



National Tribal Air Association's Fact Sheet

EPA's SNPRM for Strengthening Transparency in Regulatory Science

What is EPA's Supplemental Notice of Proposed Rulemaking (SNPRM) for Strengthening Transparency in Regulatory Science?

In 2018, the EPA published a proposed rulemaking titled *Strengthening Transparency in Regulatory Science*. That rulemaking sought to eliminate the use of studies that do not provide public accessibility to the data and models used. However, many studies are conducted on conditions of anonymity because they often include information of a sensitive and private nature. The [NTAA commented on that proposal](#), essentially stating opposition because the proposal seeks to restrict the use of scientific studies that can be used in regulatory processes. This SNPRM proposes to expand the scope of the rulemaking to apply to more data and models than originally identified and apply the rules retroactively, and provides definitions for a number of terms. Of the 600,000 comments that EPA received on the proposed rule in 2018, less than 25% stated a desire for a broader approach.

This SNPRM seeks comments only on the changes and additions to the original proposal; any comments addressing the 2018 rulemaking will be deemed outside the scope of this request.

What does this mean for Tribes and Air Quality/Air Management?

The retroactive nature of this proposal effectively means that EPA could eliminate the use of studies that have led to the development of critically important regulations, such as the 1993 Harvard University project that provided the foundation for today's air quality regulations by proving the link between air pollution and premature deaths. Eliminating the use of such studies could provide grounds for continued roll-backs of air quality regulations, which would lead to declining air quality and health outcomes. Preventing the use of future studies that do not meet the requirement of using data and models that are available for independent validation will reduce the amount of information used in the regulatory process and the capacity of researchers to conduct valid and extensive studies. This will lead to weaker regulations in the protection of air quality.

How Can I Find More Information and Submit Comments?

NTAA will be holding an information webinar on April 7, 2020, at 2pm ET. [Follow this link to register, view documents, and participate in the call.](#)

[EPA has posted information here.](#) The full proposal can be found on www.regulations.gov. Several news outlets have posted articles:

- March 3, 2020, *Bloomberg Environment*: [EPA Supplement Seeks to Expand ‘Secret Science’ Rule \(1\)](#)
- March 4, 2020, *Science*: [Trump administration expands reach of EPA secret science proposal](#)
- March 8, 2020, *The Hill*: [Experts warn EPA making ‘secret science’ rule more restrictive](#)
- March 9, 2020, *National Law Review*: [EPA Releases Supplemental Proposed Rule to the Proposed Rule on Strengthening Transparency in Regulatory Science](#)

The comment deadline is, April 17, 2020. Submit your comments, identified by Docket ID No. EPA–HQ–OA–2018–0259, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. The NTAA is preparing a Tribal Template Letter to go with this Policy Resource Kit for Tribes to use in submitting comments that will be posted on NTAA’s website here: <https://www.ntaatribalair.org/policy-resource-kits/>. If you have further questions, please contact NTAA’s Project Director Andy Bessler at 928-523-0526 or at Andy.Bessler@nau.edu.