

May 18 2020

The Honorable Andrew Wheeler
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Wheeler:

On behalf of the American Geophysical Union (AGU) and its community of more than 110,000 Earth and space scientists, I am writing to express concerns about planned policy changes at the Environmental Protection Agency (EPA) regarding the Supplemental Notice of Proposed Rulemaking for the “Strengthening Transparency in Regulatory Science” (the supplemental notice). The supplemental notice makes substantial changes to the original proposed rule text and would significantly alter how the EPA uses and views scientific research, not only in proposed regulations, but in any “influential scientific information” and “pivotal science” used by the agency. This represents a marked shift in agency best practices and could have widespread negative consequences for the public’s health and the environment. Given the likelihood of such consequences, we urge you to reconsider the policy changes.

AGU is concerned with the expanded scope of the supplemental notice, which now asks that all data and models in studies (not just dose-response data and models) be publicly available for the agency to fully consider, under the ostensible purpose of being “independently validated.” This concept suggests that this new process would somehow provide a more robust assessment than the peer review process that allowed the studies to be published in the first place, a troubling concept that flies in the face of scientific best practices. Moreover, the agency is proposing a “downweighing” approach for considering research where data is not fully available, which could exclude valuable and directly pertinent research containing data sets with private health information and confidential business information.

AGU understands the importance of open science and is a leader in this arena. AGU is fully committed and would be willing to aid efforts to ensure that scientific information is communicated openly with policymakers and the public. Five of our 22 journals are gold open access, including our GeoHealth journal, and 96% of our content is freely accessible online. In April, AGU submitted comments¹ to the Office of Science, Technology, and Policy’s Request for Information on open access, detailing AGU’s strong advocacy for open and accessible science and research that also ensures and enhances the quality of the peer review process. It

¹ https://www.agu.org/-/media/Files/Share-and-Advocate-for-Science/Letters/2020-Letters/AGU_OSTP_RFI_Open_Access_Response_final.pdf

is critical that such scientific information undergo the peer review process, which remains the gold standard of academic achievement. Despite suggestions to the contrary,² the peer review process affords the type of informed discourse necessary for the objectivity, rigor, and legitimacy of scientific information. There should be no need for any other validation.

AGU is also concerned that the rule now applies to not only rulemaking, but all influential science at the agency, which could affect decisions tied directly to community and public health, such as environmental remediation and permitting. This aspect of the proposal also puts our national economy, security, and well-being at risk with regard to decisions to mitigate the climate crisis.

AGU stands with the scientific community regarding the scientific consensus that climate change is occurring and is primarily driven by human activities.³ The data that supports this conclusion is not only strong but growing all the time. Failing to acknowledge and inform the public about this fact, as well as the ways in which the public can mitigate the effects and build resiliency is scientifically misleading, dangerous, and against the very mission of EPA. We as a nation need to ensure that we are addressing the pressing issues facing our communities by using and disseminating accurate, peer reviewed and up-to-date scientific information.

Finally, in 2015, the Congressional Budget Office estimated that implementing a secret science policy like the one proposed by EPA would cost between an estimated \$5 million over five years to \$250 million annually.⁴ Certainly expanding the scope of this rulemaking to include all influential and pivotal science at the agency would only cause these costs to increase. At a time when the Administration is proposing significant cuts to EPA funding, this policy would become an unnecessary burden on the agency and further hamstring its ability to protect public health and the environment.

² <http://dailycaller.com/2018/03/19/epa-scott-pruitt-secret-science/>

³ https://www.agu.org/-/media/Files/Share-and-Advocate-for-Science/Position-Statements/Society_Must_Address_the_Growing_Climate_Crisis_Now_2019.pdf

⁴ <https://www.cbo.gov/publication/50025>



AGU stands ready to work with you and the EPA to ensure that science can continue to appropriately inform decision-making that benefits the health and well-being of the American public.

Respectfully,

A handwritten signature in black ink that reads "Lexi Shultz". The signature is written in a cursive style with a large initial "L" and "S".

Lexi Shultz
Vice President, Public Affairs
American Geophysical Union