



SCIENCE ADVISORY BOARD

A Federal Advisory Committee to the U.S. Environmental Protection Agency

February 13, 2023

EPA-SAB-23-004

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: Science Advisory Board (SAB) Consideration of Six Planned
Regulatory Actions Listed on EPA's 2022 Spring Regulatory Agenda
and Discussed During the Chartered SAB Meeting on January 20,
2023

Dear Administrator Regan,

The Environmental Protection Agency's (EPA) Science Advisory Board (SAB) met on January 20, 2023, to review the adequacy of the scientific and technical basis of six EPA planned regulatory actions made available by the Agency as required by statute. The SAB decided that a commentary is warranted on the science supporting one of EPA's planned actions, *Volume Requirements for 2023 and Beyond Under the Renewable Fuel Standard Program* (RIN 2060-AV14). The SAB found that five of EPA's planned actions do not merit further review by the SAB.

The Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) requires the EPA to make available to the SAB proposed criteria documents, standards, limitations, and relevant supporting scientific and technical information when provided to any other federal agency for formal review and comment. The SAB may, within the time specified by the Administrator, make available advice and comments on the adequacy of the scientific and technical basis of the proposed actions. To fulfill ERDDAA requirements, the Associate Administrator for the Office of Policy, the Deputy Assistant Administrator for Science Policy in the Office of Research and Development, and the Director of the Science Advisory Board Staff Office on February 28, 2022, clarified the process for Review of Science Supporting EPA Decisions. Under this process, the SAB Work Group for the Review of Science Supporting EPA Decisions holds monthly meetings to examine planned actions sent to the SAB Office.

On October 27 and December 12, 2022, the SAB Work Group for the Review of Science Supporting EPA Decisions met to review planned actions listed on EPA's 2022 Spring Regulatory Agenda and consider whether the science supporting these actions should be reviewed by the SAB. The EPA provided additional information on some of these rules. The Work Group

recommended that the SAB develop a commentary on the science supporting one planned action and found that five EPA planned actions do not merit SAB review.¹

The Chartered SAB met on January 20, 2023, and discussed the Work Group recommendations. The Chartered SAB agreed that the SAB should develop a commentary on the science supporting the proposed rule titled *Volume Requirements for 2023 and Beyond Under the Renewable Fuel Standard Program*. A summary of the SAB finding regarding this action is provided in Attachment A. The SAB also agreed that the following five planned EPA actions do not merit further review by the SAB. A summary of the SAB findings regarding these actions is provided in Attachment B.

- 1) Per- and polyfluoroalkyl Substances (PFAS): National Primary Drinking Water Regulation Rulemaking (RIN 2040-AG18)
- 2) National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and Other Certain Equipment Leak Processes (RIN 2060-AV71)
- 3) PFAS-Related Designations as CERCLA Hazardous Substances (RIN 2050-AH25)
- 4) Regulation of Methylene Chloride under Section 6(a) of the Toxic Substances Control Act (TSCA) (RIN 2070-AK70)
- 5) Request From States for Removal of Gasoline Volatility Waiver (RIN 2060-AV73)

On behalf of the SAB, thank you for this opportunity to support the EPA through consideration of the science supporting EPA's regulatory actions.

Sincerely,

/s/

Alison C. Cullen, Sc.D.
Chair, EPA Science Advisory Board

Attachments

¹ Recommendations of the SAB Work Group for Review of Science Supporting EPA Decisions Regarding Planned EPA Regulatory Actions [Memorandum], January 5, 2023. Available at: https://sab.epa.gov/ords/sab/f?p=114:19:11289914035436:::RP,19:P19_ID:982#materials

NOTICE

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Attachment A. Proposed Action that Merits SAB Commentary

Volume Requirements for 2023 and Beyond Under the Renewable Fuel Standard Program (RIN 2060-AV14)

Under section 211(o) of the Clean Air Act, the Environmental Protection Agency (EPA) is required to determine applicable volume requirements for the Renewable Fuel Standard (RFS) for years after those specified in the statute. This action ([87 FR 80582](#)) proposes the applicable volumes and percentage standards for 2023 through 2025 for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. Several other regulatory changes in the program are also proposed.

The SAB Work Group for Review of Science Supporting EPA Decisions received a briefing from EPA's Office of Air and Radiation on this proposed action on December 12, 2022, and also reviewed additional information. The Work Group noted that development of requirements for renewable fuel standards is a complex and important issue and recommended that the Chartered SAB develop a commentary on the proposed rule. During the Chartered SAB meeting on January 20, 2023, the SAB agreed with the work group recommendation.

Attachment B. Summary of Proposed EPA Actions that Do Not Merit SAB Review

RIN	Proposed Action Title	SAB Determination
RIN 2040-AG18	Per- and polyfluoroalkyl Substances (PFAS): National Primary Drinking Water Regulation Rulemaking	This planned action does not warrant further review because the SAB has conducted a scientific peer review of key analyses supporting the rule. ²
RIN 2060-AV71	National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and Other Certain Equipment Leak Processes	This planned action does not warrant further review by the SAB because the action does not involve new scientific approaches that require peer review.
RIN 2050-AH25	PFAS-Related Designations as CERCLA Hazardous Substances	This planned action does not warrant further review by the SAB because the SAB has conducted a scientific peer review of key analyses supporting assessment of the toxicity of per- and polyfluoroalkyl substances and no new scientific work was initiated as part of the action.
RIN 2070-AK70	Regulation of Methylene Chloride under Section 6(a) of the Toxic Substances Control Act (TSCA)	This planned action does not warrant further review by the SAB because scientific peer reviews were recently completed by the EPA Science Advisory Committee on Chemicals (SACC).
RIN 2060-AV73	Request From States for Removal of Gasoline Volatility Waiver	This planned action does not warrant further review by the SAB because the action is mainly procedural and related to compliance deadlines and timelines.

² The SAB finds that this planned action does not warrant further review because the SAB has conducted a scientific peer review of key analyses supporting the rule. However, the SAB notes that the Agency's charge to the SAB for review of the science supporting this rule was somewhat narrow. In future reviews of EPA work products supporting Agency regulatory actions, the scope of the charge questions should be carefully considered.