TESTIMONY OF A. STANLEY MEIBURG, Ph.D.
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Good morning, Chairman Babin and Ranking Member Lofgren, and members of the Committee.

My name is Stan Meiburg. I worked at the Environmental Protection Agency for 39 years, beginning in November, 1977. I was selected as a member of the career Senior Executive Service in May, 1991 and in that capacity served as the Deputy Regional Administrator of EPA's Region 6 office in Dallas from April, 1995 through April, 1996, as Deputy Regional Administrator in EPA's Region 4 office in Atlanta from April, 1996 to May, 2014, and as Acting Deputy Administrator of all of EPA from October, 2014 through January 19, 2017. Twenty of these years were in Republican administrations, and 19 were in Democratic administrations.

I am here today solely in my personal capacity. My perspective is that of someone in government who was a consumer of the science needed by EPA to carry out its responsibilities under the environmental laws of the United States, and the importance of independent scientific review in carrying out these laws. My remarks are relevant to the broader context of regulatory decision-making, but my experience focuses on EPA.

The topic of the hearing today, chemical research and development and innovation in the United States, is an important one. No one disputes that chemicals are essential across every sector of our economy. Advances in chemistry, especially in the post-World War II period, have improved the quality of our lives in countless ways.

At the same time, some of these advances brought with them unanticipated and undesirable consequences in the form of polluted air, water and land. These consequences led to the environmental movement and the creation of EPA in 1970. Legislation enacted by Congress since EPA's creation made it clear that while Congress and the public wanted the benefits of advances in chemical sector, they also wanted to be sure that these advances did not come at the expense of people's health.

Laws such as the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act and the Superfund law sought to clean up pollution, and they have been remarkably successful in giving us a much cleaner environment, thanks to efforts by both the public and private sector, so that even while the economy has grown tremendously since 1970, pollution has dropped dramatically.

At the same time, however, Congress passed other laws that were intended to prevent the reoccurrence of problems associated with the production and use in commerce of such

chemicals as polychlorinated and polybrominated biphenyls, lead, and asbestos. Take PCBs, for example, which were widely used in industrial applications due to their chemical stability and insulating properties. However, it later became apparent that when released into the environment, PCBs could cause a range of adverse health effects including cancer, reproductive and developmental issues, immune system damage, and neurological disorders.

For this reason, these prevention-oriented laws set up processes for the review of new and existing chemicals to prevent the introduction into commerce of chemicals that would pose an unreasonable risk of injury to health or the environment. In the environmental sphere, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide, and Rodenticide Act, or FIFRA, and the Toxic Substances Control Act, or TSCA, are three of the most prominent of these laws. Preventing environmental harm is always cheaper, much cheaper, than trying to repair the damage after the harm is done. This lesson is true for people as well as ecosystems.

In the implementation of these laws, Congress has given the Administrator of EPA the responsibility of making judgments about reasonable and unreasonable risks. This goes all the way back to the creation of EPA under President Nixon in 1970. In making such judgments, EPA's first Administrator, Bill Ruckelshaus, set forth principles which have guided EPA actions in almost every administration: follow the law, follow the science, and be transparent.

People who must make these judgments about risk know all too well that science does not make these decisions for you. Responsible decision-makers have many factors to consider, preeminently the law, but also competing public values that may both fit within the law. EPA has a single driving mission--protecting human health and the environment--but risk judgments also involve value choices. In a democratic society, the responsibility for making such choices, and accountability for them, rests with elected officials in Congress, the President, and appointed officials in the Executive Branch whose decisions are ultimately the President's responsibility.

Making such judgments responsibly is a tough job. You are guaranteed to not make everyone happy. In my experience with past EPA Administrators starting with Bill Ruckelshaus, they regarded independent, peer-reviewed science as indispensable to them in making decisions, and highly valued the independence of EPA science staff in that process.

Advocates for rapid decision-making under EPA's statutory authorities understandably seek to get favorable decisions from the agency quickly. In my experience, officials within the agency share a desire to make decisions as quickly as possible. But the desire to make quick decisions does not serve the public interest if these decisions are not based on the best possible science, are manifestly inconsistent with the law, are inappropriately influenced by interested parties rather than independent judgment, or do not follow principles of transparency embodied both

in scientific review and in statutorily mandated administrative due process designed to forestall arbitrary and capricious decisions.

Inappropriate influence is not limited to cases of obvious corruption. My concern is with both influence by interested parties and the normal organizational pressures of rule-making offices within the agency who face other constraints.

My academic training is in public administration, and in that field there is a maxim famously known as Miles' Law. Its author was Rufus Miles, head of the Bureau of the Budget (a predecessor of OMB) in the 1960's and later a distinguished professor at Princeton University. Miles' Law is, "Where you stand depends on where you sit."

In a 1978 article in the Public Administration Review, Miles explained that this phenomenon was to be expected. Part of the responsibility of any official, and this applies to both public and private entities, is to be a strong advocate for their organization's needs. Not to do so would be inconsistent with their duties. But at the same time, a person's responsibilities markedly influence their judgment. Upton Sinclair made much the same observation in the 1930's: "It is difficult to get a man to understand something, when his salary depends upon his not understanding it."

I want to be clear what I am saying here, and what I am not saying. First, even the most expert scientists can and do disagree, vigorously, for legitimate reasons. That is part of the process of science. It is also why transparency in science, consistent with personal privacy in the case of human studies, is so important. Historically, transparent science polices itself through the peer review process. Even a cursory reading of scientific literature reveals robust disputes that are well within the bounds of professional canons.

I am also not saying that good science cannot be done by outside parties. Especially in programs such as pesticides and toxic chemical regulation, EPA has always heavily depended on work conducted or sponsored by private parties and submitted to EPA for review, to support decision-making.

Neither of these points diminishes the need for independent science at EPA. This independence best serves the public interest and protects EPA's credibility in carrying out its mission, a challenging one under the best of circumstances. Yes, it takes time, and yes, it takes resources. The unfortunate alternative is decision-making that at best is not informed by the most objective possible science, and at worst is captured by self-interested parties. Even if self-interested parties have the best motives, that is still a problem. Everyone says they want certainty, but judging by the amount of litigation EPA faces from all sides, people mainly support certainty when it agrees with their preferences.

This leads to the related question of the importance of the Office of Research and Development at EPA. The work of EPA's Office of Research and Development benefits more than just one program or regional office. As an independently led organization established by Bill Ruckleshaus 55 years ago, ORD research is reviewed by scientific advisory committees to ensure that not only was ORD doing the right science to meet the priorities set by Congress and the Administration, but that it is done right.

Unfortunately, the current administration has engaged in an unprecedented and destructive reorganization that has diminished EPA's capability and credibility, and driven many EPA scientists from the agency's ranks. To the extent there is any rationale for this other than, in Russell Vought's words, to put EPA staff "in trauma," it has been the need to devote staff to meet regulatory review requirements, especially chemical reviews under TSCA which are a subject of this hearing.

This is where Miles' Law applies once again. In EPA, program offices have obligations that are in tension with independent science, especially the need to meet statutory review obligations. Healthy tensions between science and statutory obligations are built into EPA's work, and resolving these tensions is an essential part of the regulatory process. In doing so, EPA Administrators have a special responsibility to hear the independent view of science, and at EPA that role falls to the Office of Research and Development. Bill Ruckelshaus recognized this back in 1970, and it is still true today.

From a personal standpoint, I agree that EPA needs more resources to do TSCA reviews and I advocated for them during my time at EPA. Later administrations also asked for additional resources for this function. For example, in FY2023 EPA asked for $124.2 million for Chemical Risk Review and Reduction. In the current administration's FY2026 budget request, however, the agency has asked for $73.0 million for this same function.

The administration has said that it wants to redeploy staff from ORD to new chemicals review. But in driving 4000 people from EPA, as happened in the last year, with ORD as a particular target, the objective seemed more aimed at destroying the agency's effectiveness rather than successfully reforming and expediting its work in an orderly manner. If EPA needs more staff to make TSCA processes move smoothly, and they do, the solution to this problem is not to cannibalize EPA's independent science.

I and my staff were customers of ORD science during my service in EPA Regional offices in the Southeast and the Southwest. Examples included the cleanup of illegal uses of the pesticide methyl parathion in Alabama and Mississippi, the 2008 Kingston, Tennessee coal ash spill, PFAS contamination in Huntsville, Alabama, PCB contamination in Anniston, Alabama, and PFAS contamination in North Carolina (in my role as chair of the North Carolina Environmental

Commission, where EPA was indispensable in developing methods for detecting PFAS exposure through airborne pathways).

And there are countless other examples throughout EPA's history: addressing anthrax threats to the U.S. Capitol, monitoring and cleanup after the 9/11 attack on the World Trade Center, recovery from the Columbia shuttle disaster, repeated assistance with hurricane recovery, most recently Hurricane Helene, drinking water security, COVID disinfection protocols, dispersant safety in the BP Oil Spill, the MCMH chemical spill in Charleston, WV, and monitoring and screening after the East Palestine, OH chemical train derailment, to mention just a few cases.

Everyone wants EPA review and approval processes to move in an orderly and predictable way. But orderliness and predictability do not protect public health if they weaken independent and credible judgment, and weaken public confidence in how EPA is making its decisions.

This should not be a partisan issue. Indeed, in the first Trump Administration, EPA went through an extensive effort to reorganize the Office of Research and Development to create greater efficiencies, reduce duplication and promote better coordination to address Agency priorities and foster innovation. It is not clear why the Administration decided it needed to reorganize again, and what measures will be taken to ensure that independent science continues at EPA.

Thank you very much for the opportunity to testify today, and I am happy to answer any questions you may have.