

Oral Statement for the Chartered Clean Air Scientific Advisory Committee (CASAC) and
CASAC Particulate Matter (PM) Review Panel Public Meeting

*Daren Bakst
February 25, 2022*

Thank you for this opportunity to provide comments.¹

My name is Daren Bakst and I'm a Senior Research Fellow at The Heritage Foundation. The views I express are my own and shouldn't be construed as representing any official position of The Heritage Foundation.

Today, I would like to focus on process and scientific integrity.

In December 2020, the EPA decided to retain the existing PM standards. This is only about a year ago.

While the EPA Administrator did not have to follow CASAC's recommendations, he in fact did so in making the decisions.

CASAC was also very clear on major points. For example, CASAC members supporting the retention of the annual standard rightfully pointed out that "associations reported in epidemiologic studies are not necessarily indicative of causal relationships and such associations 'can reasonably be explained in light of uncontrolled confounding and other potential sources of error and bias.'" They also point out "in accountability studies, 'reductions of PM2.5 concentrations have not clearly reduced mortality risks, especially when confounding was tightly controlled.'"²

Also, from EPA's own data, from 2000-2020, PM2.5 concentration levels have decreased by 41 percent.³

So why are we even here? Why are the standards being addressed again even though Congress required the EPA to review and if appropriate revise the standards every five years?

It is problematic on its face to review standards immediately after the EPA already decided to retain them.

The Draft Policy Assessment itself states what precipitated this new review:

"On January 20, 2021, President Biden issued an "Executive Order on Protecting Public Health

¹ These comments were drafted to be presented orally.

² See Proposed Rule and CASAC's letter to the EPA Administrator regarding the draft PA, December 16, 2019, [https://yosemite.epa.gov/sab/sabproduct.nsf/0/E2F6C71737201612852584D20069DFB1/\\$File/EPA-CASAC-20-001.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/0/E2F6C71737201612852584D20069DFB1/$File/EPA-CASAC-20-001.pdf) (accessed June 29, 2020).

³ See EPA web page "Particulate Matter (PM2.5) Trends," <https://www.epa.gov/air-trends/particulate-matter-pm25-trends> (accessed February 28, 2022)

and the Environment and Restoring Science to Tackle the Climate Crisis which directed review of certain agency actions.”⁴

We appear to be here today because on his first day in office, President Biden issued this executive order and included the decision to retain the PM standards as one of the agency actions to review, as opposed to being here for genuinely new and compelling scientific reasons that require the unusual step of acting before Congress wanted.

--

In 2009, President Obama issued a memorandum on scientific integrity, arguing that the public must be able to trust the science and the scientific process used by agencies.⁵

He was absolutely right. Unfortunately, this current process undermines that trust.

And this trust story only gets worse.

Less than a year ago, EPA Administrator Michael Regan dismissed all of the advisers from two legally required panels: the Science Advisory Board and CASAC.⁶

This shocking move, made before the EPA’s decision to review the standards, certainly gives the impression, right or wrong, that the Administrator wants to hear only from those who will support President Joe Biden’s agenda.

John Graham, who had led the EPA’s disbanded Science Advisory Board, stated after this purge: “Now for the first time in the agency’s 50-year history, we have an administrator interested in scientific advice only from those scientists he has personally appointed.”⁷

This action alone undermines anything coming from this newly formed CASAC. And I recognize that may not be fair to this CASAC, but this is the reality and why such a purge never should have taken place.

So what should be done?

There is no reason for CASAC to be reviewing the standards at this time.

⁴ See EPA web page “Public Meeting of the Chartered CASAC and the CASAC PM Panel,” and access “Policy Assessment for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (External Review Draft - October 2021) (PDF),”

https://casac.epa.gov/ords/sab/f?p=113:19:22380851460992:::RP,19:P19_ID:966#doc (accessed February 28, 2022)

⁵ Executive Office of the President, “Presidential Memoranda: Memorandum for the Heads of Executive Departments and Agencies 3-9-09,” Federal Register, Vol. 74, No. 46 (March 11, 2009), p. 10671,

<https://www.federalregister.gov/documents/2009/03/11/E9-5443/scientific-integrity> (accessed February 28, 2022).

⁶ Daren Bakst, “Congress Needs to Undo EPA’s ‘Science Massacre,’” Heritage Foundation Commentary, May 20, 2021, <https://www.heritage.org/agriculture/commentary/congress-needs-undo-epas-science-massacre> (accessed February 28, 2022)

⁷ Lisa Friedman, “The E.P.A. administration purges its scientific advisory boards, which included many Trump appointees.” The New York Times, <https://www.nytimes.com/2021/03/31/us/epa-advisory-boards-trump.html> (accessed February 28, 2022)

This newly formed CASAC may very well come up with different conclusions than the past CASAC, but the impression is: that was the entire point of this exercise.

I would strongly urge the EPA to stop the process and revisit the standards consistent with the five-year schedule as required by Congress.

Thank you.