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From: EPA Press Office [press=epa.gov@cmail20.com]
on behalf of EPA Press Office [press@epa.gov]
Sent: 5/11/2018 3:00:17 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]
Subject:Many Mocked This Scott Pruitt Proposal. They Should Have Read It First.

THE WASHINGTON POST

Many Mocked This Scott Pruitt Proposal. They Should Have Read It First.

The Washington Post
By Robert Hahn
May 10, 2018
https://www.washingtonpost.com/opinions/many-mocked-this-scott-pruitt-proposal-they-should-have-read-it-first/2018/05/10/31baba9a-53c2-11e8-abd8-265bd07a9859_story.html?noredirect=on&utm_term=.f7bcbc0a1887

Robert Hahn is a visiting professor at Oxford University's Smith School of Enterprise and the Environment and a non-resident senior fellow at the Brookings Institution. He recently served as a commissioner on the U.S. Commission on Evidence-Based Policymaking.

When Environmental Protection Agency Administrator Scott Pruitt proposed a rule last month to improve transparency in science used to make policy decisions, he was roundly criticized by interest groups and academics. Several researchers asserted that the policy would be used to undermine a litany of existing environmental protections. Former Obama administration EPA officials co-wrote a New York Times op-ed in which they said the proposal "would undermine the nation's scientific credibility." The Economist derided the policy as "swamp science."

But there is a lot to cheer about in the rule that opponents have missed. A careful reading suggests it could promote precisely the kind of evidence-based policy most scientists and the public should support.

Critics typically argue that the proposed regulation would suppress research that contains confidential medical records and therefore scientists could not share underlying data publicly for privacy reasons. Such restrictions, these critics say, would have excluded landmark research, such as Harvard University's "Six Cities" study, which suggested that reducing fine particles in the air would dramatically improve human health and helped lead to more stringent regulation of fine particles in the United States.

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But it appears that few defenders or opponents of the proposal have actually read the proposed EPA regulation, which is only seven pages long. Both sides distort the regulatory text.

Here's what the rule would actually do. First, it would require the EPA to identify studies that are used in making regulatory decisions. Second, it would encourage studies to be made publicly available "to the extent practicable." Third, it would define "publicly available" by listing examples of information that could be used for validation, such as underlying data, models, computer code and protocols. Fourth, the proposal recognizes not all data can be openly accessible in the public domain and that restricted access to some data may be necessary. Fifth, it would direct the EPA to work with third parties, including universities and private firms, to make information available to the extent reasonable. Sixth, it would encourage the use of efforts to de-identify data sets to create public-use data files that would simultaneously help protect privacy and promote transparency. Seventh, the proposal outlines an exemption process when compliance is "impracticable." Finally, it would direct the EPA to clearly state and document assumptions made in regulatory analyses.

Here's what the EPA's rule wouldn't do: nullify existing environmental regulations, disregard existing research, violate confidentiality protections, jeopardize privacy or undermine the peer-review process.

The costs of compliance with EPA regulations are substantial. A draft report from the White House Office of Management and Budget suggests that significant EPA regulations imposed costs ranging from $54 billion to $65 billion over the past decade. These rules also realize substantial public-health and environmental benefits estimated to range from $196 billion to $706 billion over the decade.

Given the stakes for both the cost of compliance with EPA regulations and the real risks that pollution poses to public health and the environment, this rule should be read closely by critics and supporters for what it actually says. Just as transparency in science and evidence are essential, so, too, are intellectual honesty and accurate policy communication.

Taking steps to increase access to data, with strong privacy protections, is how society will continue to make scientific and economic progress and ensure that evidence in rule-making is sound. The EPA's proposed rule follows principles laid out in 2017 by the bipartisan Commission on Evidence-Based Policymaking — humility, transparency, privacy, capacity and rigor — and moves us toward providing greater access to scientific data while protecting individual privacy.

Instead of throwing stones, the scientific community should come together to offer practical suggestions to make the rule better. For example, the rule should recognize the incentives for scientists to produce new research. Scientists need to have time to produce and take credit for their research findings. Thus, there will inevitably be a trade-off between the production of new insights and the sharing of data with others, including regulators.

Done right, this could improve government policy not only in the United States but also around the world.

It's still hard to tell how this rule will affect EPA decisions, but one thing is clear: The rule will make the evidence by which we make policy decisions more transparent. The policy might not be perfect, but its benefits will likely far outweigh its costs.

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