To: Hubbard, Carolyn[Hubbard.Carolyn@epa.gov]
From: Kavlock, Robert
Sent: Fri 2/3/2017 5:47:14 PM
Subject: RE: News Roundup

We can only try

From: Hubbard, Carolyn
Sent: Friday, February 03, 2017 12:10 PM
To: Kavlock, Robert <Kavlock.Robert@epa.gov>
Subject: RE: News Roundup

Will do. I asked Francesca to give me a couple of sentences as to how she would correct it so I can share with Nancy G and suggest that Francesca talk to reporters. Not sure they will consider that but we will try.

Carolyn Hubbard

Communications Director

EPA Office of Research and Development

202-564-2189

202-379-6744

From: Kavlock, Robert
Sent: Friday, February 03, 2017 9:57 AM
To: Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>
Subject: Fwd: News Roundup

See what you can do.

Begin forwarded message:

From: "Grifo, Francesca" <Grifo.Francesca@epa.gov>
Date: February 3, 2017 at 9:36:05 AM EST
To: "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>, "Kavlock, Robert" <Kavlock.Robert@epa.gov>
Subject: Fwd: News Roundup

If I could chat with reporters or answer questions I could correct errors. There were many in this piece.

Francesca

Sent from my iPhone

Begin forwarded message:

> **From:** "Sinks, Tom" <Sinks.Tom@epa.gov>
> **Date:** February 3, 2017 at 8:38:23 AM EST
> **To:** "Grifo, Francesca" <Grifo.Francesca@epa.gov>, "Greene, Mary" <greene.mary@epa.gov>, Anand Mudambi <Mudambi.Anand@epa.gov>, "Phelps, Lara" <Phelps.Lara@epa.gov>, "Nelson, Daniel K." <Nelson.Daniel@epa.gov>
> **Subject: FW: News Roundup**
>
> FYI – the 1st article directly covers OSA.
>
> **From:** Kavlock, Robert
> **Sent:** Thursday, February 02, 2017 9:08 PM
> **To:** Sinks, Tom <Sinks.Tom@epa.gov>
> **Subject:** Fwd: News Roundup
>
> In case you haven't seen.
>
> Begin forwarded message:
>
> > **From:** "Plotkin, Viktoriya" <Plotkin.Viktoriya@epa.gov>
> > **Date:** February 2, 2017 at 7:12:17 PM EST
> > **To:** "Kavlock, Robert" <Kavlock.Robert@epa.gov>, "Gwinn, Maureen" <gwinn.maureen@epa.gov>, "Blackburn, Elizabeth" <Blackburn.Elizabeth@epa.gov>
> > **Subject: News Roundup**

InsideEPA EPA Integrity Policy may allow Trump review of Agency science, Critics say

The fundamental weaknesses of EPA's scientific integrity policy -- especially its limited implementing procedures and lack of penalties -- leave the door open for Trump transition officials to circumvent the policy's goals of insulating scientists from political interference and allow them to review agency scientists' work before public release, according to environmentalists and other critics. The Obama EPA's scientific integrity policy is so toothless it can't be violated, says Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), a group that represents government whistleblowers. He says the fact that Trump transition officials may review agency scientists' work "doesn't violate the policy," adding that the Obama administration also performed case-by-case reviews, despite its rhetoric on scientific freedom. "They never explained the implementing procedures. There are no penalties for scientific misconduct," he says. But, a then-UCS official and now EPA's scientific integrity official tasked with overseeing the policy's implementation, Francesa Grifo, told *Inside EPA* in 2012 that "The policy does not protect EPA scientific documents from being manipulated during White House or inter-agency review," Grifo says. "This leaves the agency's scientific work open to manipulation and suppression by other parts of the federal government without public accountability," and complains that the policy "still fails to define what constitutes a conflict of interest," among other concerns.

PEER sent Trump a Jan. 31 letter urging the administration to take steps to strengthen scientific integrity policies at EPA and other agencies to avoid the kinds of controversies that enveloped Ericksen. "Simply put, administration attempts to manipulate science to fit its official talking points will inescapably fail, automatically be leaked and subject your White House to a daily drip-drip-drip of bad, off-message news coverage. The only way to quell the quagmire of unending controversy on issue after issue is to establish strong, clear and uniform guidelines ensuring a transparent paper trail and allowing scientific information to be freely shared."

EPA's scientific integrity website does not appear to include any changes to the policy since its 2012 publication. EPA's press office did not respond to a request for comment. A clear example of the weakness of the policy is that EPA's scientific integrity official indicates in her annual reports that her office has investigated allegations, but none of them have resulted in a finding in violation of the policy, Ruch tells *Inside EPA*. "There's no protocol about how to conduct an investigation," Ruch said. "They've found no misconduct. So either they never had a problem or the policy" is ineffective. EPA's scientific integrity official, Grifo, has released annual reports of her work since her hiring in 2013, though the report for fiscal year 2016 has yet to appear on EPA's website. Gretchen Goldman, research director at UCS' Center for Science and Democracy, is unsure whether the transition officials are EPA officials who would be subject to the policy, saying that as far as she knew, they were not covered by the policy.

“The ideal language that we have always advocated for is that only scientists edit scientific language,” Goldman tells *Inside EPA*. “That would cover everyone.” She added that only the Energy Department has such language, in revisions that former Secretary Ernest Moniz issued days before leaving office. UCS recently published a report describing agencies' efforts to craft and implement their scientific integrity policies during the Obama administration. It also includes a series of recommendations for the Trump administration to strengthen those policies.

InsideEPA EPA, FDA fish advice to pregnant women disappoints stakeholders

New fish consumption advice from EPA and the Food and Drug Administration (FDA) is prompting criticism from a variety of stakeholders who say the advice is outdated and unscientific, although for differing reasons and with conflicting opinions about whether the advice is too lax or too strict in warning women against the risks of methylmercury. The new advice, released Jan. 18, encourages women who are or may become pregnant, and children, to eat more fish, setting a first-time floor for fish consumption of eight ounces per week, while maintaining the 12 ounces per week maximum. Many stakeholders argue that focusing on this risk value without considering the neurodevelopmental benefits of eating seafood is unscientific, while others argue that the RfD is more than 15 years old and newer research suggests that it is insufficiently protective against the methylmercury risk. Edward Groth, an independent expert retired from Consumers' Union noted that the RfD is not only old, it is also out of date. Groth, who published a paper last summer in the journal *Environmental Research*, describes 13 studies he reviewed and discussed in that analysis, noting that these epidemiological studies, published after EPA finalized its RfD, indicate that the RfD is insufficiently protective.

"They're hanging everything on the RfD," says Michael Bender of the Mercury Policy Project. "They threw out any kind of information on which fish is more nutritional. Everyone was on board with that [information]." Groth and Bender's concern stems in part from the new advice's basis only on the range of mercury levels in various fish species. It does not include information on which types contain greater levels of the beneficial fats and oils in various fish species, which differ just as the levels of mercury in fish species.

EPA's National Center for Environmental Assessment, which crafted the methylmercury RfD, criticized the net effects approach as did numerous environmental and public health groups, which argued that the model's advice would lead pregnant women to be exposed to unsafe levels of methylmercury. "You won't find that in this advice. There is no mention of cognitive or neurological development. No mention that pregnant women can now maximize the benefits" of eating fish, said Phil Spiller, a retired FDA manager who worked on updating the fish advice for 10 years. "Now, it's a mercury-centric health

advice." "The EPA RfD was never applied to commercial fish, and now it is applied to commercial fish," Spiller adds. Commercial fish fall within FDA's domain, while fish caught and eaten by recreational or subsistence fishers fall under EPA's domain. Spiller describes the advice in part, as the subject of a turf battle between the agencies. "That's what [EPA's water office] really wanted to do." Spiller argues that EPA's RfD isn't a bright line of safe and unsafe. "What we wanted to do was actually a risk assessment, the risks and benefits to commercial fish at actual levels that pregnant women experience," Spiller said of FDA's aim with its model. "We regarded the RfD as irrelevant. It's a safety assessment. It doesn't measure risk -- it deems a level without appreciable risk." Spiller's argument about the RfD is not unknown at EPA, where some in the agency, particularly economists and others involved in cost-benefit analysis, have made similar arguments that the agency's RfDs, bright line non-cancer risk estimates, are unhelpful to cost-benefit analysis that are required for all agency rules.

The stakeholders are not the only ones with concerns about EPA's RfD. One of the three individuals that an FDA contractor asked to peer review the RfD-based risk approach for the new advisory also questioned whether the RfD is sufficiently protective. "The exact window of vulnerability is not yet established. However, consuming fish with mercury in it can create spikes in blood mercury. This would then be conveyed to a child. Since the duration of exposure necessary for a child to be affected by mercury in the mother's blood is not known but could be short and since the RfD is likely too high anyway, it seems quite prudent and good public health action to try to keep women at or below the RfD on a weekly basis during and immediately before pregnancy." EPA has placed the RfD on its multi-year schedule for new Integrated Risk Information System (IRIS) assessments. Several stakeholders, however, questioned whether or how quickly the assessment will be updated.

InsideEPA Litigation: Flint residents seek $722 million in tort damages from EPA

Hundreds of Flint, MI, residents in a new lawsuit are seeking $722.4 million in tort damages from the federal government, claiming EPA was negligent and failed to act in a timely manner to address the city's lead in drinking water crisis and noting the agency's lack of action on their administrative claims for such damages. In *Jan Burgess, et al. v. United States*, 1,703 Flint residents say “EPA failed to follow several specific agency mandates and directives governing its conduct which resulted in injury to the CLAIMANTS,” and the failure to fulfill these Safe Drinking Water Act (SDWA) duties constitute violations of the Federal Tort Claims Act (FTCA). While EPA issued an emergency order under SDWA section 1431 in January 2016, the agency should have acted much sooner, the complaint says, arguing regulators were aware there was a problem as early as October 2014 when residents began complaining about their water. The suit also alleges EPA failed to provide advice and “technical assistance” to local and state

organizations that failed to meet SDWA requirements, saying the agency was aware of non-compliance in October 2014 but failed to provide any assistance until September 2015.

Sen. Tom Cotton (R-AK) introduced legislation in the 114th Congress that would have made it easier for Flint residents to obtain FTCA damages. The bill, S. 2884, would have removed the discretionary function exemption in FTCA to allow Flint victims to sue EPA under the tort claims law and require that all awards come out of EPA's budget. He introduced the bill days after the plaintiffs in the new litigation filed their first **administrative complaint**.

Bloomberg One Obama-Era Climate Rule Trump Might Not Consider a 'Disaster'

Donald Trump has said he wants to roll back many of Barack Obama's regulations linked to climate change but there may be one exception: a federal disaster proposal aimed at getting states to prepare for the more intense storms forecast to come their way. The regulation, proposed by the Federal Emergency Management Agency a week before Trump took office, would impose on states a "disaster deductible" -- a requirement that they shoulder some of the recovery costs up front, before receiving federal dollars. The deductible would be reduced for states that pass stricter building codes or take other steps to reduce their residents' exposure to disasters. "I don't think it's dead, because it's a reasonable idea," Carafano, vice president at the conservative Heritage Foundation, said in an interview Jan. 26, less than a week after his work with the transition team ended. Whether the administration pursues the disaster deductible could signal its broader approach to policies aimed at adapting to climate change. While Trump campaigned against programs to reduce greenhouse-gas emissions, such as the 2015 Paris agreement and the Clean Power Plan, his position isn't clear on initiatives designed to help Americans cope with the consequences of emissions: heat waves, sea-level rise, and more frequent and intense hurricanes, floods and wildfires.

That relative silence may reflect the fact that unlike the climate debate, which according to opinion polls increasingly falls along ideological lines, protecting Americans against extreme weather remains largely bipartisan. Some of the states most exposed to hurricanes and floods are led by Republicans, who have become increasingly aggressive about responding to those threats.

Bloomberg Former Top EPA Deputy to Head Wake Forest Graduate Program

The second-highest ranking EPA official under departed administrator Gina McCarthy will now head up sustainability graduate programs at Wake Forest University, the institution announced Feb. 2. Stan Meiburg, a career Environmental Protection Agency employee and acting deputy administrator for more than two years, will join Wake Forest in Winston-Salem, N.C., July 1. There he will work with the Graduate School of Arts and Sciences and the Center for Energy, Environment, and Sustainability.

Bloomberg Bill gutting EPA Climate Authority has 100-Plus GOP Cosponsors

A bill that would gut the EPA's authority on the issue of climate change has strong Republican support, garnering dozens of cosponsors days after being introduced. The bill, H.R. 637, would rewrite the Clean Air Act to clarify that the law does not grant the Environmental Protection Agency power to regulate greenhouse gases as a pollutant. It also states that "no Federal agency has the authority to regulate greenhouse gases under current law." Additionally, the law would require the EPA to seek approval from Congress to enact a regulation that would have any negative effect on employment. And it would nullify two signature Obama-era climate policies: regulations on carbon dioxide emissions from power plants and on methane emissions from the oil and gas industry. Rep. Gary Palmer (R-Ala.) introduced the legislation last week and as of Feb. 2, it already has 110 cosponsors, including nearly every Republican from Texas. Palmer introduced similar legislation in 2015 but, despite garnering 152 cosponsors, the bill never came up for a hearing and companion legislation was never introduced in the Senate.

Greenwire Trump team scouting for energy, enviro slots

The Trump team is actively looking to fill several key White House energy and environmental slots, according to a source close to the administration. While President Trump has selected his nominees for energy and environmental agencies, he has yet to fill some critical jobs within the White House, including a leader for the Council on Environmental Quality and an energy adviser on the National Economic Council. Kathleen Hartnett White, a former Texas regulator who was passed over as U.S. EPA chief, was rumored to be in the running to be Trump's CEQ chairwoman; her name was being advocated by coal industry executives and members of conservative think tanks (***Greenwire***, Jan. 12). But it's unclear whether she's still in the running or whether others have emerged as front-runners, said the source close to the administration. Currently, "they're actively trying to find someone for CEQ," the source said.

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