



SCIENCE ADVISORY BOARD

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

January 17, 2024

EPA-SAB-24-005

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 Two Planned
Regulatory Actions Listed on EPA's 2023 Spring Regulatory Agenda
Discussed During the Chartered SAB Meeting on November 30, 2023

Dear Administrator Regan,

The Environmental Protection Agency's (EPA) Science Advisory Board (SAB) held a public meeting on November 30, 2023, to decide whether to review the adequacy of the science supporting two EPA planned regulatory actions made available by the Agency as required by statute.

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 September 29 and October 27, 2023, the SAB Work Group for the Review of Science Supporting EPA Decisions met to examine EPA planned actions (including regulatory actions that the EPA had sent to the Office of Management and Budget for review) and decide whether to

recommend SAB review of the science supporting these actions. The Work Group found that the two planned actions examined did not merit SAB review.¹

The chartered SAB met on November 30, 2023, and discussed the Work Group findings and recommendations. During the meeting, the SAB agreed that the following two planned actions do not merit further review (a summary of the SAB findings regarding these two actions is provided in Table 1).

1. Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act ([RIN 2060-AV20](#))
2. National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI) ([RIN 2040-AG16](#))

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/

Kimberly L. Jones, Ph.D.
Chair
EPA Science Advisory Board

¹ Recommendations of the SAB Work Group for Review of Science Supporting EPA Decisions Regarding Planned EPA Regulatory Actions [Memorandum], November 1, 2023. Available at: https://sab.epa.gov/ords/sab/t/sab_apex/sab/meeting?p19_id=1010&clear=19&session=10930328712338#materials

NOTICE

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The SAB is a chartered federal advisory committee, operating under the Federal Advisory Committee Act (FACA; 5 U.S.C. 10). The committee provides advice to the Administrator of the U.S. Environmental Protection Agency on the scientific and technical underpinnings of the EPA's decisions. The findings and recommendations of the Committee do not represent the views of the Agency, and this document does not represent information approved or disseminated by EPA.

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Table 1. Summary of Proposed EPA Actions that Do Not Merit SAB Review

RIN	Proposed Action Title	SAB Determination
RIN 2060-AV20	Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (88 FR 66336)	This planned action does not warrant further review because there are no new scientific elements supporting the proposed rule.
RIN 2040-AG16	National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI)	This planned action does not warrant review further review because: (1) in June, 2020, the SAB provided advice to EPA on the proposed drinking water rule for lead and copper that was promulgated in 2021, (2) in November, 2022, the SAB conducted a consultation with the EPA’s Office of Water on environmental justice analyses for the Agency’s Lead and Copper Rule Improvements, and (3) the latest rulemaking does not rely on new scientific approaches.