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TO: Acting Administrator Andrew Wheeler
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Proposed rule "Strengthening Transparency in Regulatory Science," Docket ID No. EPA-HQ-OA-2018-0259-0025

DATE: August 14, 2018

Submitted online at <https://www.regulations.gov/docket?D=EPA-HQ-OA-2018-0259>

Dear Acting Administrator Wheeler:

I am writing on behalf of the Association of College and Research Libraries (ACRL), the division in the American Library Association that serves more than 10,000 academic and research librarians and interested individuals working in institutions of higher education. ACRL develops programs, products, and services to help academic and research librarians learn, innovate, and lead within the academic community. We enhance the ability of academic library and information professionals to serve the information needs of students and researchers.

While ACRL is generally committed to principles of scientific transparency and openness, we are concerned about the rule's proposed selective use of "open" as an enabling strategy in the EPA's policy-making process. We support requirements to make data underlying scientific studies openly available for the purposes of validation, replication and new research. However, we recognize that there are many instances when it is simply not possible—or preferable—to do so.

This proposed rule is problematic because it would require the EPA to ignore scientific data that is subject to IRB protections required in human subjects research, or other data that is sensitive in nature. Many studies also contain data that is sensitive in terms of security, business confidentiality, and intellectual property reasons, and this data should also be exempt from blanket data sharing requirements. However, studies based on this data should not be automatically excluded from the EPA's policy-making process, which is what the proposed rule is designed to do. Excluding studies for which the data cannot be made available for legitimate reasons would undermine the stated goal of using the "best available" science to support evidence-based policymaking.

There are ways to use sensitive data to inform policy while remaining committed to scientific transparency. Even if the data is not made openly available, reviewers can be given confidential access to key data where appropriate. Just as importantly, researchers are trained to assess the logic and articulation of a study's research design, its methodology for data collection and analysis, as well as the appropriate citation of previous results. This helps to ensure rigorous quality control throughout the research lifecycle.

The scientific community is working to make science more accessible and reproducible, and rather than providing transparent access to more information, this rule will force the EPA to make decisions based on less information, thereby making it more difficult for the agency to make science-based decisions to protect public health as its mission requires. We therefore advocate that the Environmental Protection Agency rescind this rule.

Thank you for your attention to this matter; we look forward to receiving your acknowledgment of these requests and look forward to your response.

Sincerely,
Mary Ellen Davis
Executive Director
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