



OFFICE OF THE MAYOR
CITY OF CHICAGO

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CONTACT:

Mayor's Press Office

312.744.3334

press@cityofchicago.org

Bill McCaffrey, Chicago Department of Law

312.744.1575

Bill.McCaffrey@cityofchicago.org

**CITY OF CHICAGO JOINS COALITION OF 23 STATES, COUNTIES, AND CITIES
IN OPPOSING TRUMP EPA PLAN TO CENSOR AGENCY SCIENCE**

*Proposal Yet Another Attempt By Trump Administration to Undermine Foundation
of EPA's Environmental, Public Health Protections*

Mayor Rahm Emanuel and the City of Chicago, part of a 23-member coalition of states, counties and cities, today called on Acting Environmental Protection Agency (EPA) Administrator Andrew Wheeler to withdrawal his predecessor's "harmful and deeply flawed" proposal to censor science at the Agency.

"After the Trump Administration unceremoniously deleted information about climate change from federal websites at the beginning of 2017, the Trump Administration continues its efforts to ignore, hide and censor basic scientific facts," said Mayor Emanuel. "Just like we did when we created the Chicago 'Climate Change is Real' website to post the data deleted by the Trump administration, we are proud to join a coalition of municipalities to stand up to President Trump's continued attacks on science and the flawed proposals that endanger the health and safety of Chicagoans."

The call was part of detailed legal and technical comments submitted by the coalition on former EPA Administrator Scott Pruitt's proposed "Strengthening Transparency in Regulatory Science" rule. That proposed rule would exclude from EPA decision making any scientific studies, models, and other important information that have been validated by peer review simply because not all underlying data are available to the public. The coalition charges that, in addition to making "little sense as a matter of science," the proposal is "arbitrary and capricious, violates controlling federal law, and contains clear errors in reasoning." The coalition affirms that they "stand ready to pursue legal remedies should EPA persist in this misguided effort."

The comments were led by New York Attorney General Barbara Underwood and New Jersey Attorney General Gurbir Grewal and signed by the Attorneys General of New York, New Jersey, California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, North Carolina, Oregon, Pennsylvania, Washington and the District of Columbia; the Secretary of the Pennsylvania Department of Environmental Protection; and the Attorneys of King County (WA) and the cities of Chicago, Los Angeles, New York, Oakland, Philadelphia and San Francisco.

In the comments, the coalition argues that the EPA is legally prohibited from adopting the proposed rule because it directly conflicts with statutory requirements regarding the EPA's consideration of scientific information. No federal environmental statute directly allows – or even suggests – that the EPA can ignore the “latest” or “best” or “appropriately designed and conducted” scientific studies whenever the underlying data are not public. As prominent scientific organizations have noted, peer review of scientific evidence is routinely performed despite the underlying data not being publicly available, as there are often very good reasons – such as the protection of personal privacy and confidentiality, and proprietary interests and property rights – why some research data simply cannot be made fully available.

By compromising EPA's ability to use the latest, best available, and generally-accepted science, the coalition contends that the proposed rule would violate the very federal laws that EPA is required to uphold – including the Safe Drinking Water Act, the Clean Water and Air Acts, the Comprehensive Environmental Response, Compensation, and Liability Act, Toxic Substances Control Act, and other of nation's core environmental and public health statutes.

The coalition also contends that proposal fails to meet the most fundamental of legal requirements for a valid rulemaking under the federal Administrative Procedure Act (APA), as it is too vague, conclusory, and conditional to allow for meaningful public participation. For example, the actual parameters of the rule are unclear, the alternatives under consideration are open-ended, and critical information, such as its actual cost, is entirely missing. Further, the coalition charges that the EPA's failure to consult with scientific experts – including its own internal science advisory board – conflicts with the APA's fundamental requirement that an agency developing a proposed rule consult with persons having expertise regarding the subject matter of the proposal.

The comments also push back against the EPA's assertions that the proposed rule would not affect states. EPA standards and regulations are of fundamental importance to states, and actions that limit the science used to set standards and regulations directly impact them. For example, EPA standards – such as National Ambient Air Quality Standards – not only form the backbone of state efforts to ensure the quality of our air, water, and land, and protect the health, safety, and welfare of our residents, but also serve as a backstop to prevent pollution from out-of-state sources from undercutting our efforts. Even those states that are not statutorily required to apply federal standards may not always have the institutional capacity to develop their own standards and thus, must rely on the standards set by the EPA.

In May 2018, a coalition of eight Attorneys General wrote to then-Administrator Pruitt, urging him to withdraw the proposed rule. The letter urged him to convene a process to consult with the National Academy of Sciences and other independent scientists and science organizations before deciding whether any of the proposed changes to the Agency's use of scientific evidence were in order

Earlier this week, 13 Attorneys General and State Agencies called on the EPA to drop its proposed overhaul of how the Agency values environmental and public health protections. Coupled with that effort, and former Administrator Pruitt's directive forbidding many of the most qualified experts to sit on EPA science advisory panels, EPA's science censorship proposal is part of the Trump

Administration's continued effort to undermine the foundations of EPA's public health and the environment protections.

This is just the latest action Chicago has taken against the Trump EPA. In April, Mayor Emanuel and the City of Chicago partnered with 15 attorneys general to file a lawsuit against the Trump EPA for ignoring its legal duty to control emissions of methane – an extremely potent greenhouse gas – from existing oil and gas operations. Specifically, the suit charges that former EPA Administrator Scott Pruitt has violated the federal Clean Air Act by “unreasonably delaying” its mandatory obligation under the Act to control methane emissions from these operations. Further, Mayor Emanuel created the “Climate Change is Real,” website, putting information from the U.S. EPA's Climate Change Website on the City of Chicago's servers after the Trump administration removed the content from federal websites.

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