

May 24, 2018

The Honorable Scott Pruitt, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, D.C.

RE: Public Comments submitted to Docket ID No. EPA-HQ-OA-2018-0259

Dear Mr. Administrator,

I am writing to you as the President of The Minerals, Metals, & Materials Society (TMS), a nonprofit scientific professional society that dates back to 1871, concerned about the proposed rule recently promulgated by the Environmental Protection Agency (EPA or Agency), entitled “Strengthening Transparency in Regulatory Science” (Docket ID No. EPA-HQ-OA-2018-0259) (proposal or proposed rule). For the reasons stated below, TMS finds the proposal to be arbitrary and limiting, both of which are antithetical to the principles of scientific exploration. We strongly believe that our federal government’s regulatory rulemaking process is better served by consideration of all available data and information, especially that which has been carefully reviewed and objectively approved by the scientific community. On behalf of all TMS members, we urge the EPA to reconsider its proposal and cease any development of a final rule to limit the science that underlies the Agency’s regulatory process.

TMS is an individual membership organization of 14,000 materials scientists and engineers from around the world, but primarily the United States. Our membership is comprised mostly of PhDs, many of whom work to support the American economy in fields such as national defense, consumer products, energy, transportation, science, and education. TMS members make industry more efficient and profitable, add innovation and direction to our marketplace economy, and educate the next generation of scientists and engineers. We also count many graduate and undergraduate students from the country’s great universities and colleges among our members.

Our membership is deeply concerned that, if finalized, the proposal would detrimentally impact the EPA and its ability to effectively carry out its mission. Moreover, it would create an ill-advised precedent for other federal agencies to follow suit. The Agency’s recent action to limit the types of scientific studies that can be considered during the regulatory process relies upon the assumption that only “open” data and science bears worthiness of informing the federal process. We believe this would set a poor example that discounts the rigorous peer review processes already in place and falsely implies that open access indicates higher quality. There are several reasons that might prevent a high quality, objective study from being publicly accessible, such as confidential or proprietary medical or industry information. To not consider such studies in the rule making process would unfairly reject information that could be critical to the health and natural environment of the U.S. population.

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We believe the peer review process has been the gold standard for scientific understanding and advancement for decades. For example, peer review is integral to the TMS suite of publications and ensures qualified experts provide comprehensive critiques and edits to all published journal papers, enabling the dissemination of sound science and worthy results to the scientific community.

Science and technology are central to both the challenges and opportunities that America faces in the 21st Century. These fields are changing our economy and our environment for the better, and any attempt to limit the applicability of scientific data will stifle innovation and progress toward a cleaner, healthier future for all Americans. By advancing this proposal, the Agency would be destabilizing its very mission to protect the health and welfare of our citizenry and environment, therefore we urge you to reconsider this rulemaking and prevent the EPA from proceeding with consideration of a final rule.

I thank you for the opportunity to comment on this important matter.

Sincerely yours,



Kevin J. Hemker
TMS President