

**EPA Public Hearing on Proposed Rule, “Strengthening Transparency in Regulatory Science”**  
**Remarks of Jennifer McPartland, PhD**  
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Good morning. My name is Jennifer McPartland and I am a senior scientist in the health program at Environmental Defense Fund.

EPA’s proposed rule represents a total disregard for the agency’s core mission: protection of human health and the environment. Under the guise of transparency, EPA’s proposal handcuffs the agency’s use of best available science in violation of many of its statutes. If finalized the rule will erode critical public health protections, and with them, the scientific integrity and public trust of the agency.

EPA’s “censored science” proposal would prohibit EPA’s use of critical scientific studies in developing regulatory requirements, unless all the data underlying those studies have been made public. As the authors of this proposal know well, this unnecessary and unworkable standard would effectively bar the agency from using high quality scientific research in setting public health safeguards.

The data underlying many scientific studies are not publicly available and cannot be made publicly available. For example, research involving human subjects often rely on medical or other personal information—information that researchers cannot make public for legal, ethical, and practical reasons. Additionally, advances in data science have made it increasingly more challenging to effectively de-identify study subjects and protect their privacy. In other instances, studies may have been published decades ago and the underlying data are no longer available.

It is exactly these types of studies that EPA and other authorities use to protect people from harmful environmental exposures like lead, formaldehyde, methylene chloride, benzene, arsenic, and perchlorate to name just a few. It is the science generated by our most prestigious scientific institutions. It is the knowledge we rely on to ensure our water is safe to drink, our air is safe to breathe, and our land is safe for our children to play.

Beyond jeopardizing critical public health protections, the proposed rule completely disregards established, effective mechanisms used to vet scientific research including peer review, data sharing agreements, and consensus in findings across multiple studies. Indeed, EPA provides no explanation or justification showing that this proposal would improve upon these established mechanisms.

The proposed rule also raises several troubling concepts that are contrary to scientific best practices in chemical assessment as discussed extensively in the seminal National Academies report, *Science and Decisions*. Specifically, the proposed rule ignores the report's conclusion that thresholds of effects for chemical exposures are the exception rather than the rule given biological and exposure variability across the population. The rule also seeks to demote the use of health protective defaults in risk assessment, again at odds with the recommendations of the National Academies. Additionally, the proposal gives more value to studies that employ a variety of dose-response models, an approach that can be misleading. Multiple bad analyses does not make a study more credible. More broadly, the proposed rule seeks to codify scientific practices

in a regulation—a consistently frowned upon approach given the continuously evolving nature of science.

EPA's development of the proposal also represents a total disregard for process. The agency sidestepped review by its external Scientific Advisory Board, which has now voiced serious concerns about the proposal and has recommended that it undergo full SAB review before possible finalization. The White House OMB review of the proposal was also quite dubious—involving a revision to the original date its review had been completed to seemingly align with the fact that former Administrator Pruitt had signed the proposed rule a day prior. The final OMB review process took course over just a few days—an impossible amount of time for any legitimate interagency review of the complex scientific issues at stake in this rulemaking, even though they have implications for all other federal agencies that rely on sound science.

Not surprisingly, the proposed rule does not grapple with the challenging steps necessary for a legitimate effort to support greater data availability. It does not consider the digital infrastructure that would be required to make underlying study data publicly available in a secure manner, nor the resources needed for researchers and the agency to use and maintain such a system. Indeed, the Congressional Budget Office estimated that a similar piece of legislation would cost millions of dollars.

Americans need and expect EPA to use the best available science. Right now, Americans across the country are drinking water contaminated with per- and polyfluoroalkyl substances or PFAS's. In May, EPA publically committed to initiating steps to regulate two of the most well-studied, PFOA and PFOS—toxic

substances linked to cancer, thyroid effects, and reproductive harm. Some of the best available data on PFOA comes from the C8 health project, which involved a community-wide assessment of 69,000 residents living around Parkersburg, West Virginia who had been exposed to PFOA for decades. Studies resulting from the project will be critical to EPA as it takes steps to address PFOA and PFOS—yet the censored science proposal would make it difficult, if not impossible for EPA to rely on those studies.

EPA's censored science proposal serves the interests of polluters, not the public. It is designed to undermine EPA's use of critical research. EDF supports meaningful transparency in science, and the ongoing efforts in the scientific community to provide that transparency. But this proposal is not about transparency, it is about rolling back public health and environmental protections. EDF strongly recommends that EPA withdrawal the proposed rule.