

Serving on the EPA Science Advisory Board

A Handbook for Members and Consultants

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INTRODUCTION

Thank you for agreeing to serve on an EPA federal advisory committee or panel. Your service helps to ensure that agency decisions are based on the best and most current science. In the words of the Federal Advisory Committee Act (FACA), independent panels of experts provide invaluable service by “furnishing expert advice, ideas, and diverse opinions to the Federal Government.”¹

The SAB Staff Office provides administrative and technical support to three scientific advisory committees: the EPA Science Advisory Board (SAB), the Clean Air Scientific Advisory Committee (CASAC), and the Advisory Council on Clean Air Compliance Analysis (Council). Each of these advisory bodies operates under its own charter, reports independently to the EPA Administrator and is subject to the requirements of the FACA.

Although this booklet focuses on the SAB, many of the processes and procedures described also are relevant to advisors serving on the CASAC, the Council, and their panels.

COMMITTEE STRUCTURE

The chartered SAB often conducts its work using a subgroup or standing committee, perhaps augmented with additional experts, or a panel composed of SAB members and additional invited experts or consultants. All such groups report to the chartered SAB. Authority to approve and transmit advice to the EPA Administrator lies solely with the chartered SAB.

Committee Websites

The SAB Staff Office maintains public websites to share information presented to or prepared for and by committees and panels. Materials are organized by advisory topic and meeting. The sites also include charters and authorizing legislation, calendars of meetings, final reports and agency responses, a search function, and special pages for nomination of panel experts.

- Science Advisory Board: www.epa.gov/sab
- Clean Air Scientific Advisory Committee: www.epa.gov/casac
- Advisory Council on Clean Air Compliance Analysis: www.epa.gov/advisorycouncilcaa

ETHICS REQUIREMENTS

Your participation on an advisory committee is a public service to the agency and the country. To protect the integrity of the committee’s advice, members and consultants are subject to certain conflict of interest and ethics rules.

Before beginning your service, and annually thereafter for the duration of your appointment, you must complete a confidential financial disclosure form.² This form provides information that allows the SAB Staff Office to determine if your participation in an advisory activity would present a conflict of interest or might raise an

¹ 5 USC App. 2 section 2(a).

² Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674 (as modified by Executive Order 12731), and 5 CFR Part 2634, Subpart I

appearance of a lack of impartiality. If you serve as a Special Government Employee (SGE), you submit the EPA Form 3110-48 to the SAB Ethics Advisor. If you are a regular government employee who has been invited to participate as a federal expert, you submit the OGE-450 or SF-278 form.

Before you participate in an advisory activity for the first time, you also must take on-line ethics training that explains the ethics rules and how they apply to you. This training must be taken annually³ for the duration of your service. (Forms and instructions are provided on the SAB website, at [Ethics Requirements for Advisors.](#))

STAFF SUPPORT

The SAB Staff Office provides administrative and technical support to the chartered committees and their subgroups and panels. The SAB Staff Office, housed within the EPA Office of the Administrator, consists of approximately 20 full-time employees, including technical staff who serve as Designated Federal Officers for the committees and panels, and management and administrative staff who provide ethics, records management, travel, timekeeping and other support.

Travel Arrangements

A number of advisory meetings are held via teleconference with no need for travel. When face-to-face meetings are held, the SAB Staff Office or contract personnel arrange for your travel, reserve blocks of hotel rooms, and submit your time to payroll. Airline and train tickets are purchased for you. For other expenses (e.g., hotels, meals, taxis), you apply for reimbursement. As a member or consultant, your responsibilities include responding promptly to requests for your travel preferences (airports and travel times), calling the hotel to confirm your sleeping room and submitting signed vouchers for travel expenses (e.g., hotel accommodations, taxis). A *per diem* allowance for meals and

incidentals is automatically included on your voucher, with the rate based on the location of the meeting. Reimbursement usually takes two to three weeks.

The Staff Office works with you if you have other travel commitments and need to coordinate flights or accommodations. You should not purchase your own airline tickets because the EPA may not be able to reimburse you if you do so. Please let us know as soon as possible if you need special arrangements in order to participate in an advisory meeting. In some cases, for example, you may be able to participate in all or part of a meeting by telephone.

Ethics Advice

We realize that the ethics rules can be complex. If you have questions about how a particular provision might apply to you, please contact the SAB Ethics Advisor. As we review your annual Form 3110-48, OGE-450 or SF-278, we may contact you to request additional information. It is your responsibility to notify the SAB Staff Office of any changes to the information you submit on the financial disclosure form.

Technical Support

Each committee or panel has an assigned technical staff person, termed a Designated Federal Officer (DFO), who has expertise in a field such as environmental science, economics or engineering. The DFO ensures that legal requirements are met (*Federal Register* notices, meeting planning, public access to records, etc.), serves as liaison between committees and the agency or the public, and provides a host of editorial and technical services to committee chairs and members. (More detail is provided below on the DFO's role in meetings and report preparation.)

WORKLOAD

The time commitment required of members and consultants depends on the scope and nature of the advisory activity. However, a typical peer review requires participation at one two-day

³ 5 CFR Part 2638

meeting and one or more teleconference meetings over a four to six-month period. In addition, you should expect to spend approximately 20 to 40 hours reading and writing outside of meetings. The chartered SAB or SAB standing committees may meet more or less often. Your DFO can give you a sense of the workload for the current fiscal year.

All advisory activities are chaired by a member of the chartered committee. If you are asked to chair a set of meetings for an advisory activity, the DFO works with you to schedule the meetings around your availability. As chair, you have additional responsibilities (e.g., to run public meetings and oversee report production). A chair should manage his/her time commitment through delegation to panel members and judicious reliance on the DFO.

COMPENSATION FOR YOUR TIME

The SAB Staff Office policy is to pay SGE members and consultants an hourly compensation for time spent preparing for and participating in advisory meetings. The compensation is intended as an “honorarium” to thank you for your service, not as a replacement for salary from your employer. Some members and consultants waive compensation at the request of their employers or because of tax considerations. Even if you serve without compensation, you are still subject to the SGE ethics and conflict-of-interest rules.

During each two-week pay period that the advisory group is active, the SAB Staff Office requests you to submit your “homework” hours (e.g., time spent reading review materials, preparing written comments, reading or revising panel reports). Please keep the required records of your homework and submit time promptly. Your meeting time (both face-to-face and teleconference) is recorded by the DFO and should not be included on your homework timesheet. The Staff Office provides information on how you can track your pay and receive W-2 forms online.

The SAB Staff Office manages a finite budget for advisory committee activities. Therefore, you are asked not to copyedit agency review documents; this is not a good use of your time or office resources. Your review and writing activities should focus on the charge to the committee. You should not embark on extensive research or analysis without first consulting with your DFO.

FACA AND YOU

The Federal Advisory Committee Act⁴ (FACA) is a “government in the sunshine” statute that works to ensure that the public has access to the advice provided to the government by federal advisory committees. The key provisions of the law are that committees are to be balanced, meetings are to be announced ahead of time and open to interested members of the public, detailed meeting minutes are to be kept, and all materials presented to or prepared by or for advisory committees are to be made available to the public. It is EPA policy that subgroups and panels of chartered committees also follow the FACA openness requirements. FACA spells out the duties of the Designated Federal Officer (DFO) to approve agendas, convene meetings and keep required records.

The SAB Staff Office provides public access to committee materials by posting documents (e.g., member comments, public comments, review materials, meeting minutes and panel draft reports) to the committee websites or providing paper copies upon request.

In this day of electronic communications, emails among committee or panel members may constitute a meeting under some circumstances (e.g., if a majority of members are involved). Thus, you should not send email to all or a majority of committee or panel members. And, you should always copy the DFO on email communications. The DFO is responsible for

⁴ The Federal Advisory Committee Act and the 2001 implementing regulations are available at <http://www.gsa.gov/portal/category/21244>

ensuring that email discussions do not violate the FACA open meeting requirements and retaining email records in accordance with legal requirements.

FREEDOM OF INFORMATION ACT

In addition to FACA record-keeping requirements, the SAB Staff Office retains federal records, including emails, pursuant to other federal laws and responds to requests for records under the Freedom of Information Act (FOIA).⁵ Email communications between yourself and other members of committees and panels and with the SAB Staff Office are subject to the FOIA.

FORMS OF ADVICE

The majority of SAB advisory meetings involve peer review of a draft agency product and preparation of a consensus advisory report, as described below. On occasion, the SAB also conducts original studies requested by the agency or initiated by the SAB with support from the agency.

In addition, SAB members and consultants may engage in a consultation with the agency. A consultation is a public meeting in which individual panel members provide advice to the agency on a project that is in the early stages of formulation or when rapid advice is needed (e.g., in the event of an emergency such as a natural disaster). Although individual members may prepare written comments, no consensus report is prepared for a consultation because no consensus advice is given. However, a brief letter is sent to the EPA Administrator to notify him or her that the consultation was held.

GETTING READY FOR MEETINGS

Review Materials

Most advisory activities are guided by a formal charge from the agency. The charge includes a

⁵ 5 USC section 552

set of technical questions and provides background on the policy and regulatory context for the request. The charge guides, but need not limit, the deliberations of the committee or panel. The SAB may comment on the policy implications of scientific analyses but should not “cross the line” into policy recommendations.

Role of the Chair: Planning the Public Meeting

The DFO works with the chair and the agency to negotiate an initial set of charge questions and to identify background information the panel needs to do its task. The chair also assigns lead discussant duties to panel members and provides input on the overall meeting agenda. Under FACA, the DFO must approve the final agenda [5 USC App. 2 section 10(f)].

Prior to meetings (which may be face-to-face or via teleconference), panel members are expected to thoroughly review the materials provided by the DFO, including agency technical documents and written public comments. Public input, through written comments and oral statements at meetings, is an important part of the advisory process.⁶ Panel members are expected to consider public comments. If members find scientific information from the public helpful and informative, it is appropriate to acknowledge the information in the panel report.

Members often will be instructed to prepare preliminary written comments on the review materials. These “pre-meeting comments” serve several important purposes, including to: help you prepare for discussions at the meeting, help the chair identify issues that may require additional meeting time, and flag areas where the panel may need additional information to answer the charge questions.

⁶ Information on the process for public involvement is provided on the SAB website, at [Public Involvement in Advisory Activities](#)

If members' pre-meeting comments are shared with the panel, they also are posted to the committee website to help the agency and the public understand your initial thinking. During the meeting, your views may be influenced by your panel colleagues. This is a strength of the committee process and your preliminary comments do not necessarily represent your final conclusions. Your final views should be reflected in the consensus report from the panel. (For additional detail on reports, see "After the Meeting.")

Non-FACA Meetings

You may be asked to participate in an orientation meeting where the DFO explains the advisory process, including ethics rules, and answers any procedural questions you may have. Chartered committees also may discuss organizational issues, such as operating budgets and committee structure. These administrative meetings do not involve deliberation on technical advice and are not subject to FACA.

WHAT TO EXPECT AT PUBLIC MEETINGS

Order of Business

With rare exceptions,⁷ all FACA committees are required to meet and deliberate in public.⁸ Depending on the interest in the topic of the meeting, there may be large numbers of public citizens and members of the press in attendance. All statements that you make during public meetings are on the record and professional behavior is expected.

⁷ FACA allows the head of an agency to close a meeting if it falls within certain exemptions under the Government in the Sunshine Act (5 U.S.C. 552b), such as discussion of matters of national defense, trade secrets, or internal personnel practices.

⁸ 5 USC App. 2 section 10.

Role of the Chair: Running the Meeting

The chair runs the meeting, ensuring that public comments are heard, that all members have an opportunity to participate in discussions and that the panel accomplishes its work. The DFO addresses process and FACA issues and helps the chair stay on schedule.

A typical peer review meeting includes the following:

- The Designated Federal Officer convenes the meeting and indicates for the record that all participating panel members are in compliance with ethics and conflict of interest rules, or notes any instances where a member will recuse him/herself from discussion on a particular aspect of the meeting.
- The chair reviews the agenda and reviews and leads a discussion on the EPA charge to the panel.
- The agency has an opportunity to present a technical briefing on the subject of the meeting.
- A period of time is set aside for public comments from registered speakers, if any. Panels are not required to respond to public comments but, as time allows, the chair is expected to provide an opportunity for panelists to ask clarifying or follow-up questions of public presenters.
- Following technical and public presentations, the panel members begin their deliberations. The discussions are guided by the charge from the agency that contains a number of questions to be

addressed by the panel. In most cases, panel members have provided written preliminary comments on the review topic prior to the meeting. The chair, working with the DFO, often assigns panel members to lead different parts of the discussion. Lead discussants also may be asked to prepare an initial draft of the panel's advice on a question.

- At one or more points in the meeting, the chair or designated members may summarize the panel's emerging consensus views in response to the charge questions. This summary helps to identify issues that may require further discussion, as well as provide an early indication of the panel's views for agency staff in attendance.
- After a period of panel deliberation, the chair provides a brief opportunity for agency representatives or other members of the public to make additional clarifying remarks. This opportunity is noted in the meeting agenda.
- If time allows, and depending on the chair's preferences, the agenda may include writing time when panel members can capture their thoughts in writing while the discussions are fresh in mind and collaborators are seated nearby. Given busy schedules and the press of members' other obligations, writing time at a meeting can be a very effective way to develop draft report text.
- Prior to meeting adjournment, the chair and the DFO discuss next steps, including writing assignments and schedules. Often, a follow-up teleconference meeting will be needed to discuss the panel's draft report.

Role of the Chair: Seeking Consensus

Advisory committees and panels are structured to include a range of disciplines and technical points of view relevant to the charge. At times, panel members may reach different conclusions based on a review of available scientific data. The chair takes the lead in identifying areas of agreement and in helping members talk through issues in contention. Consensus recommendations and conclusions are most helpful to the agency. However, when there is disagreement among experts, that information is also valuable to note. In most cases, different views can be accommodated within the committee's report. On rare occasions, a member may request that a minority report be appended to the report.

Remaining Independent

To be effective, it is critical that committees and panels develop scientifically credible advice that is independent and objective. As an SGE, your role on a committee or panel is to provide your expert advice as an individual, not as a representative of your employer. Prior to appointment of members and invited experts, the SAB Staff Office vets candidates for conflicts of interest or appearance of a lack of impartiality. Once appointed, you are expected to carefully avoid interactions with anyone—including agency representatives or members of the interested public—that might create a perception of conflict of interest. If in doubt, consult your DFO for guidance.

During the deliberative phase (i.e., after agency briefings and prior to final approval of a report by the chartered committee), agency representatives are treated as members of the public to maintain the independence of the advisory process. Draft materials being discussed by panels are available to the agency and the public via the committee website. Papers or emails shared among members in the course of

the advisory process are federal records and may be requested under FOIA. The DFO should be copied on all such communications.

Members may conduct fact-finding with outside experts, including colleagues both inside and outside the agency. However, these contacts should first be discussed with the DFO and the DFO should be copied on any email communications.

During the deliberative phase, members should refrain from characterizing study conclusions and recommendations to the press, the agency, or other members of the public. Requests for comment should be referred to the DFO.

Role of the Chair: Meeting Minutes

Meeting minutes are to be prepared within 90 days after an advisory committee or panel meeting (41 CFR section 102-3.165). Minutes are drafted by the DFO, and must contain a record of persons present, and a description of matters discussed and conclusions reached [(5 USC App. 2 section 10(c)]. The chair is responsible for certifying the accuracy of the minutes.

AFTER THE MEETING: REPORT PREPARATION

Report Format

Although draft reports often are prepared by a subgroup or panel, all final reports are approved and transmitted to the agency by the chartered committee. The SAB's advice is conveyed to the agency in a written report with an executive summary and a cover letter to the EPA

Administrator. The audience for these three documents differs.

- The **cover letter**, a few pages in length, addresses the larger science issues in a policy context that is expected to be meaningful to the Administrator. The letter should summarize the charge and present the key findings and recommendations with a minimum of technical jargon and detail.
- The **executive summary** is directed at senior agency managers and should provide more detail on the issues addressed in the report, including summary responses to each of the charge questions.
- The **body** of the report, written for the agency's scientists, contains the greatest level of detail along with supporting scientific references, data and analysis.

The focus of the report is on the consensus advice of the SAB. Appendices with detailed editorial remarks are discouraged, as are comments of individual panelists that have not been discussed by the panel. Individual member pre-meeting comments remain part of the public record and should not be appended to final reports.

Report Development Process

Draft reports usually are developed by the chair, with assistance from the DFO, based on the discussions at the meeting(s) and the writing assignments submitted by panel members. The chair is responsible for the technical accuracy of the report and the DFO is responsible for ensuring that the report is written in such a way that it is understandable to the agency.

Once the draft text has been integrated, placed into standard format and edited to read with one voice, draft reports are provided to the authoring panel for review and concurrence. More than one round of review and revision may be necessary. Substantive discussions and revisions must be conducted in a public meeting,⁹ often conducted as a teleconference. During report drafting, the DFO is an important resource for editorial support, including development of consensus language and technical fact-checking. The Staff Office also ensures that final reports are prepared in a consistent format. However, the report represents the views of the panel, not the views of the DFO or other staff.

When the chair determines, based on the deliberations at a public meeting, that the draft reflects the findings and recommendations of the panel, members are asked to concur on the draft report or to concur with minor editorial comments. In rare cases, a panel member may conclude that his/her technical viewpoint cannot be reconciled with the panel's majority view or adequately expressed within the report. In such instances, the non-concurring member(s) may draft a short dissenting view or minority report that is appended to the draft panel report. The panel's final draft report is provided to the chartered committee for discussion and disposition (see "Report Approval").

Role of the Agency

The agency should not in any way approve or attempt to influence the content of draft panel or committee reports. However, the agency is provided an opportunity to request technical corrections (errors of fact) or clarification of text in draft reports. These requests should be made in writing and are posted to the committee website. Occasionally the DFO requests additional information from the agency on behalf of the panel, and this information also is a public record.

⁹ 5 USC section 10(a).

Role of the Chair: Spokesperson for the Panel

The chair of a committee or panel is the designated spokesperson for the group, both during the active phase of the project and when the advice has been finalized. Always check with your DFO before speaking with the press.

During the advisory process, the chair may respond to press inquiries to provide general background information on the issues under discussion and the committee's review process. The chair also may refer interested parties to public drafts, meeting minutes and other materials on the committee website. The chair should not characterize panel conclusions until a consensus report is available. After a final report has been conveyed to the EPA Administrator, the chair of the committee or panel may speak about the report and its findings and recommendations.

REPORT APPROVAL: QUALITY REVIEW

Parent Committee Review

Under the terms of their charters, the parent committees are the only bodies that can offer advice directly to the agency. When specialized subgroups or panels are used to conduct an advisory activity (e.g., an SAB standing committee, perhaps augmented with additional experts, or an *ad hoc* panel), the panel's report must be reviewed and approved by the parent committee.¹⁰ Under FACA, the parent committee's discussion must be substantive and not a "rubber stamp" of the panel's work.¹¹

This "quality review," which focuses on the quality, technical accuracy and clarity of the report, is an important function of the chartered

¹⁰ 41 CFR section 102-3.145.

¹¹ *Id.*

SAB and occurs in a separate public meeting. The SAB quality review of a panel draft report is guided by four questions:

- 1) Were the charge questions to the committee adequately addressed?
- 2) Are there any technical errors or omissions or issues that are not adequately dealt with in the draft report?
- 3) Is the draft report clear and logical?
- 4) Are the conclusions drawn or recommendations provided supported by the body of the draft report?

As with panel meetings, chartered SAB members usually prepare written pre-meeting comments that address the quality review questions. Members' review comments are posted to the SAB website.

Meetings of the chartered SAB to conduct quality review of panel reports usually follow a similar format. The chair of the authoring panel provides a brief overview of the panel's review process and conclusions, public comments are offered by registered public speakers, and the agency is given an opportunity to request clarifications or technical corrections to the draft report. The lead discussants provide their summary responses to the quality review questions, after which the panel chair is asked to respond to any concerns raised. Other members of the chartered SAB provide their comments and feedback on the draft panel report and the SAB deliberates on disposition of the panel report.

If you are a member of the chartered SAB but are unable to participate in a quality review meeting, you may submit written comments. However, only those members participating in the quality review meeting may decide on the disposition of the draft report.

Report Disposition

The chartered SAB may adopt the panel report (with agreed-upon revisions or corrections) subject to final review by the SAB chair, or

subject to review by specified members of the chartered SAB. If necessary, the SAB may send the report back to the authoring panel for additional work, with a second quality review meeting to be scheduled to consider the revised report, or request that a new panel be formed to conduct the work.

Following the quality review meeting, the panel chair and the panel DFO revise the draft report to address issues raised by the chartered SAB. The panel chair may consult panel members about these revisions, but panel members are not asked to approve the changes. Depending on the disposition instructions from the chartered SAB, the revised panel report may be reviewed by designated SAB members. In all cases, the SAB chair also reviews the revised report.

AFTER A REPORT IS APPROVED

Report Transmittal

When the SAB chair is satisfied that any concerns of the chartered SAB have been addressed, he or she authorizes signature of the cover letter. The final report and cover letter are given a number and transmitted to the EPA Administrator via the agency's formal correspondence management system. The final report also is posted to the SAB website.

The SAB Staff Office may coordinate with the chairs of the SAB and the authoring panel to develop a news release or other public summary of the report, and chairs may be asked to brief senior agency officials. More rarely, Congressional committees or staff may request a briefing on the report. The SAB Staff Office is here to assist with development of briefing summaries, testimony, and other materials.

The SAB Staff Office notifies the authoring panel of the report's completion and provides a copy of the final report and/or a link to the Web page where the report is posted. Any outstanding homework time for the project should be submitted promptly to the Staff Office at this time.

Agency Response

After final reports are submitted to the EPA Administrator, a formal response is sent to the SAB Staff Office (addressed to the chairs) from the agency. These agency responses are posted to the committee website. All FACA committees are advisory and the agency is not required to accept the committee's advice. However, the agency response usually acknowledges the committee's recommendations, discusses which recommendations will be taken and which cannot be acted on, and why.

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