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Jane Nishida, Acting Administrator
Office of the Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Submitted via email

Re: Implementation of the Evidence Act
Dear Acting Administrator Nishida:

We, the North American Chapter of the International Society for Environmental Epidemiology write to request that you carefully examine the draft protocols for implementing the Evidence act that have been developed by EPA to prevent them from being used as a back door to preventing the EPA from considering epidemiology in rulemaking. With the censored science rule now withdrawn, we want to ensure it does not return. The image below from a recent EPA presentation on dealing with the act indicates the problem. It notes that the Evidence Act requires that the Agency provide open access to underlying datasets "where feasible". Since epidemiological studies are governed by privacy laws, including HIPAA and, for European studies the GDPR, this is rarely if ever feasible, or legal, for epidemiology studies. We have previously commented on how easy it is to re-identify subjects in such studies. Hence the way EPA implements and interprets "where feasible" is critical for EPA's ability to consider the best available science in setting standards, regulations, and reference doses. From the slide deck, it is not clear that EPA is currently taking this issue as seriously as it deserves. We urge you to ensure this is clearly addressed in any protocols and rules for implementing the act.

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st changed: Wednesday, January 27, 2021

Evidence Act Overview for EHHP January 2021.pdf
221 KB

Evidence Act and ROE Indicators

ROE Workshop Goals	
Cross-Media Issues	• Brainstorm how cross-media issues might be addressed • Develop a prioritized list of cross-media issues • Produce potential ways to display cross-media issues
ROE Questions and New Indicators	• indicators and new questions for the ROE of the future • confirm existing, or develop new, ROE questions • develop prioritized list of new and revised indicators
Trends Analysis	• brainstorm potential methods or approaches for analyzing and interpreting trends in the ROE • develop a prioritized list of potential trends to explore
User Experience and Communications	• increase our understanding of all the current and potential users of the ROE

Evidence Act asks agencies to:

- Engage experts in gathering, synthesizing and evaluating evidence
- Identify priority questions for a learning agenda that spans the period of the Strategic Plan
- Produce data (measures, indicators) of enough quality and rigor for use in analyses, research, and evaluation
- Provide open access to underlying datasets and metadata, share data with other researchers where feasible

Sincerely,

Joel Schwartz
On behalf of the International Society for Environmental Epidemiology, North American Chapter