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EPA

Advisory board won't make deadline for rule review

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Published: Thursday, August 22, 2019



A meeting of EPA's Science Advisory Board earlier this summer. Ariel Wittenberg/E&E News

An influential advisory panel will miss next month's deadline for completing independent assessments of several high-profile proposed EPA rules, raising the odds that the agency could issue the final versions before the reviews are complete.

"This work is too important to rush," Science Advisory Board Chairman Michael Honeycutt said in an [email](#) obtained by E&E News and sent Tuesday to other board members.

The proposed rules pertain to the Trump administration's efforts to roll back Obama-era rules on vehicle fuel efficiency, scrap the legal underpinning for restrictions on power plant mercury emissions and limit EPA's ability to tap scientific studies when crafting major new regulations.

All three proposals have drawn intense criticism from public health, scientific and environmental advocacy groups; some of those same organizations applauded the SAB's decision in June to undertake the reviews. The board had set a Sept. 30 deadline for their completion, along with a "commentary" on the Trump administration's planned rewrite of an Obama-era Clean Water Act rule.

While the panel has made "remarkable progress," Honeycutt wrote, "the scientific and technical advice on these rules must be accurate and impactful."

In a phone interview this morning, Honeycutt, a senior official with the Texas Commission on Environmental Quality, said he now hoped to put out draft versions of the reviews for public comment by late October. "We're just trying to get a good-quality product, and we just need a few more weeks," he said. "I hate to put out something that's not quite right."

EPA, meanwhile, is hustling to wrap up final versions of all three proposed rules within the next few months. The fuel economy proposal, officially known as the Safer Affordable Fuel Efficient (SAFE) Vehicles Rule, was originally supposed to be out in June. Its release is now expected as early as the beginning of October ([Climatewire](#), Aug. 21).

The justification for the proposed rollback has already come under harsh scrutiny. In a paper published late last year in the journal *Science*, for example, researchers accused the Trump administration of misrepresenting their work ([Climatewire](#), Dec. 7, 2018).

Now the postponement of the SAB review "seems to be intended to delay the public posting of information about weaknesses in the [administration's] analysis and the rule until after the rule is finished," said one board member who requested anonymity because of concerns about the potential impact on working relationships with people inside and outside EPA.

The SAFE proposal is undergoing a standard review by the White House regulations office. In an email today, John Graham, another board member, noted that the office could ultimately return the draft rule to EPA and the National Highway Traffic Safety Administration for reconsideration. "In that case, the agencies would have plenty of time to consider SAB's advice," said Graham, who headed that same office during George W. Bush's administration and is now based at Indiana University.

'A bit of chaos'?

But the time crunch also testifies to the unusual pressures being put on the 45-member board, created by Congress in the 1970s to offer independent expertise to EPA on a range of scientific and technical issues.

"I think it's a bit of chaos," said Chris Zarba, a former head of the SAB staff office, adding that "agency leadership" bears responsibility.

"There are well-established, 40-year practices that the SAB has been using, and it worked well," Zarba said. "Now we're seeing huge changes in that process." Zarba retired from EPA early last year; he is now affiliated with the Environmental Protection Network, a group critical of administration policies.

While EPA Administrator Andrew Wheeler has pledged closer cooperation with the board, he took the better part of a year to reject the panel's recommendation to look at a separate aspect of the fuel economy rules ([Greenwire](#), April 23). Under a membership policy established by former EPA chief Scott Pruitt and continued by Wheeler, turnover on the board has accelerated dramatically. As Honeycutt noted in an earlier email, the terms of several members will expire by the beginning of October.

Asked for comment, EPA spokesman Michael Abboud said in an email that Zarba left the agency 19 months ago "and has no firsthand knowledge of the inner workings of the Science Advisory Board for over the past year-and-a-half."

Wheeler "cares deeply about the relationship with the SAB," Abboud added, "and that is why he made it a priority to speak in front of the SAB in June and has regular communication with the SAB specifically soliciting its input."

Honeycutt had earlier acknowledged that the original Sept. 30 deadline was tight ([E&E News PM](#), June 6). In his Tuesday email, he also alluded to the challenge of getting a legally required 23-member quorum for the board's public gatherings. An Aug. 27 teleconference is already scheduled on EPA's request for advice on a technical aspect of the proposed scientific studies rule related to protection of trade secrets and personally identifiable information ([Greenwire](#), Aug. 7).

In regard to the board's work on the SAFE, mercury and water rules, Honeycutt said EPA officials had previously expressed the view that "there's no new science here" that would warrant review.

Still, he said, "no one told me not to look at this."

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