



Consortium of
Aquatic Science Societies

American Fisheries Society • Association for the Sciences of Limnology and Oceanography • Coastal and Estuarine Research Federation • Freshwater Mollusk Conservation Society • International Association for Great Lakes Research • North American Lake Management Society • Phycological Society of America • Society for Freshwater Science • Society of Wetland Scientists

May 18, 2020

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

Via regulations.gov

Re: Submission of Comments to EPA regarding the proposed rule, “Strengthening Transparency in Regulatory Science;” Docket ID No. EPA-HQ-OA-2018-0259-9322.

Dear Administrator Wheeler:

On behalf of the Consortium of Aquatic Science Societies (CASS), we respectfully submit the following comments in response to the proposed supplemental rule, “Strengthening Transparency in Regulatory Science,” Docket ID No. EPA-HQ-OA-2018-0259-9322, published in the Federal Register on March 18, 2020.

CASS is composed of nine professional societies representing almost 20,000 individuals with diverse knowledge of the aquatic sciences. Those members work in the private sector, academia, non-governmental organizations, and various tribal, state, and federal agencies. CASS represents professional scientists and managers with deep subject matter expertise, a commitment to independent objectivity, and the critical review of environmental information. We support the development and use of the best available science to sustainably manage our freshwater, estuarine, coastal, and ocean resources to the benefit of the U.S. economy, environment, and public health and safety.

CASS strongly opposes the proposed supplemental rule on the grounds that it would undermine EPA’s ability to use the best available science in its policy-making process and thus impede EPA’s mission to protect human health and the environment. We respectfully request that the EPA extend the comment period an additional 30 days and abandon the original and supplemental proposed rules in their entirety.

The comment period is insufficient given the complexity of the rulemaking and should therefore be extended. The first iteration of the rule drew nearly 600,000 comments over a roughly 90-day period. The same opportunity should be afforded to this supplemental proposed rule so that the scientific community and the public can

properly weigh-in on such a far-reaching proposal. An extension of the comment period is especially important during this time when the nation is dealing with the COVID-19 pandemic and facing unprecedented challenges that will prevent many from commenting during the short time frame.

The proposed supplemental rule would significantly undermine the ability of the EPA to use the best available science in setting policies and regulations if implemented. It would result in a significant reduction in science that could be used by EPA, risking direct harm to our citizens and their environment. Therefore, the effect of the rule would be to weaken the scientific underpinnings of federal policy with the predictable result that environmental and public health would be compromised. Standards created and enforced by the EPA should be based on ALL of the best available published science, data, and models.

Peer-reviewed literature is considered to be the gold standard for high quality research. Peer reviewers vet the integrity of the data and the scientific methods used in the research before these studies are published. The use of such peer-reviewed scientific studies and conclusions in policy deliberations should not be restricted to studies with publicly available underlying data. First, it would be impractical or impossible to make the historical source data available for many of the foundational papers that contribute to the understanding of the functioning of the environment. The practice of making raw data available for such publications has been growing in acceptance and application only for the last decade. Other data is not publicly available because it is proprietary by nature or protected by law to preserve the privacy of citizens. To disqualify important research findings because the public cannot access legally protected data or legacy data analyses is short-sighted given the obligation to the American public to use all vetted, critical information to protect their health and well-being.

As with the original rule, this proposed supplemental rule was not reviewed by the EPA's own Scientific Advisory Board before its release for public comment. At a minimum, the agency should consult with its own scientific experts regarding the proposed supplemental rule's potential short and long-term human and environmental health effects.

CASS urges that the original rule and the proposed supplemental rule be rescinded and that the EPA consider all valid and vetted scientific information in public health and environmental policymaking. The public needs to be confident that protection of human health and the environment is the top priority for the agency. The proposed supplemental rule would diminish the pivotal role that scientific evidence plays in making critical decisions that directly impact the health of Americans.

Thank you for considering these comments. If you have further questions, please do not hesitate to contact Drue Banta Winters by email at dwinters@fisheries.org or telephone at 301-897-8616.

Sincerely,

American Fisheries Society
Association for the Sciences of Limnology and Oceanography
Coastal and Estuarine Research Federation
Freshwater Mollusk Conservation Society
International Association for Great Lakes Research
North American Lake Management Society
Phycological Society of America
Society for Freshwater Science
Society of Wetland Scientists