

July 25, 2018

Acting Administrator Andrew Wheeler
U.S. Environmental Protection Agency
Docket ID No. EPA-HQ-OA-2018-0259
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Subject: Comment on Strengthening Transparency in Regulatory Science; Docket ID No. EPA-HQ-OA-2018-0259

Dear Acting Administrator Wheeler:

Thank you for providing an opportunity to comment on Strengthening Transparency in Regulatory Science.

The Metropolitan Washington Air Quality Committee (MWAQC) is certified by the governors of Maryland and Virginia and the mayor of the District of Columbia to develop plans demonstrating attainment of federal ozone and other criteria pollutant standards for the Washington, DC-MD-VA non-attainment area. We have done so successfully for more than twenty-five years through a partnership among the state and local governments in metropolitan Washington. MWAQC has identified a number of concerns with the proposed action. This letter expresses the view of the Committee. Individual Committee members may have other comments regarding the proposal.

Thank you for extending the public comment period on this measure to provide sufficient time for a meaningful review and analysis the proposed rule requires.

MWAQC understands that the existing regulatory procedures have worked well. For example, scientific studies often used as part of regulatory development or reviews already undergo significant peer review. Additionally, EPA's Clean Air Scientific Advisory Committee provides independent advice to the Administrator on the technical basis for rulemaking. The process proposed in this action, including a new EPA peer review process, could be duplicative of current practice and possibly costly to implement without adding commensurate value.

MWAQC agrees with the statement that EPA should use the best available science as the foundation of EPA's regulatory actions. The agency's use of science in regulatory processes should provide for the full use of all applicable studies. The proposed process could restrict the use of scientific studies based on confidential health data in the development of air quality regulations. Studies, such as the Harvard School of Public Health "Six Cities" epidemiological study, are a core component of scientific assessment of health-based air pollution standards and should continue to be available during the regulatory development processes.

MWAQC is further concerned about the potential for regulatory uncertainties were this rule to be retrospectively applied. Such action could create significant regulatory uncertainties over existing air quality standards, permits, state implementation plans, and transportation conformity determinations.

Finally, the Washington region has been able to make significant progress in improving its air quality as a result of a number of federal, state, and local rules that were adopted over the years. The proposed rule such as this and others (e.g., clean power plan, CAFÉ standard, heavy-duty truck "Glider

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Kit” rule) run the very real risk of reversing these gains, resulting in worse air and significant negative health effects.

Thank you again for the opportunity to provide comments on the proposal to Strengthen Transparency in Regulatory Science.

Sincerely,

The Honorable Hans Riemer
Chair, Metropolitan Washington Air Quality Committee (MWAQC)