

**ATTORNEYS GENERAL OF NEW YORK, CALIFORNIA, DELAWARE, IOWA,
MAINE, MINNESOTA, PENNSYLVANIA, AND THE DISTRICT OF COLUMBIA**

May 7, 2018

E. Scott Pruitt, Administrator
Environmental Protection Agency
U.S. EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Re: 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 Administrator Pruitt:

The undersigned Attorneys General are very concerned by the Environmental Protection Agency's (EPA) above-referenced April 30, 2018 proposal 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. Our concern arises both from the truncated timeline under which EPA seeks to change fundamental agency policy and from the vagueness of the proposal. In light of the far-reaching impact the proposal could have on EPA's mission to protect public health and the environment, we ask that you withdraw the proposed rule and convene a process to first consult with the National Academy of Sciences and other independent scientists and science organizations before deciding whether any proposed changes to EPA's current use of scientific evidence are in order.

If you are unwilling to withdraw the proposal, we ask at a minimum that you extend the comment period by at least 150 days to provide for appropriate consultation with the National Academy of Sciences and other independent scientists and science organizations on the proposed changes to EPA's current use of scientific evidence. A full six-month comment period would be consistent with past practice for matters of similar importance and complexity, and is necessary to provide the public and other stakeholders a meaningful opportunity to evaluate the proposal and its implications for the agency's ability to meet its obligation to protect public health and the environment under federal environmental laws. Given the extremely broad impact of this proposal, thirty days is woefully insufficient to give the affected public adequate opportunity to participate in the rulemaking and comment on the proposal as required by the Administrative Procedure Act, 5 U.S.C. § 553(c). While under section (2)(b) of Executive Order 13563, a standard comment period should be at least sixty days, this tremendously consequential proposal calls for a much more deliberate pace given the profound potential impacts on the regulatory processes for all or nearly all of the statutes EPA implements and enforces. We therefore request that should EPA decline to withdraw the proposed rule, the agency instead extend the comment period by at least 150 days, until October 29, 2018.

We appreciate your consideration of this important matter and await your decision regarding our request.



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cc: Neomi Rao, Administrator, Office of Information and Regulatory Affairs
Honorable Lamar Smith, Chair, House Committee on Science, Space, and Technology
Honorable Eddie Bernice Johnson, Ranking Member, House Committee on Science, Space,
and Technology
Honorable Greg Walden, Chair, House Committee on Energy and Commerce
Honorable Frank Pallone, Jr., Ranking Member, House Committee on Energy and
Commerce
Honorable John Barrasso, Chair, Senate Committee on Environment and Public Works
Honorable Thomas R. Carper, Ranking Member, Senate Committee on Environment and
Public Works