

Congress of the United States
Washington, DC 20515

January 27, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States of America
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Biden:

We appreciate your commitment to addressing the climate crisis and restoring scientific integrity across all federal agencies. Over the last four years the Trump Administration has waged an unprecedented attack on science, and we are grateful for your leadership to defend and support the scientific community. We write to express our significant concern about one particularly harmful rule finalized by the Trump Administration's Environmental Protection Agency, the "Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information" rule.¹ We are grateful for your early attention to the "Censored Science" rule in your Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, and we urge you to use all legal and administrative means at your disposal to rollback this harmful rule immediately.

The EPA's ability to meet its mandate to protect public health and the environment depends on science that is free from political interference, bias, or ideology, and without any conflicts of interest. We are deeply concerned that Trump's final "Censored Science" rule would severely impede the Agency's ability to protect Americans from risks to human health and the environment by limiting the scope of research that the EPA could consider in making decisions. The final rule essentially blocks access to the best available science, which could jeopardize the health and livelihood of every person in this country and disproportionately burden Black, Indigenous, and communities of color who are often still waiting for the EPA to fulfill its promise of clean air and clean water. This final rule is only the latest such attempt by regulated industry to weaken EPA's regulatory authority during Trump's Administration, and it cannot stand.

Unsurprisingly, each of the many iterations of the "Censored Science" rule has been met with significant opposition from the scientific community, many Members of Congress, and leading environmental and health organizations. The original proposed rule received nearly 600,000 public comments, most of which demonstrated the far-reaching implications and concerns that should have been but were not addressed during the rulemaking process.² Of note, the Presidents of the National Academies submitted public comments for the proposed rule and warned that it could "pose a threat to the credibility of regulatory science" and urged the EPA to seek

¹ 86 Fed. Reg. 469 (Jan. 6, 2021).

² Lisa Friedman, "EPA to Limit Science Used to Write Public Health Rules," *New York Times*, November 11, 2019, <https://www.nytimes.com/2019/11/11/climate/epa-science-trump.html>.

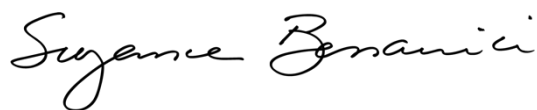
“objective, expert guidance” on the rule and offered their own assistance in reviewing it.³ Members of Congress also called for an independent review, and yet former EPA Administrator Wheeler never followed through. Even the Agency’s own Science Advisory Board expressed concerns about the rule before it was finalized.⁴

At a time when our nation is facing compounding public health and climate crises, it is deeply troubling that the rule is inconsistent with the EPA’s statutory obligation to use the best available science as required in the Toxic Substances Control Act, Safe Drinking Water Act, Clean Water Act, and Clean Air Act. The rule could preclude the use of a range of scientific research that has long been used in establishing public health safeguards. The EPA rushed to finalize this significant rule in the waning weeks of the Trump Administration, violating basic provisions of the Administrative Procedure Act, which requires at least a 30-day waiting period between the finalization of a regulation in the Federal Register and the date that it takes effect.⁵ We are looking forward to working with you to strengthen protections to protect our environment and public health, and rolling back this rule is an important first step.


The scientific data that would be barred from consideration under the “Censored Science” rule is vital to EPA’s most critical regulations: lead in drinking water, toxic chemicals, mercury, air pollution, and many more that affect the health and well-being of our communities. The rule seeks to dismiss the value of science at the EPA; we cannot allow it to stand. To protect our nation’s bedrock public health and environmental protections, we urge you to quickly make rollback of the egregious “Censored Science” rule a priority.

Thank you for consideration of our request. We stand ready to work with you and your Administration to restore scientific integrity across the federal government.

Sincerely,



Suzanne Bonamici
Member of Congress



Paul D. Tonko
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Diana DeGette
Member of Congress

³ “Academies’ Presidents Comment on the EPA’s Proposed Rule for Strengthening Transparency in Regulatory Science,” The National Academies of Sciences, Engineering, and Medicine, July 18, 2018, <https://www.nationalacademies.org/news/2018/07/academies-presidents-comment-on-the-epas-proposed-rule-for-strengthening-transparency-in-regulatory-science>.

⁴ Sean Reilly, Kelsey Brugger, Maxine Joselow and Ariel Wittenberg, “Advisory panel slams Trump’s regulatory rollbacks,” *E&E News*, January 2, 2020, <https://www.sciencemag.org/news/2020/01/epa-science-advisers-slammed-agency-ignoring-science-here-what-they-said>.

⁵ 5 U.S.C. 553.

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