

ATTACHMENT C: Eligibility for Membership in the Independent Particulate Matter Review Panel

The criteria for membership on the IPMRP are that any member of the CASAC PM Review Panel from any time during the CASAC PM Review Panel existence from 2015 until being disbanded on October 10, 2018, and any member of the chartered CASAC from any time during the CASAC PM Review Panel's existence, is eligible, with the exception of any such persons currently serving as members of the chartered CASAC. All of the members of the IPMRP were originally appointed by EPA as Special Government Employees (SGEs) and were subject to disclosure requirements and ethics review. Members of the IPMRP have submitted updates of these disclosures for review by a former EPA Deputy Ethics official in a good faith effort to meet or exceed peer review process and ethics requirements.

On October 31, 2017, EPA Administrator Scott Pruitt signed a memorandum that changed membership criteria for EPA advisory committees.¹ The memorandum states that "no member of an EPA federal advisory committee currently receive EPA grants," but that this "principle should not apply to state, tribal, or local government agency recipients of EPA grants." This is inconsistent with the Federal Advisory Committee Act and inappropriate for four reasons. One is the obvious inconsistency of implying that receiving a grant creates a conflict of interest for one but not another class of persons. The second is the longstanding recognition that receipt of a peer-reviewed scientific research grant, for which the Agency does not manage the work nor control the output, is not a conflict of interest. Per the Office of Management and Budget (OMB): "When an agency awards grants through a competitive process that includes peer review, the agency's potential to influence the scientist's research is limited. As such, when a scientist is awarded a government research grant through an investigator-initiated, peer-reviewed competition, there generally should be no question as to that scientist's ability to offer independent scientific advice to the agency on other projects."² A 2013 report by the EPA Office of Inspector General reaffirmed that receipt of an EPA research grant is not a conflict of interest.³ However, there can be situations in which a member of an advisory committee should recuse themselves from discussions that might pertain to their own work. Thus, third, the CASAC has had recusal policies in place for dealing with this issue and situations in which a member's work may come up for deliberation. Fourth, the memorandum does not acknowledge that persons with financial or professional ties to regulated industries have, at the very least, the appearance of conflict of interest. With respect to members who currently hold or have recently held EPA STAR research grants, we reject Administrator Pruitt's restrictions.

¹ Pruitt, E.S., "Strengthening and Improving Membership on EPA Federal Advisory Committees," Memorandum, U.S. Environmental Protection Agency, October 31, 2017. <https://www.epa.gov/sites/production/files/2018-05/documents/image2018-05-09-173219.pdf>.

² Office of Management and Budget, "Final Information Quality Bulletin for Peer Review," *Federal Register*, 70(10):2664-2677 (January 14, 2005) . <https://www.govinfo.gov/content/pkg/FR-2005-01-14/pdf/05-769.pdf>

³ EPA, "EPA Can Better Document Resolution of Ethics and Partiality Concerns in Managing Clean Air Federal Advisory Committees," Report No. 13-P-0387, Office of Inspector General, U.S. Environmental Protection Agency, Washington, DC, September 11, 2013. <https://www.epa.gov/sites/production/files/2015-09/documents/20130911-13-p-0387.pdf>