

## SUMMARY

### EPN Comments on the Science Advisory Board's Draft Report on EPA's Proposal to Regulate the Use of Science in EPA Rules

January 10, 2020

On January 10, 2019, EPN submitted [comments](#) to EPA's Scientific Advisory Board (SAB) on its draft report for the administration's [proposed](#) "Censored Science" rule, to be considered in advance of the SAB's [public teleconferences](#) being held between January 17-24. The rule would restrict the use of scientific studies in setting rules and agency policies, if the underlying data and models used to support those studies are not made public. The proposal is a direct attack on long-accepted scientific approaches and presents a real threat to the progress made on improving the health of this country and its people.

EPN's review found that throughout the development and subsequent review of this proposal, EPA has not shown any significant interest in the views of the scientific community. Further, the agency originally only provided a 30-day comment period for a proposal that presented a dramatic departure from a decades-long best practice in the assessment and use of science. In addition, the SAB report also brings to light the fact that EPA has not demonstrated the need for this proposal and that it may, in fact, add no transparency and even make some research more difficult. Finally, EPA will need to take much more time to consider fully the many specifics, nuances, and recommendations identified by the SAB in its review of this major new rule, and conduct a thorough analysis of the economic costs, the loss of more productive research, and the potential risks to environmental and health protection.

EPN's main points include:

- **The process EPA has followed in involving the SAB and the public in the development and review of this rule has been anything but transparent.** This rushed and largely secret process illustrates a disinterest in transparency in the formulation of public policy, as well as the views of the scientific community.
- **The draft SAB report has done a service by pointing out a large number of conceptual and practical deficiencies in the proposed rule, as well as the lack of any attempt to assess the potential costs, benefits, and risks associated with actually implementing the rule.**
- **The SAB finds that the agency has not demonstrated the need for this proposed regulation.** This fact should be given prominence in both its cover letter and executive summary of the rule. Much of the draft SAB advice for clarification and guidance of this rule could be implemented without the need for rulemaking.
- **If EPA wants to proceed with this rule, it will need to take much more time to consider fully the many specifics, nuances, and recommendations identified by the SAB in their review of this major new rule and conduct a thorough analysis of the economic costs, the loss of more productive research, and the potential risks to environmental protection.**

### Background

In 1978 Congress directed EPA to establish an SAB to provide scientific advice to EPA's Administrator. The SAB reviews the quality and relevance of scientific and technical information being used by EPA or that is proposed for regulations, reviews EPA research programs and plans, provides science advice as requested, and advises the agency on broad scientific matters.