

## EPA proposes new transparency rule for regulatory science

April 30, 2018

The Environmental Protection Agency (EPA) released a new proposed rule, titled Strengthening Transparency in Regulatory Science, in the Federal Register on April 30. In the rulemaking summary, the EPA states, “the proposed regulation provides that when EPA develops regulations, including regulations for which the public is likely to bear the cost of compliance, with regard to those scientific studies that are pivotal to the action being taken, EPA should ensure that the data underlying those are publicly available in a manner sufficient for independent validation.” In particular, the proposed rule focuses on dose response data and models.

The EPA is soliciting public comments until May 30, 2018. In addition to overall comments on the rule, the request for comment section includes 25 specific solicitations for the proposed science transparency policy. Scientific organizations have expressed concern for the short comment period given the complexity of the rule and the rule’s potential to restrict the science that informs rule making due to reproducibility constraints and utilizing private data.

EPA Administrator Scott Pruitt signed the proposed rule on April 24 with House Science Committee Chairman Lamar Smith (R-TX-21) and Senator Mike Rounds (R-SD) by his side. Representative Smith and Senator Rounds introduced the Honest and Open New EPA Science Treatment (HONEST) Act (H.R.1430/S.1794) last year that included similar, but broader, language to the proposed rule. The HONEST Act would amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to prohibit the EPA from proposing, finalizing, or disseminating a covered action unless all scientific and technical information relied on to support such action is the best available science, specifically identified, and publicly available in a manner sufficient for independent analysis and substantial reproduction of research results. The House passed H.R.1430 on March 29, despite concerns from the scientific community that the ability of federal agencies to utilize rigorous science in establishing policies could be undermined by such legislation. Of particular concern were the confidentiality of private data and the potential limitations this legislation could impose on using results from scientific studies that cannot be reproduced because they are based on single events or long-term (e.g., multi-decade) data.

*Sources: American Association for the Advancement of Science, E&E News, Federal Register, Library of Congress, Union of Concerned Scientists*

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