

February 23, 2024

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Dr. Francesca Grifo
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Office of Research and Development
Environmental Protection Agency
1200 Pennsylvania Avenue NW,
Washington, DC 20004

Re: USEPA’s Draft Scientific Integrity Policy, 89 Fed. Reg. 4606 (December 23, 2023)

Dear Dr. Grifo:

The undersigned associations appreciate the opportunity to submit comments on the draft document entitled USEPA Draft Scientific Integrity Policy (the Policy). Our comments reflect the perspective of the business community on scientific integrity and are complementary to those separately submitted by the American Chemistry Council (ACC).

In short, we strongly encourage the hiring of technically competent scientists at all levels of USEPA. We support USEPA recognition of professional credentials, and the continued professional development of USEPA scientific staff. Indeed, the science with which EPA deals covers a broad range of scientific disciplines that are increasingly complex. Using the best available science and ensuring high quality scientific decisions require that EPA scientists at all levels receive state-of-the-science training and credentialing. Scientific integrity is critical to supporting the use of the best available science in regulatory policy and decisions.

However, as currently written, the Policy broadly discourages the participation of political leadership in scientific decisions, even if those individuals are technically competent. This is inappropriate. In the context of agency decision-making, EPA management carries the obligation to ensure that decisions are consistent with the agency’s statutory and regulatory obligations. The Policy must not promote Agency scientists functioning independently from the structural accountability that is vital to our system of government. Yet, this Policy appears to do this with provisions “insulating” program evaluations from political leadership and proposing to grant a special “right” (e.g., “right of last review”) to Agency scientists. This Policy must be balanced and nuanced in its design to ensure that it prevents the loss of scientific integrity due to political interference, while simultaneously preventing the misuse of the Policy to advance personal agendas of the scientists involved.

Many definitions in the Policy are unclear. Moreover, it is also unclear if the Policy is redundant or consistent with existing statutes, regulations, rules, and policies. For example, it is unclear

why the increased protections in the Policy for EPA scientists are necessary, given the existing No Fear Act and the Merit Systems Protection Board. Without clearer definitions, the Policy could invite ambiguity, inconsistent application, and inequity. We, therefore, recommend that EPA seek additional comment.

It is generally helpful that the Policy reminds EPA staff who speak to the press that doing so may create the potential for ethics violations (e.g., "misuse of position). However, the Policy could also benefit from adding discussion and considerations for EPA staff regarding protection of confidential business information (CBI).

Finally, we recommend that provisions be added to address prevention of misuse of this Policy and remediation in the event that misuse occurs. Such provisions are currently absent, and it is unclear if this would be covered under other policies (e.g., "Standards of Ethical Conduct for Employees of the Executive Branch") or if this should be included in the definition of *misconduct*.

In view of the above, we recommend the Policy be circulated for additional comment and substantially revised.

Alkylphenols & Ethoxylates Research Council
Alliance for Chemical Distribution
American Chemistry Council
American Coke and Coal Chemicals Institute
American Forest & Paper Association
American Fuel & Petrochemical Manufacturers
American Wood Council
Essential Minerals Association
Extruded Polystyrene Foam Association (XPSA)
International Institute of Synthetic Rubber Producers
Institute of Makers of Explosives
National Association of Printing Ink Manufacturers
Nuclear Energy Institute
Plumbing Manufacturers International
PRINTING United Alliance
Styrene Information and Research Center
TRSA - The Linen, Uniform and Facility Services Association
The Toy Association
Treated Wood Council
Vinyl Institute