



BIPARTISAN POLICY CENTER

May 22, 2018

The Honorable E. Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Bipartisan Policy Center comments on “Strengthening Transparency in Regulatory Science,” Docket ID No. EPA-HQ-OA-2018-0259

Dear Administrator Pruitt:

The Bipartisan Policy Center wishes to provide comments on the proposed rule “Strengthening Transparency in Regulatory Science” (Docket ID No. EPA-HQ-OA-2018-0259). BPC is a non-profit organization that combines the best ideas from both parties to promote health, security and opportunity for all Americans. BPC drives principled and politically viable policy solutions through the power of rigorous analysis, painstaking negotiation, and aggressive advocacy. Our policy solutions are the product of informed deliberations by former elected and appointed officials, business and labor leaders, and academics and advocates who represent both ends of the political spectrum.

BPC has engaged in efforts to improve the use of science in the regulatory process for several years through our 2008-2009 Science for Policy Project and our ongoing Evidence-Based Policymaking Initiative. While we strongly support efforts to improve data access and quality in the regulatory process, we have serious concerns about EPA’s proposed rule and the rulemaking process.

Because the proposed rule raises complex and multifaceted issues, we request that EPA extend its 30-day comment period to allow for meaningful stakeholder involvement. Additionally, there should be opportunities to comment on revisions to the proposed rule; these opportunities should extend for periods of 90 days or more. This process should also include consultation with and direct engagement of stakeholders including scientists, industry, academic institutions, states, other federal agencies, and the public.

BPC would also like to clarify how our work is reflected in the current proposal. In 2008, BPC initiated the Science for Policy Project, assembling a diverse panel of experts to develop recommendations for both the Executive Branch and the Congress on how to improve the way science is used in making regulatory policy across the government’s areas of responsibility. The 13 members of the panel included liberals and conservatives; Republicans

and Democrats; scientists and policy experts; and leaders with experience in government, industry, academia, and non-governmental organizations. The panel's final report and recommendations, reflecting a consensus of all panel members, was released on August 5, 2009.¹

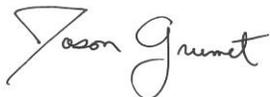
EPA's press release for the proposed rule states that "Strengthening Transparency in Regulatory Science" is "consistent with ... recommendations from" the BPC report.² The "Background" section of the *Federal Register* notice for the proposed rule states: "The proposed rule takes into consideration the policies or recommendations of third party organizations who advocated for open science" and cites the BPC report, among others.³ While these two references imply different levels of agreement, we want to be clear that *the proposed rule is not consistent with the BPC report in substance or intent.*

While the Science for Policy Project panel encouraged greater transparency and access to data, the report never suggested excluding studies from consideration in developing regulation if data from those studies were not publicly available. Indeed, the panel's overarching recommendation for assembling the "best available science" reads: "Agencies and their scientific advisory committees should *cast a wide net* (emphasis added) in reviewing studies relevant to regulatory policy, and should make their methods for filtering and evaluating those studies more transparent."

BPC is planning to submit comments on the record about the substance of the proposed rule and areas that we hope EPA will refine and address.

EPA's proposal raises a myriad of highly complex issues that have been subject to widespread discussion for years. Careful and thorough deliberation by a range of stakeholders is required to deal with these issues. EPA must use the best available science in the most effective way to truly fulfill its mission of protecting human health and the environment.

Sincerely,



Jason Grumet
President, Bipartisan Policy Center (BPC)

¹ Improving the Use of Science in Regulatory Policy. BPC Science for Policy Project Final Report. August 5, 2009. <https://bipartisanpolicy.org/library/science-policy-project-final-report/>

² News Releases: EPA Administrator Pruitt Proposes Rule to Strengthen Science Used in EPA Regulations. April 24, 2018. <https://www.epa.gov/newsreleases/epa-administrator-pruitt-proposes-rule-strengthen-science-used-epa-regulations>

³ Strengthening Transparency in Regulatory Science. Federal Register. April 30, 2018. Docket ID No. EPA-HQ-OA-2018-0259. <https://www.federalregister.gov/documents/2018/04/30/2018-09078/strengthening-transparency-in-regulatory-science>