

EPA'S PROPOSED RULE TO STRENGTHEN TRANSPARENCY IN REGULATORY SCIENCE

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Agenda Item 5



Proposal

- EPA proposed rule published on April 30, 2018
- According to EPA,
 - Rule is intended to strengthen the transparency of EPA regulatory science by increasing the clarity in the preparation, identification, and use of science in policymaking
 - Rule will use peer-reviewed information, standardized test methods, consistent data evaluation procedures, and good laboratory practices to ensure transparent, understandable, and reproducible scientific assessments
- Data and models used in scientific studies to develop significant regulatory actions (e.g., determination of ozone/fine particle standards) should be made available to the public for independent validation while protecting copyrighted and confidential information



EPA Seeking Comments On

- How to balance appropriate protection for copyrighted or confidential business information with requirements for increased transparency of pivotal regulatory science
- Whether EPA should apply the proposed rule to previous records (such as, health study data and models), which were used for determining pollutant standards
- Whether the disclosure requirements applicable to health study data and models in the proposed rule should be expanded to cover other types of data and information, such as economic and environmental impact data and models that are designed to predict the costs, benefits, market impacts and/or environmental effects of specific regulatory interventions on economic or environmental systems

Potential Issues

- Potential to restrict the use of studies in the development of health-based air quality regulations that are based on confidential individual health data
- Is the rule necessary? – There are existing regulatory procedures in place that have worked in the past (EPA's scientific panels)
- Is EPA independent peer review needed? Scientific studies currently undergo significant review by their peers
- Retrospective application of the rule could affect air quality planning issues such as, attainment of 2015 ozone NAAQS, maintenance of 2008 ozone NAAQS, transportation conformity

Submittal of Comments

- Comments to EPA by May 30, 2018
- Submittal of comments to
 - Docket ID No. EPA–HQ–OA–2018–0259, at <https://www.regulations.gov>
- MWAQC comment letter
 - Requesting EPA to extend the deadline by 60 days to July 30, 2018
 - NACAA also requested the extension to the above date
 - Working with MWAQC-TAC and states to further review the proposal and prepare comments accordingly