland.org/topics/climate-change/> (stating, for example, with no supporting documentation, “Most scientists do not believe human greenhouse gas emissions are a proven threat to the environment or to human well-being”) (accessed Sept. 28, 2017).

Association, the Chemical Manufacturers Association, and others,⁸ and has questioned the association between particulate matter and mortality.⁹

These are just some of the candidates that raised red flags. Generally speaking, EPA cannot conduct robust, objective scientific reviews without objective science advisors. Many of the candidates, like those listed above, fail the test of impartiality and should be passed over.

Finally, we are concerned that the EPA will use the “impartiality” criterion to exclude any candidates who have advocated for common-sense public health protections, or who have worked with EPA in the past. We are also concerned that the EPA will use the “impartiality” criterion to exclude scientists who have are aligned with a high-profile scientific consensus like climate change. If EPA were to define “impartiality” as being undecided on a scientific consensus, it would be profoundly distorting the scientific process by tilting the scale away from objectivity and scientific integrity. On a related note, if EPA were to seek some kind of “fifty-fifty” balance between people in support of or opposed to a scientific consensus, it would similarly be distorting the scientific process and seriously undermining SAB’s value to the Agency and to the public good. Dissenting voices can be valuable, but where there is a scientific consensus, that consensus should be reflected in the overall makeup of the SAB.

In conclusion, we urge EPA to fairly assess each candidate’s experience and impartiality, to avoid candidates with clear financial conflicts of interest, to select candidates that are committed to sound science, and to ensure that the final SAB selections reflect the scientific community at large.

Thank you for considering our comments,

/s/ Abel Russ

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⁸ SAB list, at 13; Cox Associates, biosketch of Tony Cox, <http://www.cox-associates.com/Coxbio.htm>.

⁹ Statement of Louis Anthony (Tony) Cox, Jr. on Ensuring open Science at EPA before the U.S. House Science Committee Subcommittee on Environment (Feb. 11, 2014), <http://docs.house.gov/meetings/SY/SY18/20140211/101743/HHRG-113-SY18-Wstate-CoxL-20140211.pdf> (“Whether reducing current and recent past levels of air pollution should be expected to cause any reductions in mortality rates, and if so by how much, remains a great unanswered question.”).