



Union Carbide Corporation
A Subsidiary of The Dow Chemical Company
7501 State Highway 185 North
Seadrift TX, 77983

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Via E-Mail

Francesca Grifo, Ph.D.
Scientific Integrity Officer
U.S. Environmental Protection Agency
1300 Pennsylvania Ave., N.W.
Washington, DC 20004
Tel: (202) 564-1687
E-mail: Grifo.Francesca@epa.gov

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

Dear Dr. Grifo:

Union Carbide Corporation (UCC) appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA) "Scientific Integrity Policy Draft for Public Comment." UCC reviewed EPA's draft updates and is pleased to provide the following general comments for EPA's consideration.

Background

On January 24, 2024, EPA announced the availability of, and public comment period on, EPA's draft updates to its Scientific Integrity (SI) Policy (the draft policy).¹ EPA stated that the purpose of the draft policy is "to enhance and promote a continuing culture of scientific integrity."² EPA further stated that the draft policy aims "to ensure the integrity of all aspects of activities that include proposing, conducting, reviewing, managing, communicating about science and scientific activities, and using the results of science."³

General Comments

¹ [89 Fed. Reg. 4606 \(Jan. 24, 2024\)](#).

² EPA (2024), *USEPA Scientific Integrity Policy*, at 1, available at <https://downloads.regulations.gov/EPA-HQ-ORD-2023-0240-0002/content.pdf>.

³ *Id.*

UCC agrees with and supports EPA’s stated purpose and aims in the draft policy and commends EPA for its continuing commitment to scientific integrity. UCC believes that EPA’s draft policy could be strengthened by making specific revisions to the draft policy, as discussed below.

Under Section VII of the draft policy, EPA provides definitions on specific terms used throughout the draft policy, including “Differing Scientific Opinion (DSO).”⁴ EPA defined DSO, in relevant part, as follows:

[A] differing opinion of an EPA scientist who is or was substantively engaged in the science that may inform an EPA decision. It generally contrasts with a prevailing staff opinion included in a scientific product under development.

UCC believes that the draft policy and EPA’s commitment to scientific integrity will be enhanced by expanding the definition of DSO to include differing opinions from individuals who are not EPA scientists. UCC raises this point in recognition of EPA’s statement in the draft policy that it recognizes DSOs “as a legitimate and necessary part of the scientific process.”⁵ UCC concurs with this statement and believes that including DSOs from all stakeholders, not just those employed by EPA, will foster the integrity of EPA’s scientific processes and scientific decision-making.

UCC also believes that expanding the scope of EPA’s definition for DSO will provide internal consistency in the draft policy and other proposed definitions, such as that for “Transparency.”⁶ EPA defined transparency in the draft policy as follows:

[E]nsuring all relevant data and information used to inform decision making or actions are visible, accessible, and easily usable by affected parties to the extent permitted by law.

The above definition supports expanding the definition of DSO, given that individuals external to EPA are oftentimes “substantively engaged in the science that may inform

⁴ *Id.* at 5.

⁵ *Id.* at 20.

⁶ *Id.* at 9.

an EPA decision.”⁷ Therefore, UCC views the provision of DSOs from all stakeholders as a fundamental component for ensuring the scientific integrity of EPA’s decision-making. This would include ensuring that DSOs from EPA scientists and external parties are shared when EPA releases draft documents for public comment and/or peer review.

Under Section VIII(5) of the draft policy, EPA discusses its provisions for “Ensuring Accountability.” UCC supports the intent of this section. It does not, however, believe that EPA properly discussed the administrative mechanisms available to EPA for ensuring accountability. For example, EPA cited to EPA Order 4711a “Procedure for Addressing Allegations of Workplace Harassment” elsewhere in the draft policy, but it did not quote or cite under Section VIII(5) to EPA Orders 3120.1 and 3120.2, which describe different types of offenses, including scientific misconduct, and the associated corrective disciplinary actions (*e.g.*, from oral admonishment to removal from federal service). Instead, EPA stated in the draft policy that it will “Ensure the establishment of clear administrative actions for violations of this policy that designate responsibility for each aspect of accountability.”⁸ UCC encourages EPA to use its existing authority to ensure accountability.

Conclusion

For the above reasons, UCC respectfully requests EPA to consider changes to its draft policy to ensure that transparency is consistently discussed throughout, and that EPA utilize its existing administrative mechanisms for ensuring accountability for violations of the draft policy.

Sincerely,



Shandell S. Massey
General Counsel and Corporate Secretary

⁷ *Id.* at 5.

⁸ *Id.* at 20.