16 August 2018

Tom Sinks
Office of the Science Advisor
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Mr. Sinks –

The undersigned scientific societies, which collectively represent over 270,000 scientists, write in response to the proposed rule entitled, "Strengthening Transparency in Regulatory Science," published in the Federal Register on 30 April 2018 by the Environmental Protection Agency (EPA).

The notice for proposed rulemaking outlines significant changes to how the agency would utilize science in decision-making. We are concerned that the changes will impede EPA's ability to fulfill its mission of protecting human health and the environment. As written, the proposed rule would exclude scientific research if the underlying information is not publicly available in a way that allows for independent validation. However, the notice fails to indicate why such a change is necessary, particularly as the notice acknowledges the existence of laws and policies that promote transparency.[1] While we, the undersigned societies, support transparency and openness of science, we reject the notion that data must be publicly published to be credible and have merit in decision-making. **Therefore, we urge the agency to withdraw this unnecessary and burdensome proposed rule**.

The proposed rule is vague and lacks critical details about how this policy would be implemented. It gives broad authority to the Administrator to determine which science could be used in rule-making without a process outlining clear parameters for making a determination. Science should inform decision-making, not be cherry-picked without sound reasoning for exclusion.

The proposed rule was published without input from internal or external scientific experts, including the EPA Scientific Advisory Board and the National Academies of Science, Engineering, and Mathematics. As a policy that would significantly impact the use of science at the agency and the clear solicitation of input about process and data management infrastructure included in the notice, experts in science and data management would have greatly informed the agency's actions.

The notice cites that the proposed policies "are informed by the policies recently adopted by some major scientific journals," referring to the Transparency and Openness Promotion (TOP)

[1] Office of Management and Budget, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies* (2002) (online at www.gpo.gov/fdsys/pkg/FR-2002-02-22/pdf/R2-59.pdf).

guidelines adopted by peer-reviewed scientific publications. Again, we support TOP standards and the transparency they promote. However, as pointed out by the editors of major scientific journals[2], such policies do not inhibit the use of research if the underlying data is not able to be published, such as sensitive personally-identifiable information and confidential business information.

The agency should also consider the potential burden such a policy would place on the agency. Not only would the proposed rule require a significant number of personnel hours to evaluate every research study considered for each rule-making, redact any sensitive information, and maintain a public database, the financial burden in an already constrained fiscal environment would hinder the agency's ability to complete its important, life-saving work. Rather than divert funds and personnel hours to a solution in need of a problem, we urge EPA to reconsider such an unnecessary proposal.

The undersigned societies stand ready to assist EPA in fulfilling their mission to protect the well-being of our environment and communities. Science is an essential element to the agency's ability to do just that. We urge the agency to reconsider the proposed rule, which will undoubtedly become a barrier to the agency's work.

We stand ready to work with you to ensure that science can continue to appropriately inform the agency's work to protect the health and well-being of communities across the nation.

Respectfully,

Christine McEntee
CEO/Executive Director
American Geophysical Union

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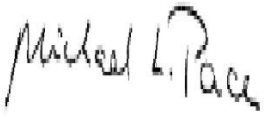
[2] Berg, Jeremy, et al. *Joint statement on EPA proposed rule and pubic availability of data,* 30 April 2018 (available at http://science.sciencemag.org/content/sci/early/2018/04/30/science.aau0116.full.pdf).



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