Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 6/6/2018 1:11:03 PM
To: Lovell, Will (William) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b150bb6ade640f68d744fadcb83a73e-Lovell, Wil]
CC: Daniell, Kelsi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cd867173479344b3bda202b3004ff830-Daniell, Ke]; Block, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=60d0c681a16441a0b4fa16aa2dd4b9c5-Block, Moll]; Yamada, Richard (Yujiro) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4c34a1e0345e4d26b361b5031430639d-Yamada, Yuj]
Subject: Re: "Strengthening transparency..." story

Agree

On Jun 6, 2018, at 9:05 AM, Lovell, Will (William) <lovell.william@epa.gov> wrote:

Looping in Clint and Richard and taking off Brittany.

Deliberative Process / Ex. 5

From: Daniell, Kelsi
Sent: Tuesday, June 5, 2018 5:26 PM
To: Bolen, Brittany <bolen.brittany@epa.gov>; Block, Molly <block.molly@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: Fwd: "Strengthening transparency..." story

See below. Anything we want to say here?

Sent from my iPhone

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Eric Roston (BLOOMBERG/ NEWSROOM:)" <eroston@bloomberg.net>
Date: June 5, 2018 at 10:19:17 AM MDT
To: "Wilcox, Jahan" <wilcox.jahan@epa.gov>, Press <Press@epa.gov>
Subject: Fwd:"Strengthening transparency..." story
Reply-To: Eric Roston <eroston@bloomberg.net>

Hi, resending this in case it fell in a crack, thanks. Best, Eric

Eric Roston
212-617-5464

----- Original Message -----
From: ERIC ROSTON
To: press@epa.gov
At: 04-Jun-2018 16:15:42

Greetings,

I'm writing an overview/catch-up piece about the proposed "Strengthening Transparency in Regulatory Science" rule. It's an introduction to the debate(s). It explains what the rule would appear to do, why many scientists and organizations say they oppose it in its current form, and shares some of the comments from the public docket. I'd like to run the below questions and comments by you, in the event that EPA would like to respond to any or all of them, or flag anything specific you would like considered for inclusion. Thank you. Eric

1) Any thoughts on these things?:

- A public comment from the Bipartisan Policy Center says that the proposal "is not consistent with the [2009] BPC report in substance or intent" [https://bit.ly/2Js0NIR].

- The SAB's Friday agreement to include the transparency rule in its coming letter to the Administrator.

- Five leading peer reviewed journals in a public comment suggest that the rule would "limit the scientific evidence" that can inform policy [https://bit.ly/2Lm2vZI].

- The Ranking Member of the House Science Committee, U.S. Rep. Johnson, sent in a public comment that accuses the agency of executive "overreach" [https://bit.ly/2J86kFb].

- This recent essay by Stanford's John Ioannidis: https://bit.ly/2IopXYl

Some other questions:

- A comment from a GWU Regulatory Studies Center scholar concludes that "The requirements proposed here are not a radical departure from existing guidelines." What in the proposal is a departure, and why is it necessary?

- Is "secret science" fraudulent science? What studies specifically are the best examples of it? (I noticed that that phrase does not appear in the rule.)

- Is this line from the 2002 "Guidelines for Ensuring and Maximizing the Quality…" a plausible summary of the overall "transparency" v "best available science" debate [https://bit.ly/2J8qA9r]? "However, the objectivity standard does not override other compelling interests such as privacy, trade secrets, intellectual property, and other confidentiality protections." Is this sentence consistent with the proposed rule?

- The same 2002 guidance cites the HEI work on the Harvard Six Cities study and the ACS PM study as an example how to verify studies without absolute public disclosure. Is that 3rd-party verification by HEI still a useful reference for reproducibility? Would this rule vacate that guidance?

- Could small business owners be disproportionately affected by the rule?

- Can you describe the review process for the proposal before it went out on April 30? How deeply were career staff involved in its drafting?

- This question may sound petty, but I'm actually just curious, probably because it relates to my own nightmares when publishing stories on any topic. Copy-editing errors are rare in regulations, but there are at least two in the 4/30

proposal. It just made me wonder if anything about the rule was rushed:

- Footnote 3: "…Historically, EPA has not consistently observed the policies underlying this proposal, and courts have at times upheld EPA's use non-public data in support..."
- Section §30.7 heading: "What role does independent peer review in this section?" [This question is written correctly on the prior page.]

Thanks again for any insight.

*****
Eric Roston
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