Center for Science and Democracy at the Union of Concerned Scientists

FACT SHEET

THE STATE OF SCIENCE IN THE TRUMP ERA

Scientific Integrity Losses and Lessons for the 116th Congress

HIGHLIGHTS

Throughout its first two years, the Trump administration has sidelined science in its handling of critical public health and environmental decisionmaking. Now, the 116th Congress can add an urgently needed check on administration actions. Congress can join with scientists and their supporters to stop the Trump administration's anti-science actions. Today's attacks on science can and will have substantial consequences for public health and the environment for decades to follow. We must continue to push back when science is sidelined. The current and future health and safety of our families our communities, and our nation depend on it.

Undermining Science-Based Safeguards

For years, those wishing to strip the federal government of its ability to issue public health safeguards have hidden their agendas behind the concept of "regulatory reform." While thoughtful updates to the regulatory system are much needed, most proposals touted as "regulatory reform" are actually intended to hamstring the ability of the federal government to issue science-based public health, safety, consumer, and environmental protections. Under the Trump administration, many proposals weakening the ability of federal agencies to implement science-based safeguards have moved forward, with harmful consequences for public health and the environment.

Examples

In its first two years, the Trump administration has repeatedly used the concept of regulatory reform to undermine public health safeguards:

EXECUTIVE ORDERS

- Executive Order 13771 was enacted, requiring agencies to repeal two rules for each new rule proposed. The order also set a budget of zero dollars for the total incremental cost of any new regulations in 2017. Such restrictions force government experts to choose between which public health and safety threats to prevent and which to allow to cause harm.
- Executive Order 13777 was enacted, requiring agencies to establish regulatory reform task forces. These teams, which are tasked with recommending regulations to potentially repeal, replace, or modify, operate with little transparency and are often staffed by political appointees with potential conflicts of interest.

COST-BENEFIT MINUS THE BENEFITS

- The Environmental Protection Agency (EPA) proposed changes to the way it considers benefits in cost-benefit analysis. One of the primary changes the EPA proposed is to exclude the consideration of co-benefits. The agency also proposed slashing the social cost of carbon from $36 per ton to $5 per ton.

RESTRICTING SCIENCE

- The EPA proposed a rule entitled Strengthening Transparency in Regulatory Science. This rule, created by political appointees without input from top agency scientists, would force the agency to rely only on studies for which the public had access to the raw data and models. Many public health studies rely on medical data that cannot be made public, and EPA scientists would no longer be able to use such studies when crafting public health safeguards.

- The Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) rushed through review of the EPA's Strengthening Transparency rule in just a few days—a grossly insufficient time period for such a complex and far-reaching rule. OIRA staff also appeared to change the scientific basis for the rule, which is outside the scope of OIRA's mandate.
- The Department of Interior (DOI) issued an order, Promoting Open Science, that implements similar restrictions to those in the transparency rule proposed by the EPA. While seemingly less strict than the EPA's proposed rule, the order still requires scientists to jump through unnecessary hoops and impedes the agency's ability to utilize the best available science when crafting policies.

Recommendations

These actions hurt the ability of the federal government to enact safeguards that protect the public. Moreover, couching these attacks in the language of "regulatory reform" makes it difficult to create meaningful, helpful changes to the regulatory system moving forward. To push back against these harmful reform proposals, Congress should take the following actions:

- Use the range of oversight tactics at its disposal to investigate threats to the process and functioning of federal agencies, including but not limited to:
  - President Trump's executive orders that sideline science in agency decisionmaking, such as Executive Order 13771, which requires agencies to repeal two rules for each new rule proposed, and Executive Order 13777, which requires agencies to establish regulatory reform task forces;
  - the EPA's proposal to reduce what the agency can consider a "benefit" in cost-benefit analysis calculations, including the provision that the EPA can no longer consider co-benefits in its analyses; and
  - the EPA's proposal to restrict the science that agency decisionmaking can use.
- To ensure that federal agencies can benefit from their own experts, codify agency deference on implementing science-based laws as laid out in *Chevron USA v. Natural Resources Defense Council, Inc.*
- To prevent OIRA from delaying, obstructing, or editing science-based safeguards, as it has done during Trump administration and prior administrations, create greater transparency in OIRA's review of agency rules:
  - Make public all changes to draft agency rules and require the disclosure of whether the changes were requested by the White House, another agency, or a member of Congress, as in the proposed Anti-Corruption and Public Integrity Act.
  - Place and enforce time limits on reviews of agency rules, such as the 45-day time limit proposed in the Anti-Corruption and Public Integrity Act.
  - Allow agencies and OIRA to consider non-quantifiable benefits in cost-benefit analyses and adopt regulations that prioritize benefits to the public, as proposed in the Anti-Corruption and Public Integrity Act.

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FIND THE FULL REPORT AND APPENDIX ONLINE: www.ucsusa.org/ScienceUnderTrump

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