

September 15, 2017

Mr. Aaron Yeow  
Designated Federal Officer, Clean Air Scientific Advisory Committee  
USEPA Headquarters  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1400R  
Washington, DC 20460  
Via Email: yeow.aaron@epa.gov

*Re: Invitation for Public Comment on the List of Candidates For EPA's Clean Air Scientific Advisory Committee (CASAC)*

Dear Mr. Yeow:

The Northeast States for Coordinated Air Use Management (NESCAUM)<sup>1</sup> offer the following comments on the U.S. Environmental Protection Agency's (EPA's) List of Candidates for 2017 CASAC Annual Membership, posted August 28, 2017 on EPA's web site.<sup>2</sup> CASAC plays an important role under the Clean Air Act in providing expert advice to EPA that includes reviewing EPA's air quality criteria and national ambient air quality standards developed under Clean Air Act (CAA) sections 108 and 109, as well as providing EPA with other related scientific and technical advice.<sup>3</sup>

On June 27, 2017, EPA's Science Advisory Board (SAB) issued a "Request for Nominations of Candidates to the EPA's Clean Air Scientific Advisory Committee (CASAC)" (Federal Register Vol. 82, pp. 29077-29079). This request specifically asked for "nominations of experts to serve on the CASAC who are physicians and members of the National Academy of Sciences (NAS) with expertise in the health effects of air pollution." This is consistent with the requirements of CAA section 109(d), which specifies that the CASAC is composed of seven members, with at least one member of the NAS, one physician, and one person representing state air pollution control agencies. The three-year term of the current chair of the CASAC, Dr. Ana Diez-Roux (a

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<sup>1</sup> NESCAUM is a coalition of state air agencies formed in 1967 by the New England state governors to promote regional cooperation and action in support of effective programs to reduce the adverse public health and environmental impacts of air pollution. NESCAUM's members are the state air agencies of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

<sup>2</sup> U.S. EPA, *2017 Nominations for Membership on the Clean Air Scientific Advisory Committee (CASAC)*, <https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsRequestsforCommentsCASAC/E8193346C2CB51998525814B00705769?OpenDocument&TableRow=2.1#2> (accessed September 7, 2017).

<sup>3</sup> United States Environmental Protection Agency Charter, Clean Air Scientific Advisory Committee, filed with Congress June 5, 2017. Available at [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/2017casaccharter/\\$File/CASAC%202017%20Renewal%20Charter%20Filed%206-5-17.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/2017casaccharter/$File/CASAC%202017%20Renewal%20Charter%20Filed%206-5-17.pdf) (accessed September 5, 2017).

physician and also a member of the NAS – she fills two CAA requirements), is ending September 30, 2017, and this request for nominations is consistent with filling her position on the CASAC. According to the Federal Advisory Committee Act (FACA) database,<sup>4</sup> there are no other current CASAC members whose three-year terms are expiring this year.

There are 43 names on the August 28, 2017 list of candidates for the CASAC, but only 9 appear to meet the basic criteria required by the CAA in the Federal Register announcement. It is our understanding that the typical agency process is to post a “short-list” (a sub-set) of nominations received for public comment that reflects the specific requirements of the CASAC position to be filled, as well as a candidate’s willingness to serve. In this case, we are concerned that the agency is proposing for consideration “all comers,” including those that do not meet the specific criteria given in the Federal Register notice, *i.e.*, “physicians and members of the National Academy of Sciences (NAS) with expertise in the health effects of air pollution.” Inviting public comment on nominees not meeting the basic criteria creates confusion in trying to provide informed commentary on what qualifications actually matter if not the stated ones in the Federal Register. Furthermore, if the EPA Administrator appoints a CASAC member that does not meet the basic criteria as announced publicly in the Federal Register notice, then the CASAC nomination process becomes arbitrary and deeply flawed.

It is important that the CASAC nomination process be fully transparent and align with the announced requirements. Final nominees for consideration must meet these basic requirements at a minimum, while having the necessary expertise to perform the role CASAC has in providing informed scientific advice to EPA. This is particularly important considering CASAC’s engagement in the upcoming review of the fine particulate (PM2.5) national ambient air quality standards, which have important public health implications.

We encourage the agency to appoint a CASAC member that has the required qualifications and relevant expertise consistent with the request for nominations. This would maintain confidence that CASAC will retain the ability to fulfill its important role under the CAA.

Sincerely,



Arthur N. Marin  
Executive Director

cc: NESCAUM Directors  
Dr. Christopher Zarba, EPA SAB director

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<sup>4</sup> <https://www.facadatabase.gov/committee/members.aspx?cid=634> (accessed September 7, 2017).