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Environmental Protection Agency's (EPA's) Science Advisory Board (SAB): Statutory Role and Selected Issues

The extent to which scientific and technical information may be used to support the U.S. Environmental Protection Agency's (EPA's) implementation of federal environmental pollution control statutes is a perennial issue of congressional oversight. Due to the complexity of the scientific and technical information EPA must evaluate, in 1978, Congress directed EPA to establish an independent Science Advisory Board (SAB) to advise the agency on the adequacy of the scientific and technical bases of its actions. This In Focus summarizes the statutory authority for the SAB; its operations, activities, and funding; and selected issues that have arisen since its establishment.

In addition to the SAB, EPA maintains nearly two dozen advisory committees—including the Clean Air Science Advisory Committee (CASAC); the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel; and the Toxic Substances Control Act Science Advisory Committee on Chemicals—that have specific advisory objectives. This In Focus does not discuss these advisory committees in detail.

Statutory Authority

In the 1970s, Congress enacted multiple Environmental Research, Development, and Demonstration Authorization Acts (ERDDAAs) to authorize EPA's research activities separately from its regulatory activities. Section 8 of the ERDDAA of 1978 (P.L. 95-155; codified at 42 U.S.C. §4365) directed EPA to establish the SAB, "which shall provide such scientific advice as may be requested" by EPA. Section 8 provided that the SAB consist of at least nine members with the requisite education, training, and experience to evaluate scientific and technical information on matters referred to the SAB.

Section 8 requires EPA to make available to the SAB for review any proposed environmental criteria document, standard, limitation, or regulation, along with the scientific and technical background information on which such proposed action is based. The SAB may provide advice and comments to EPA on the adequacy of the scientific and technical basis of the proposed action. Since 2022, the SAB has referred proposed actions to a work group to discuss whether they may warrant SAB review. The work group has forwarded proposed actions that rely upon scientific information considered to be "influential, ... precedential, novel, or controversial/contested" and that has not otherwise been adequately screened for SAB review.

Section 3 of the ERDDAA of 1981 (P.L. 96-569) amended Section 8 of the ERDDAA of 1978 to add specific congressional committees as entities in addition to EPA that may request scientific advice from the SAB. H.Rept. 96-

559 states that the amendment would "allow Congress to request scientific advice from the EPA Science Advisory Board without the SAB being obligated to seek permission from the Administrator of EPA before providing such advice to the Congress."

Section 12307 of the Agricultural Act of 2014 (2014 farm bill; P.L. 113-79) amended Section 8 of the ERDDAA of 1978 to require EPA and the SAB to establish a standing agriculture-related advisory committee to provide scientific and technical advice to the Board relating to matters determined "to have a significant direct impact on enterprises that are engaged in the business of the production of food and fiber, ranching and raising livestock, aquaculture, and all other farming- and agriculture-related industries." This standing committee is the only one EPA and the SAB were explicitly directed to establish.

Because the SAB is a federal advisory committee, it must comply with the Federal Advisory Committee Act (FACA; 5 U.S.C. §1001 et seq.). Some FACA requirements are discussed below in the context of the SAB's operations and activities. For more information about FACA requirements, see CRS Report R44253, *Federal Advisory Committees: An Introduction and Overview*, by Meghan M. Stuessy.

Board Operations and Activities

To be formally established, all federal advisory committees subject to FACA must submit charters to the General Services Administration (GSA; 5 U.S.C. §1008). Charters provide certain information, such as a description of the federal advisory committee's objectives and scope of activities, its specific duties, estimated meeting frequency, and general operating guidelines. FACA also requires the federal agency for which the advisory committee is established to file the charter with its Senate and House committees of jurisdiction and the Library of Congress. A committee cannot meet or take action without filing a charter, and the charter must be refiled every two years (5 U.S.C. §1013(b)(2)).

EPA filed the SAB's most recent charter with Congress in September 2023. According to this charter, the SAB consists of approximately 45 members; the number of members may be adjusted to "provide leadership to SAB committees and panels." Most SAB members serve as Special Government Employees (SGEs)—agency employees that perform temporary duties, with or without compensation, for not more than 130 days during any period of 365 consecutive days (18 U.S.C. §202). Per its charter, the SAB generally meets six to eight times per year.

The SAB charter provides for the establishment of advisory committees, including the aforementioned standing agriculture-related committee. Such committees may not work independently of the SAB and must report their recommendations and advice to the SAB for full deliberation, discussion, and approval. SAB committees are to be chaired by an SAB member and may be augmented with individuals who are not SAB members. Including the Agricultural Science Committee, the SAB has seven standing committees and a number of ad hoc committees and panels for specific tasks.

Within EPA, the Office of the Administrator is responsible for the SAB Staff Office. The office initially manages requests from the agency and specific congressional committees for scientific and technical advice, oversees the formation of the SAB and its committees, and provides policy, technical, and administrative assistance for conducting meetings and preparing reports. The SAB Staff Office announces SAB meetings in the *Federal Register* and allows the public to participate in the advisory process, for example, by providing opportunities to present oral statements at meetings or provide written comments for consideration by SAB members.

To comply with FACA, each SAB meeting must be attended by a Designated Federal Officer who has the authority to adjourn a meeting if that is determined to be in the public interest (5 U.S.C. §1009(e)). For more information, see the GSA's FACA database entry for the SAB.

Funding

Through the regular annual appropriations process, Congress appropriates funds for administering and operating the SAB and the CASAC within EPA's Environmental Programs and Management account. Over the past 10 fiscal years, enacted appropriations for this program activity have ranged from a high of \$5.1 million (nominal dollars) in FY2015 to a low of \$3.2 million (nominal dollars) in FY2019. For FY2025, EPA allocated \$3.4 million (nominal dollars) for the SAB and the CASAC.

Selected Issues

Committee Request Procedures

The ERDDAA of 1978 authorizes the SAB to provide scientific and technical advice to certain congressional committees if requested. The process by which the SAB receives and responds to such requests has generated interest. In 2015, the Government Accountability Office (GAO) examined EPA's procedures for processing congressional requests and recommended that the agency take additional steps to improve its procedures for processing congressional committee requests to the SAB. According to GAO, EPA implemented its recommendations, with one exception. Specifically, GAO determined that its recommendation for the EPA Administrator "to document procedures for reviewing

congressional committee requests to determine which questions should be taken up by the SAB and criteria for evaluating such requests" was not implemented.

SAB Membership

Since the SAB's establishment, some policymakers have scrutinized its composition for independence and potential bias. To ensure SAB's independence and avoid conflicts of interest, EPA has established policies and procedures for selecting board members and panelists and resolving potential conflicts of interest. In 2019, GAO examined EPA's process for appointing advisory committee members and recommended that the agency document rationales for proposed membership to the SAB and the CASAC, and periodically review the quality of financial disclosures of advisory committee members. According to GAO, EPA implemented GAO's 2019 recommendations.

In March 2025, EPA dismissed all of the SAB members and announced that the agency would reconstitute the SAB at a later time. Previously, in 2021, EPA dismissed all of the SAB members and subsequently reestablished the SAB with new membership. Also, in 2017, EPA dismissed certain members of the SAB and later replaced them with new ones. The composition of the SAB may affect the range of viewpoints that may be expressed for scientific and technical issues under consideration and, therefore, may affect the advice EPA receives from the SAB.

SAB Priorities

Given that most requests to the SAB for scientific and technical advice originate from EPA, topics that the SAB meets to discuss generally reflect EPA priorities—which depend on the Administration in office. For example, during the first Trump Administration, the SAB issued various reports on methodologies to evaluate costs and benefits associated with regulatory actions. During the Biden Administration, the SAB issued various reports on methodologies to evaluate potential cumulative impacts from exposure to multiple environmental stressors and to consider environmental justice issues in agency decisionmaking. To date, the second Trump Administration has not reconstituted the SAB. It remains to be seen what topics might be forwarded to the SAB for scientific and technical advice if the SAB were reconstituted.

Some stakeholders have questioned the extent to which EPA adopts SAB recommendations. EPA actions are generally informed by scientific and technical information; yet, the agency's actions are not solely based on such information. Recommendations by the SAB are not binding on EPA. EPA is generally directed under the authorities it administers to consider other information, such as cost, when proposing or taking regulatory actions.

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