

March 18, 2020

Submitted electronically to docket and osp_staff@epa.gov

Administrator Andrew Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OA-2018-0259

Re: Request for an Extension on Comment Period for EPA's Strengthening Transparency
in Regulatory Science supplemental proposal published March 18, 2020

Dear Administrator Wheeler,

The Union of Concerned Scientists respectfully requests a 60-day extension of the comment deadline for the Strengthening Transparency in Regulatory Science supplemental proposal (Docket ID No. EPA-HQ-OA-2018-0259), plus at least three virtual public hearings. Further, we urge you to extend the comment period at least 30 days beyond when the federal government lifts the national emergency concerning the Novel Coronavirus Disease (COVID-19) outbreak. Evaluating a document of this complexity and submitting substantive comments to help inform EPA's decisions in the midst of a worldwide pandemic requires considerably more time than the current 30-day comment period allows.

First, bringing this extensive proposal forward during the COVID-19 pandemic is reckless and would divert critical public health expertise from the singular mission of protecting the public and controlling the pandemic. Public health experts whose input is essential to the evaluation of this proposal are the same experts responding to the public health emergency and should not be pulled from that duty. Further, public comment is difficult or impossible for populations where technology access is reduced or eliminated, or where technology use would put safety at risk, in the midst of this crisis. Some households do not have internet access at home and may not have the time and capacity to prioritize public comments, given shelter-in-place and social distancing orders in place throughout the country. Others are called to provide public health expertise to their communities or to care for their families.

Second, Executive Order 12866 suggests that a 60-day comment period is the minimum necessary to afford the public a meaningful opportunity to comment during normal times.¹ This is especially true for a rule that would have significant impact on nearly every aspect of EPA's scientific and regulatory work. The supplemental proposal is substantially different from the draft rule announced on April 30, 2018. For example, by applying not only to dose-response research but to all research, and not only to "pivotal regulatory science" but all

¹ Executive Order No. 12866, 58 Fed. Reg. 51,735 (Oct. 4, 1993).

“influential science,” the supplemental greatly expands the scope of the draft rule and the researchers whose work would be subject to it. Further, the draft rule was vaguely written, limiting the ability of commenters to assess and articulate impacts of such a policy change. In the supplemental notice, EPA has provided extensive definitions of terms that deserve careful consideration and detailed responses.

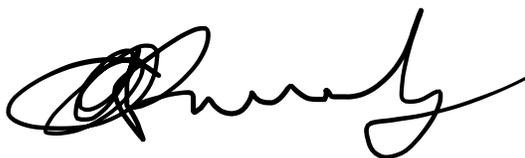
Third, more time is needed because the administrative record for this rulemaking fails to address impacts of the proposed rule, including the types and amount of studies that would be affected, the costs that the proposed rule would impose on the agency and individual researchers, and most importantly how the agencies mission of protecting public health and safety would be impacted. This lack of detail reduces the ability of the public to submit informed comments. Despite this lack of analysis and despite a Congressional Budget Office estimate on a similar legislative proposal of \$250 million annually,² the Administration has deemed this proposal not economically significant. Thus, additional time is crucial for the public and subject matter experts to assess the economic and public health impacts of the rule given the agency’s failure to do such an assessment.

As you learned when the rule was first proposed, tens of thousands of scientific experts raised unique and nuanced issues. Now that the rule is better defined and would be more broadly applied, you can expect that even more scientists and scientific organizations will have a keen interest in providing feedback. Thousands of researchers and many types of research could be impacted by the proposed rule in unique and highly specialized ways. A 90-day comment period plus at least three public hearings, with appropriate additional allowances in light of the COVID-19 pandemic, would allow for stakeholders to more thoroughly assess the proposed rule.

Historically, the EPA has successfully used the best available science to protect public health. A short public comment period on such wide-ranging changes to approach the agency will take to science-based policymaking puts that legacy at grave risk.

Given the short time you have provided for public comment, we would appreciate a reply to this request within 48 hours. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew A. Rosenberg". The signature is fluid and cursive, with a large initial "A" and "R".

Andrew A. Rosenberg
Director, Center for Science and Democracy
Union of Concerned Scientists

² Congressional Budget Office analysis of H.R. 1030, the Secret Science Reform Act, 11 March 2015. Available at <https://www.cbo.gov/publication/50025>