



February 23, 2024

Francesca Grifo
Scientific Integrity Official
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Submitted via regulations.gov

Re: Docket EPA-HQ-ORD-2023-0240; Scientific Integrity Policy Draft for Public Comment

Dear Dr. Grifo:

Established in 1933, CropLife America (CLA) represents the developers, manufacturers, formulators, and distributors of pesticides for agriculture and pest management in the United States. CLA's member companies produce, sell, and distribute nearly all the pesticide and biotechnology products used by American farmers. CLA represents the interests of its registrant member companies by, among other things, monitoring legislation, federal agency regulations and actions, and litigation that impact the pesticide industry and participating in such actions when appropriate.

RISE (Responsible Industry for a Sound Environment) is a national not-for-profit trade association representing more than 220 producers and suppliers of specialty pesticide and fertilizer products to both the professional and consumer markets. RISE member companies manufacture more than 90 percent of domestically produced specialty pesticides used in the United States, including a wide range of products used on lawns, gardens, sport fields, and golf courses and to protect public health.

CLA and RISE appreciate the opportunity to comment on the Environmental Protection Agency's (EPA or the Agency) Scientific Integrity Policy Draft (draft policy). CLA and RISE members are pesticide registrants that have a strong interest in EPA upholding and consistently applying the rigorous standards of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) along with the Agency producing scientific products for use in regulatory decisions that are based on the best available science.

CLA and RISE support the use of sound science and transparency in regulatory decision making along with a strong culture of scientific integrity at the Agency. While we support a scientific integrity policy, the draft policy raises some specific questions on how this policy will be implemented and administered. We also support the recognition of professional credentials and the continued professional development of EPA scientific staff. The use of best available science and ensuring high quality scientific decisions require that EPA scientists at all levels be encouraged towards state-of-the-science training and credentialing.

Based on the draft policy, most of the work products from EPA's Office of Pesticide Programs (OPP) could be defined as scientific documents or other specific "scientific products." Regarding scientific documents, the draft policy states that "career EPA employees make the final determination concerning changes or suggested changes to scientific documents or other scientific products in response to external comments."

As currently written, the draft policy broadly discourages the participation of political leadership in scientific decisions, even if they are technically competent. The draft policy must not promote Agency scientists functioning independently from the structural accountability that is vital to our system of government. Yet, this Policy appears to do this with provisions to “insulate” program evaluations from political leadership and by proposing to grant a right of last review to Agency scientists. This Policy must be balanced and nuanced in its design to ensure that it prevents the loss of scientific integrity due to political interference, while simultaneously preventing the misuse of the Policy to advance personal agendas.

Additionally, it is unclear why the increased protections in this policy for EPA scientists are necessary given the existing No Fear Act and the Merit Systems Protection Board. Without clearer definitions, the Policy could invite ambiguity, inconsistent application, and inequity. We therefore recommend that EPA seek additional comment.

Furthermore, during the pesticide registration process the pesticide industry and other relevant stakeholders provide substantive and vital feedback, including extensive data on the chemistry and information on pesticide usage data and application patterns. CLA and RISE request clarity on if and how this draft policy would apply to engagement with external stakeholders on OPP decisions, including pesticide registration decisions.

The draft policy also included extensive information on using Federal Advisory Committees (FACs) in reviewing science. The policy included guidance on the selection process for FACs. How, if at all, will this draft policy change the current operating structure and selection process of scientific advisory panels authorized by Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Sec. 25(d)?

For the effective date and amendments to this policy, the draft policy mentions that “future revisions will be communicated to the Director of the Office of Science and Technology Policy and posted to EPA’s public website no less than 30 days prior to their implementation.” CLA and RISE request an opportunity for notice and comment if there are additional revisions made to a final scientific integrity policy.

CLA and RISE support a strong scientific integrity policy and a culture of scientific integrity that is practiced and promoted by all levels, both political and career, within the Agency. While we agree with a scientific integrity policy that protects the scientific process, as written, it is unclear how the draft policy will be implemented while continuing to recognize the role of appointees. Before finalizing this policy, EPA should provide further clarity to ensure that the policy will successfully achieve its stated purpose of enhancing and promoting a culture of scientific integrity.

Should you have any questions or comments, please feel free to contact Manojit Basu at mbasu@croplifeamerica.org or Megan Provost at mprovost@pestfacts.org.

Sincerely,



Manojit Basu, PhD
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