



H.R. 1431 – EPA Science Advisory Board Reform Act of 2017 (Rep. Lucas, R-OK)

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FLOOR SCHEDULE:

Expected to be considered on March 29, 2017, under a closed [rule](#).

TOPLINE SUMMARY:

[H.R. 1431](#) would reform the Environmental Protection Agency’s (EPA) Science Advisory Board in an effort to bring diversity to its membership, encourage additional public participation, and provide balance to the advisory process.

COST:

The Congressional Budget Office (CBO) “[estimates](#) that implementing the bill would cost less than \$500,000 annually for personnel and administrative expenses. Such spending would be subject to the availability of appropriated funds.”

CONSERVATIVE CONCERNS:

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1431 would require the EPA Administrator to select at minimum nine members to serve on the Science Advisory Board, with one designated chairman, so that the points of view represented are fairly balanced and that at least ten percent of board members are from state, local, and tribal governments. Individuals affiliated with entities with an interest in the board’s activities are not excluded from membership as long as those interests: (1) are disclosed; and, (2) those members are barred from participating in an activity that they have an interest in or from reviewing their own work, unless fully disclosed to the public and the work has been externally peer-reviewed. Registered federal lobbyists would be prohibited from serving on the board. Board members would not be permitted to have current grants or contracts from EPA and would be prohibited from applying for a grant or contract for 3 years following service on the board.

Board members would be designated as [Special Government Employees](#). This designation allows individuals to perform governmental duties on a temporary basis without having to “forego their private professional lives.”

Nominations for board members would be made public, as well as the entities that nominated them. The EPA would solicit public comments on the nominees in the Federal Register. Nominees would be required to file a publicly available report regarding potential conflicts of interest, including financial relationships.

H.R. 1431 would add “risk or hazard assessments” to the proposals the EPA is required to provide to the board for comment and advice, and would also require the EPA and the board to make all reports and scientific information public at the same time they are provided to the board. The bill would require additional public interaction with the board, including public information gathering sessions, soliciting public comments, and requiring written responses to significant public comments.

The [EPA Science Advisory Board](#) was established by the Environmental Research, Development, and Demonstration Authorization Act of 1978. The [mission of the board](#) is to “review the quality and relevance of the scientific and technical information being used by the EPA or proposed as the basis for Agency regulations; review EPA research programs and plans; provide science advice as requested by the EPA Administrator, and advise the agency on broad scientific matters.” According to the committee [report](#), currently the Board has 47 members, which are appointed by the administrator, though this number fluctuates.

According to testimony before the House Committee on Science, Space, and Technology on March 13, 2013, the large majority of members are affiliated with academic institutions, while private industry is underrepresented. The only state governments represented is California’s environmental protection agency and the Texas Water Development Board, while local and tribal governments do not have any representation. Members also represent radical left-wing groups such as the ClimateWorks Foundation and the Environmental Defense Fund.

A similar [bill](#) was introduced in the House in the 114th Congress and passed by the recorded vote (236- 181). The RSC’s legislative bulletin for H.R. 1029 can be found [here](#).

COMMITTEE ACTION:

H.R. 1431 was introduced on March 8, 2017 and was referred to the House Committee on Science, Space and Technology.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not yet available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18: The Congress shall have power to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Power vested by this Constitution in the Government of the United States, or in any Department of Officer thereof.”

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