

Congress of the United States
House of Representatives
Washington, DC 20515

April 8, 2020

Administrator Andrew Wheeler
Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Administrator Wheeler,

As the world continues to turn its collective attention to responding to the global coronavirus pandemic, we write to express our deep concern that the Environmental Protection Agency (EPA) is proceeding with rulemaking procedures that do not ensure that “interested persons” are afforded an “opportunity to participate,” as is the expectation of the law. While the extended comment period for the Strengthening Transparency in Regulatory Science Proposed Rulemaking rule is a step in the right direction, it is insufficient given the magnitude of this crisis. We request that the EPA extend all comment periods dealing with public and environmental health by at least 45 days beyond the end of the declared national emergency, including comment periods which closed between March 13th to present, as well as those that are still open. Doing so will ensure that all Americans will have an opportunity to have their voices heard, no matter what hardships they may presently be dealing with as a result of the health emergency.

The American people have a right to expect that their government will protect the general welfare by basing regulations on the best available information, including input from impacted communities, scientists, and other subject area experts, in accordance with requirements of the Administrative Procedures Act. There are several EPA regulations that directly impact the environment and human health for which the review process has continued without sufficient opportunity for the public to engage during the coronavirus pandemic, including vital regulations regarding air quality and pesticides, as well as the risk evaluation for substances like trichloroethylene (TCE) and asbestos under the Toxic Substances Control Act.

Rushing forward with these regulations as planned, in spite of this public health crisis, would be contrary to the spirit of the EPA’s mission to protect human health and the environment.

In the case of the Strengthening Transparency in Regulatory Science Proposed Rulemaking rule, even in the absence of a pandemic, a 30-day comment period would have been unduly rushed. While 60 days may be appropriate for significant rulemaking under other circumstances, it is not reflective of the current reality, as Americans’ ability to respond and meaningfully engage are inhibited by this crisis.

Claims that there are no barriers to public comment during this unprecedented time are unfounded and dismissive of the challenges that the American people are facing and will continue to face in the months ahead as communities recover from this emergency. All Americans, including health professionals and first responders on the front lines of the pandemic, deserve the opportunity to have their voices heard. Furthermore, organizations interested in providing comments are also facing challenges related to the pandemic that could delay development of their position statements.

Other agencies are taking more significant and appropriate actions to adjust their operations to limit the impact of this health crisis on how they serve the American public. The Internal Revenue Service (IRS) and the Treasury Department have issued an extension for tax filings and all federal income taxes.¹ The Department of Housing and Urban Development has also issued a moratorium on foreclosure and eviction for all Federal Housing Administration-insured mortgages.² Additional agencies are responding by pursuing ways to waive or delay various requirements during this time. It seems unreasonable that the EPA would expect the American people to offer comment on rules that impact air quality and public health while still dealing with this pandemic.

The federal government is rightly taking necessary measures to offer relief to Americans during this crisis. Without sufficient time for the American public to offer input, efforts to move forward with rulemaking, particularly for rules that deal with public health, are unacceptable. We urge that you extend the public comment deadlines, both in response to the enormous challenges presented by this crisis and to allow for informed rulemaking in order to prevent public health issues in the future.

Thank you for your attention to this matter. Given the urgency of the crisis, we look forward to your response within the next two weeks.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Member of Congress



JERRY McNERNEY
Member of Congress



MIKE QUIGLEY
Member of Congress

¹ "U.S. Department of the Treasury." Treasury and IRS Delay Federal Tax Day from April 15 to July 15 Due to COVID-19 Outbreak, March 21, 2020. <https://home.treasury.gov/news/press-releases/sm953>.

² "HUD No. 20-042: HUD.gov / U.S. Department of Housing and Urban Development (HUD)." HUD No. 20-042 | HUD.gov / U.S. Department of Housing and Urban Development (HUD), March 18, 2020. https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_042.

Also signed by:

/s/

ALAN LOWENTHAL
Member of Congress

/s/

NANETTE DIAZ BARRAGÁN
Member of Congress

/s/

PAUL TONKO
Member of Congress

/s/

CHELLIE PINGREE
Member of Congress

/s/

SEAN CASTEN
Member of Congress

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JENNIFER WEXTON
Member of Congress

/s/

GERALD E. CONNOLLY
Member of Congress

/s/

BARBARA LEE
Member of Congress

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BOBBY L. RUSH
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/s/

ANN McLANE KUSTER
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NYDIA M. VELÁZQUEZ
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JUDY CHU
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DAVID PRICE
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