

Proposed Rule “Strengthening Transparency in Regulatory Science”

Docket No. EPA-HQ-2018-0259

Comments from

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Good morning, I am Paul Billings, National Senior Vice President, Public Policy at the American Lung Association. The American Lung Association is the nation’s oldest voluntary health agency. Our volunteer leaders take great pride in our work that is always grounded in the best available science. The American Lung Association opposes the proposed rule and we urge the EPA to withdraw it.

Make no mistake, this proposal is not an effort to strengthen transparency or improve regulatory science. As I will discuss, this proposal is an effort to exclude important studies whose conclusions – especially the studies that show that particulate air pollution causes premature death – are inconvenient.

Together with efforts to discount or exclude benefits from pollution reductions, this is a coordinated effort to ignore the science that is inconvenient to EPA’s agenda to roll back regulations that reduce air pollution and save lives.

The EPA Science Advisory Board has asked to review the rule under the authority vested in it by the Environmental Research, Development and Demonstration Authorization Act. The SAB sent a letter to the EPA Administrator raising many of the same scientific issues of confidentiality, feasibility and the need for clear definition of crucial concepts such as “replication” and “validation.” We urge EPA to fully consult with the SAB before moving forward with this rule. After the SAB review is complete, EPA should either withdraw the proposal or provide an additional opportunity for public comment based on the SAB review.

We are disappointed that EPA has made this proposal. This is not a new fight, it started in the early 1990s when the tobacco industry tried to undermine the science that supported EPA’s landmark risk assessment that showed that secondhand smoke kills. The tobacco industry and its allies launched a decade long fight about whether or not secondhand smoke causes lung cancer, heart disease and other adverse health effects.

We know many of the details of the tobacco industry’s efforts. As a result of the landmark tobacco litigation, nearly 90 million pages of tobacco industry documents are housed

at the University of California San Francisco, Truth Tobacco Industry Documents library. We know the truth. Within this archive are documents that show how PR firms, lawyers and front groups attempted to undermine the credibility of EPA's science. The documents show the tobacco industry launched an effort in the name of "sound science" that not only attacked the secondhand smoke risk assessment but EPA's efforts to protect the public from ozone pollution, radon, pesticides and more. Remember in 2006, the big tobacco companies were found guilty of civil racketeering for their decades long conspiracy to defraud the public about the health risks associated with smoking.

The attack on science continued throughout the 1990s when EPA set the first health standard for fine particulate matter – the PM 2.5 National Ambient Air Quality Standards. There was a concerted effort to undermine the Six Cities Study and the American Cancer Society Study. To address the questions being raised, the Health Effects Institute, while protecting patient confidentiality, conducted an independent reanalysis of the data from these studies. The HEI review reaffirmed the results from those studies. These landmark studies were key to informing the rules that cut PM 2.5 pollution over the past two decades that saved thousands of lives.

These studies depend on patient participation. Protecting patient confidentiality must be paramount and is key to recruiting study participants. This proposal to censor science will either exclude important, well done, peer reviewed studies from informing EPA actions or will threaten that patient confidentiality. This is an unacceptable choice. EPA must use the best science, work within the established frameworks and not limit access to the best science to inform regulatory decisions.

We urge the EPA to withdraw this misguided proposal.