# TCEQ LogoNational Comments

# Executive Review Summary

**TCEQ Proposed Comments On:**

On April 30, 2018, the United States Environmental Protection Agency (EPA) published a proposed rule in the *Federal Register* (83 FR 18768) titled *Strengthening Transparency in Regulatory Science*. The EPA provided a 30-day public comment period, ending on May 30, 2018. On May 25, 2018, the EPA extended the public comment period to August 16, 2018(83 FR 24255).

**Overview of Proposal:**

This proposed rule would establish an EPA policy that would only allow scientific data that is publicly available and independently verifiable to be used as the basis for significant regulations. The EPA specifically requested comment on numerous details related to the proposed data transparency rule’s scope and implementation.

**Summary of Comments:**

The Texas Commission on Environmental Quality (TCEQ) appreciates the EPA’s intention to provide greater transparency to the broader community of scientists, regulators, regulated entities, and interested members of the public who rely on and are impacted by the EPA’s regulations. We encourage the EPA to interact with experts in each of these areas throughout the development process to ensure that all the opportunities and challenges presented with this proposed data transparency rule are fully realized and considered. In addition, the TCEQ encourages the EPA to:

* give governing authority for granting exceptions to the proposed data transparency rule, as well as the oversight of raw data collection, storage, and access to an external entity or entities to ensure independence and objectivity;
* focus this proposed rule on a narrow set of actions that includes “major” or “economically significant” regulations;
* apply proposed data transparency rule requirements to documents that inform a proposed rule so that the public has adequate time to evaluate the data;
* apply proposed rule requirements to scientifically or technically novel guidance, and the resulting guidance document should be made available for public comment;
* consider pivotal scientific research as rules are formally reviewed, rather than retrospectively;
* consider using an upcoming major or significant rule-making as a test case to help solidify how the intent of the data transparency rule could be thoughtfully implemented before phasing in the final data transparency rule;
* retain the language relating to consideration of dose-response models and uncertainty in the final rule; and
* where possible, be explicit about important definitions, including “publicly available,” “pivotal regulatory science,” “dose response data and models,” and “validation.”

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**Office of Legal Services:** Amy Browning, Environmental Law Division

**Director Approval:** Michael Honeycutt, Toxicology Division

**Deadline**: August 16, 2018