

Attorneys General of New York, Delaware, Maryland, Massachusetts, New Jersey, Oregon, and District of Columbia, and City Attorneys of Chicago, Los Angeles, New York City, Oakland, and San Francisco

May 29, 2018

Dr. Marcia McNutt, President
National Academy of Sciences
500 Fifth Street, NW
Washington, DC 20001

Re: Request for National Academy of Sciences Comments on U.S. Environmental Protection Agency Proposal to Limit Use of Scientific Evidence in Rulemakings, 83 Fed. Reg. 18,768 (April 30, 2018) - Docket ID No. EPA-HQ-OA-2018-0259.

Dear Dr. McNutt:

As you are likely aware, the U.S. Environmental Protection Agency (EPA) has proposed to adopt a regulation that would limit the body of scientific evidence that EPA can consider when adopting regulatory standards to protect public health and the environment. We support the goal of basing agency rulemaking on the strongest, most credible scientific evidence available, but EPA's proposal is too vague and rushed to allow for meaningful public review and comment on whether the proposal advances or undermines that goal. More importantly, EPA appears to have bypassed consultation with the scientific community in developing a proposal that is seemingly at odds with accepted practices for managing and interpreting scientific data in developing regulations. Accordingly, certain of the undersigned Attorneys General asked Administrator Pruitt to withdraw the proposal and first consult with the National Academy before deciding whether any changes to EPA's current use of scientific evidence are in order. EPA has not responded to this request, and we are not aware that the agency has contacted you to seek the National Academy's input on this extremely consequential proposal.

Because of the importance of this issue to public health and the environment, and because EPA has not indicated that it intends to seek appropriate input and guidance from the leading scientists in the nation on this fundamental question of the use of science in EPA's execution of its mission, we write to you directly to ask that the National Academy review and comment on EPA's proposal. Implicit in EPA's proposal is a determination that regulatory decisions should be restricted to only that scientific information for which the underlying data are fully available to the public. We request the Academy's opinion on such a restriction, including, specifically, whether the conclusions of peer-reviewed, published scientific studies and analyses are invalid for use in regulatory decisions if the underlying dose response data and models are not fully available to the public. And, of course, we welcome any other thoughts or comments that you may have for EPA.

We appreciate your consideration of this important matter.

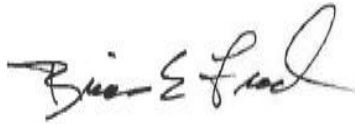
Sincerely,



BARBARA D. UNDERWOOD
Attorney General of New York



MATTHEW P. DENN
Attorney General of Delaware



BRIAN E. FROSH
Attorney General of Maryland



MAURA HEALEY
Attorney General of Massachusetts



GURBIR S. GREWAL
Attorney General of New Jersey



ELLEN F. ROSENBLUM
Attorney General of Oregon



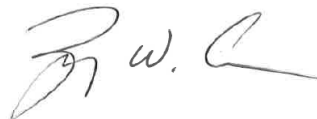
KARL A. RACINE
Attorney General of the District of Columbia



EDWARD N. SISKEL
Corporation Counsel
City of Chicago

/s/

MICHAEL N. FEUER
City Attorney
City of Los Angeles



ZACHARY W. CARTER
Corporation Counsel
City of New York



BARBARA J. PARKER
City Attorney
City of Oakland



DENNIS J. HERRERA
City Attorney
City of San Francisco