Testimony of the

American Petroleum Institute

Public Comments on the Teleconference:

Strengthening Transparency in Regulatory Science Proposed Rule

Charge Questions for the Science Advisory Board

August 27, 2019

Thank you for the opportunity to provide public comment today. My name is Ted Steichen a Senior Policy Advisor at the American Petroleum Institute (API).

API is the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. Our more than 600 members - from large integrated oil and gas companies to small independent companies - comprise all segments of the industry. API member companies are producers, refiners, suppliers, retailers, pipeline operators and marine transporters as well as service and supply companies providing much of the nation's energy. Science used when developing policy and regulations impacts all aspects of API member business.

EPA seeks consultation with its Science Advisory Board (SAB) on existing mechanisms for secure access to PII and CBI as discussed in the proposed rule consistent with existing laws and policies that protect this information.

Other public commenters today may urge you, the SAB, to go beyond today's consultation request and weigh in with a full review of the proposal "Strengthening Transparency in Regulatory Science," [83 Fed. Reg. 18,768 (Apr. 30, 2018)] today.

This public comment is to remind us all that today this call is on the two charge questions and the objectives and scope of today's activities are "as requested by Agency officials." [1]

Your work in addressing the issues related to PII and CBI is important, and we ask that you refrain TODAY from granting requests to step outside of your role today or take time to discuss issues not specific to the two charge questions today.

[1] https://yosemite.epa.gov/sab/sabproduct.nsf/Web/2017SABcharter/$File/SABCharterSept2017.pdf
Accessed August 26, 2019.

Regarding the charge questions API supports the following:

- Inclusion of clear requirements to ensure that the data underlying decision-making are publicly available in a manner sufficient for independent validation, as much as practicable.
  - Privacy concerns are important, but advances in encryption technology and blinding of data make it possible to enhance transparency while ensuring privacy as necessary to comply with the law.

- Protection for confidential business information (CBI) used in regulatory processes and support agency actions.
  - This protection for CBI may need to be maintained even for certain data that are submitted to EPA to inform rulemakings.
  - Protections for proprietary information or CBI should not be weakened, though results of agency analyses of this information could potentially be made available. Any such available results should be transparent regarding the agency's selection of key data, and the interpretation of that key data.

In closing, API supports the use of sound, transparent science in public policymaking and looks forward to reviewing the advice provided by the SAB on the charge questions.