

INTERFERENCE AT THE EPA

SCIENCE AND POLITICS AT THE
U.S. ENVIRONMENTAL PROTECTION AGENCY



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

BOX 1: **The OMB Overrules EPA Science**

The White House Office of Management and Budget—especially its Office of Information and Regulatory Affairs (OIRA)—has played an increasingly powerful role in the creation, review, and approval of EPA decisions. Since the Reagan administration, the OMB has had the power to review and approve all government regulations, and to perform cost-benefit analyses. The OMB has used this power to force the EPA to modify or withdraw many rules and policies. For example, in 2002 the OMB thwarted an EPA plan to declare a public health emergency over asbestos found in the insulation of millions of homes across America (Schneider 2002).

The OMB has recently stepped beyond its role in reviewing the EPA's policies to review and manage the actual science underlying them. For example, under former director John Graham, OIRA sought to create overly restrictive guidelines for how federal agencies should conduct scientific assessments, such as risk analysis and peer review of research.

The National Academies sharply criticized these guidelines as harmful to the mission of federal science and regulatory agencies, yet the OMB implemented them in modified form

(UCS 2008). OIRA also recently hired a handful of scientists to create in-house scientific expertise in an office traditionally dominated by economists (OMB Watch 2003). The agency then began, for the first time, to review and criticize the scientific basis for EPA decisions.

In 2007, OMB analysts manipulated scientific knowledge about mortality arising from exposure to ground-level ozone, in the EPA's regulatory impact assessment on changing the ambient air quality standard for ozone (OMB Watch 2007; Patton 2007). The OMB has also interfered in the scientific basis for EPA policies on a 2004 rule regulating formaldehyde pollution from plywood plants (Miller and Hamburger 2004), and a 2006 decision not to tighten the ambient air quality standard for fine particulate matter (see Chapter 6). While the OMB's in-house expertise is undoubtedly helpful in interpreting scientific documents, it is inappropriate for the White House to second-guess the consensus of EPA specialists with decades of experience, and of advisory committees composed of internationally respected experts.

In the Scientists' Own Words

In their essays, nearly 100 EPA scientists explicitly identified the OMB's meddling in EPA decision making as a major hindrance to the agency's scientific integrity. Here is a small sample of responses to the question: "How could the integrity of scientific work produced by the EPA best be improved?"

Reviewing EPA Science

- "The unprecedented and unwarranted influence of the EPA's scientific work and findings by the White House and OMB must end."
- "OMB should stop interfering in EPA Science."



The White House Office of Management and Budget is headquartered in the Old Executive Office Building in Washington, DC.

- “Get the White House, industry, and OMB out of what is supposed to be science-based decision making.”
- “Also, for your next survey look at OMB. That is a true source of frustration. They truly interfere and want to stamp the White House Agenda over every document that is sent to them for review. Truly few realize the impact that they have. They have hired their own scientists and play the ‘my scientist is better than yours’ game. EPA has to accept a lot of **** from them to get any documents out.”
- “OMB is increasingly interfering in earlier stages of projects (as opposed to review of draft documents and conclusions), sometimes insisting on methodologies that are less credible than those selected by EPA scientists.”
- “Restrain [the] Office of Management and Budget. This Administration has not only watered down important rules protecting public health (I’ve see this happen firsthand with the PM 2.5 implementation rule), they have also altered internal procedures so that scientific findings are accorded less weight. For example, the staff paper used previously in setting the NAAQS review has been eliminated.”
- “Get the OMB out of the business of reviewing science—they do not have adequate staff or adequately skilled staff to provide a scientific review of everything EPA does.”
- “The role of OMB in terms of policy review and coordination is a problem. Economists, or whatever they are, ‘playing’ scientist and/or engineer is troublesome and a real annoyance. They lack the basic credentials to make scientific or engineering judgments.”
- “Eliminate OMB and CEQ interference in EPA science, prevent political appointees from inserting themselves into controversial science issues.”
- “Get OMB and their inexperienced staff out of the review and decision-making process. They create time delays and have inappropriately stopped agency work that has been in progress for years due to their lack of scientific understanding.”
- “When I was first at EPA (1988), we did good work but it was sometimes ignored. That was frustrating, but at least the work was there. Now it seems like they want the scientific work to match the preordained conclusions. In case you are wondering, I think peer review is a good thing—I’ve seen people too invested in their beliefs to see what their data are really saying. But OMB, with John Graham at the helm, seemed intent on rendering EPA and every other regulatory agency (Food and Drug Administration, Occupational Safety and Health Administration, Mine Safety, Consumer Product Safety Commission...) utterly powerless with its ‘information quality guidelines.’ And although the administration chose Steve Johnson (a career scientist) as EPA administrator, it sent Graham henchman Marcus Peacock over to keep a close eye on EPA as deputy administrator.”

[The White House Office of Management and Budget] and the White House have, in some cases, compromised the integrity of EPA rules and policies; their influence, largely hidden from the public and driven by industry lobbying, has decreased the stringency of proposed regulations for non-scientific, political reasons. Because the real reasons can’t be stated, the regulations contain a scientific rationale with little or no merit.

A scientist from an EPA regional office

- “OMB and the White House have, in some cases, compromised the integrity of EPA rules and policies; their influence, largely hidden from the public and driven by industry lobbying, has decreased the stringency of proposed regulations for nonscientific, political reasons. Because the real reasons can’t be stated, the regulations contain a scientific rationale with little or no merit.”
- “Get OMB out of the risk assessment business. They aren’t qualified and do their best to compromise EPA’s process and drag out actions based on EPA’s determinations. Demanding that things be referred to [the National Academies], which inevitably slides any decision out 3–4 years, is one of OMB’s favorites.”

Lessening EPA Independence

- “Currently, OMB is allowed to force or make changes as they want, and rules are held hostage until this happens. OMB’s power needs to be checked as time after time they weaken rulemakings and policy decisions to favor industry.”
- “Stop allowing political employees and OMB to ‘regulate’ what EPA scientists do. Just let EPA scientists do their job; we are well qualified and can be trusted.”
- “In this administration, self-censorship is almost as powerful as political censorship. Options that OMB or the White House wouldn’t like aren’t even put forward.”
- “The current administrator is a puppet operated by CEQ and OMB.”

Transparency

- “Reduce the power of OMB over EPA scientific products. All communications between EPA and OMB during the development of agency technical products and actions should be preserved for the public record. Stakeholders should demand an end to ‘paralysis by analysis’ strategies to prevent EPA from doing its job. In particular, implementation of OMB’s risk assessment guidelines would be disastrous.”
- “Require more transparency regarding involvement of OMB, CEQ, and other federal agencies when they comment [or] pressure EPA to make revisions in proposed and final actions.”
- “Over the last few years it has come to pass that OMB typically provides nonsensical political edits to every technical guidance coming out. (Not just the ones we hear about in the news, but ALL of them.) This is often done behind closed doors—after the document leaves the control of technical staff, OMB/ White House request EPA management to make their requested political changes as EPA technical edits, before officially submitting to OMB for review.”
- “Integrity of scientific work is high. OMB has been ‘granted’ authority beyond what I understand has been traditional to impact final decisions. It is not clear who, how, or what initiated this change or increase in power, but it is absurd. A nonscientific body that does not have legal deference is forcing final decisions that may not be palatable to staff, and even political officials at EPA. Watch out for this on the upcoming ozone NAAQS decision. Solution: OMB must not step beyond its authority, and return to traditional review of regulations.”
- “Reduce influence of White House and OMB in decision making. Recognize [that] costs of new regulations are easy to estimate, while costs of improvements in health and the environment are much more difficult.”
- “Limit OMB review of, and influence on, content of scientific/engineering data and information (e.g., in rulemaking and guidance development). 2.) Require more transparency in OMB review process. 3.) If we are going to have to justify all environmental policy/regulations/guidance through cost-benefit, allow us to develop methodologies to quantify nonuse and ecological benefits.”
- “Control the power of OMB to a reasonable level—OMB does more to waste time and taxpayer dollars than any other organization in the government.”