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## Fostering Quality Science in the EPA: The Need for Common Sense Reform

### *Witnesses*

#### **Paul Anastas**

Assistant Administrator, Office of Research and Development, Environmental Protection Agency

#### **David Trimble**

Director, Natural Resources and Environment, Government Accountability Office

#### **Arthur Elkins, Jr.**

Inspector General, Environmental Protection Agency

### *Committee Members Present*

Andy Harris, Chair (R-MD)

Brad Miller, Ranking Member (D-NC)

Paul Tonko (D-NY)

Roscoe Bartlett (R-MD)

Dana Rohrabacher (R-CA)

Jerry McNerney (D-CA)

Ralph Hall (R-TX)

On November 17, 2011, the House Committee on Science, Space and Technology Subcommittee on Energy and Environment held a hearing to discuss ways to foster quality scientific research in the Environmental Protection Agency (EPA). Ranking Member Brad Miller (D-NC) requested that the Government Accountability Office (GAO) examine EPA's internal scientific processes and make recommendations for improvement. GAO published their report in July 2011. This hearing called upon witnesses to testify on the reforms EPA has made since the report was released and the ways in which EPA can improve the quality of its scientific policies and processes.

Chairman Andy Harris (R-MD) opened the hearing with some background on the Environmental Research, Development and Demonstration Authorization Act (ERDA, P.L. 95-155), which is currently the only statute dedicated to maintaining quality science in the EPA. This act, which established the Office of Research and Development (ORD) within EPA, has not been reauthorized since 1981. Harris told the committee about a number of concerns he has with EPA's data quality, peer review, and lack of transparency, all of which, in his opinion, undermine the credibility of the agency's efforts.

Paul Tonko (D-NY) provided an opening statement in Ranking Member Brad Miller's place, as Miller arrived late to the hearing due to a scheduling conflict. Tonko chided his Republican counterparts for regarding EPA as a "demonic" agency and disapproved of their assertion that these scientific integrity issues within the agency "appeared" during the current administration, as they have been present since before President Obama took office. Though the scientific reforms recommended by GAO will take time, he asserted, it will ultimately lead to better research within EPA. Tonko also requested that Chairman Harris submit to the record the letter and testimony of Dr. Marsha Morgan, a research scientist at EPA, who was not able to testify in person. The chairman submitted the documents as a letter and attachment to the record, since in his eyes a testimony "must be able to be questioned."

Paul Anastas, from the ORD within EPA, told the committee that his agency works closely with its external advisory board and seeks input from the scientific community and the public "every step of the way." He emphasized EPA's collaborative research plans that bridge the gaps between the headquarters and EPA's regional laboratories. "We take GAO's recommendations very seriously," he stated, as his organization is committed to strong science. Arthur Elkins, Inspector General of EPA, reminded the committee that EPA's National Center for Environmental Assessment (NCEA) was reviewed in 2009 by the Office of Inspector General (OIG) and they found NCEA's peer-review panels to be "inadequate." Additionally, OIG suggested that ORD should improve how it evaluates the "effectiveness of its policies and procedures for scientific integrity and research misconduct." After taking a survey of the 1,300 employees within ORD, OIG discovered that two-thirds of the department were unaware of EPA's federal policy on research misconduct, while one-third was unaware of the agency's Principles of Scientific Integrity. David Trimble of GAO read his testimony that detailed the findings from the report released earlier that summer. According to the GAO study, EPA independently runs its thirty-seven regional laboratories, yet the agency did not "collaborate between facilities" or across program boundaries. Trimble added that EPA lacks a "top science official," property management of its labs, and a comprehensive workload

analysis, which he deemed “essential” given the agency’s tight resources. He concluded saying EPA has addressed some issues but “has not fully addressed the findings and recommendations of five independent evaluations over the past 20 years.”

During the question and answer period, Chairman Harris asked Anastas why EPA plans to collect data “retrospectively” for its hydraulic fracturing study. Anastas replied that the study incorporates both types of data; the retrospective data will be collected at sites that have already been contaminated. Harris questioned the usefulness of such data, believing it will not provide information on the source of contamination. After reminding the committee that there have been “no incidents of contamination from hydrofracking,” both Harris and Roscoe Bartlett (R-MD) asked Anastas why EPA has taken on the study, when it can be focusing its funds to other pertinent issues. Anastas responded, “You can’t find what you’re not looking for,” and told the congressmen it is EPA’s duty to perform a study if “real concerns are out there.”

Ranking Member Miller asked Elkins for the positives and drawbacks of EPA’s peer-review process. While the procedures in the EPA’s peer-review process handbook did not sufficiently address policy issues, Elkins said it is “adequate today” after OIG made their recommendations. When asked if there was any reason to question EPA’s scientific results after completing the GAO study, Trimble responded, “We did not go into that.” Dana Rohrabacher also asked similar questions about the Inspector General’s recommendations for EPA’s peer-review process.

Tonko requested an explanation for how EPA’s six areas of research align with its regional offices. Anastas told the congressman that EPA does not “look at fragmented programs,” rather its offices work together “over cross-cutting areas.” He praised the agency’s many improvements since the OIG recommendations were submitted, and said he could think of no remaining impediments to quality scientific collection and collaboration left within the agency.

Jerry McNerney (D-CA) asked Elkins if there are statutory impediments within EPA that are stopping changes from happening. “Generally speaking,” Elkins said, ORD has been responsive to the OIG recommendations, but he “has not dealt into” statutory limitations within the agency. Trimble agreed, but reiterated the need for a top science official and a “structured scientific coordinating body” within EPA. In his words, the lack of a top scientific official is a “formula for weak scientific data.” McNerney inquired about the parts of EPA that have “suffered” due to its “deficiencies.” Trimble mentioned that the lack of a workload estimation has caused human resources issues, and data quality and reliability have also been impacted.

Ralph Hall (R-TX) asked Anastas if the hydraulic fracturing study plans were reviewed before EPA began data collection. Anastas said they were reviewed beforehand. In response to Hall’s request, Anastas assured the congressman that the decision to release the report in 2012 was not politically driven.

The opening statement, witness testimonies, hearing charter, hearing webcast, and witness truth in testimonies can be found at the committee web site.

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