

Interference at the EPA: Science and Politics at the U.S. Environmental Protection Agency

Air Pollution

Nearly half of the U.S. population lives in areas that have unhealthful levels of air pollution. An investigation by the Union of Concerned Scientists revealed that the EPA, the agency responsible for keeping our air clean, is in crisis. Based on information gathered from nearly 1,600 EPA scientists, UCS has found that hundreds of scientists report political interference in their work, significant barriers to free communication of scientific results, and concerns about the agency's effectiveness.



Widespread Interference at EPA

- **889** scientists personally experienced at least one type of political interference during the past five years.
- **507** scientists knew of “many or some” cases in which “commercial interests have inappropriately induced the reversal or withdrawal of EPA scientific conclusions or decisions through political intervention.”
- **719** scientists felt that EPA’s determinations occasionally, seldom, or never make use of the best judgment of its scientific staff.

Regulating Mercury Emission from Power Plants

On March 15, 2005, the EPA issued its final rule regulating mercury emissions from coal-fired power plants. Mercury is a neurotoxin that can cause brain damage and harm reproduction in women and wildlife. The new EPA rule, Clean Air Mercury Rule (CAMR), was heavily influenced by the White House and exempted power plants from the stricter Clean Air Act rules governing hazardous air.

An investigation by the EPA’s Office of the Inspector General later found that EPA scientists were pressured to change their analyses and findings to agree with a pre-determined value for a national cap on mercury emissions. In addition, whole sections of text in CAMR were lifted verbatim from utility industry memos. In February 2008, a federal appeals court ruled that CAMR violated the Clean Air Act.

In the words of Bruce Buckheit, a retired director of EPA's Air Enforcement Division, “The new mercury rules were hatched at the White House; the Environmental Protection Agency's experts were simply not consulted at all.”

Currently, [the White House Office of Management and Budget] is allowed to force or make changes as they want, and [EPA actions] 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.

-A scientist from the Office of Air and Radiation, replying to the UCS survey

Weakening Air Quality Protections

The National Ambient Air Quality Standards (NAAQS) are health-based standards required by the Clean Air Act to be based solely on the “latest scientific knowledge.” However, recent NAAQS reviews have been plagued by political interference, and new EPA policies seek to further marginalize science from our air quality regulations.

Particulate Matter – The EPA’s Clean Air Scientific Advisory Committee (CASAC) recommended in 2005 that fine particulate matter standards be significantly tightened in order to protect people from associated strokes, heart disease, respiratory ailments, and premature death. EPA Administrator Stephen Johnson ignored CASAC’s recommendations and refused to tighten the standard, becoming the first administrator to disregard the panel’s advice in its almost 30 year history. Furthermore, CASAC members protested that the EPA “twisted” and “misrepresented” their conclusions to support Johnson’s decision, and an EPA scientist claimed that “the EPA had incorporated ‘last minute opinions and edits’ by the White House Office of Management and Budget (OMB)” which closely resembled letters written by trade associations.

Ozone – CASAC recommended in 2006 that the ozone NAAQS be lowered in order to reduce a variety of respiratory health problems which can lead to premature death. Administrator Johnson again overruled CASAC and set a weaker primary standard than they recommended. In addition, President Bush personally intervened to prevent the EPA from adopting a strong secondary standard, intended to protect long-term public welfare.

Lead – The lead air quality review is still underway as of April 2008. CASAC has suggested significantly tightening lead protections, but the EPA has considered not regulating this cumulative neurotoxin.

Removing Science from the Clean Air Act

In addition to the political interference with individual air pollutants, EPA policies are sidelining science from setting health-based air quality standards.

- A policy announced in 2006 replaces the NAAQS review document produced by EPA staff scientists with a policy document which “reflects the agency’s views.” CASAC is removed from their traditional advisory role and can only comment in the public record after the proposed rule has been published. These changes mirror recent recommendations by the American Petroleum Institute.
- In 2008, Administrator Johnson called for amending the Clean Air Act to allow for the consideration of economic costs, instead of solely scientific health concerns, when setting air quality standards.

UCS found that among scientists at the Office of Air Quality Planning and Standards (OAQPS, which works closely with the Clean Air Scientific Advisory Committee to set the NAAQS), half (29 scientists or 50 percent) felt that advisory committee advice was only heeded occasionally or less often.



This summary was prepared by the Union of Concerned Scientists based on *Interference at EPA: Science and Politics at the U.S. Environmental Protection Agency* (UCS, 2008).

For more information or to download a copy of the report, visit www.ucsusa.org/EPAscience/ or contact us at rsi@ucsusa.org.

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