



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 23 2022

THE ADMINISTRATOR

Allison Cullen, Sc.D.  
Chair, Science Advisory Board  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Dr. Cullen:

The Science Advisory Board plays an important role in helping the U.S. Environmental Protection Agency fulfill its mission. I understand that at your recent public meeting the board discussed two pending regulatory matters and whether the science supporting these rules merited review. I appreciate your interest in these matters and your desire to advise me in this regard.

During your recent public meeting, the SAB agreed that the EPA's proposed rule "Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse-Gas Emissions Standards"<sup>1</sup> does not involve new approaches that require peer review by the SAB.<sup>2</sup> However, the SAB did further highlight its opinion that there is a need to develop and apply improved analytical tools to support future rulemakings on this topic.

The EPA appreciates the input provided by the SAB for consideration in future rulemakings. Specifically, the SAB provided comments and recommendations on topics including analysis of the effects on communities with environmental justice concerns, geo-specific analyses and modeling, explaining how the recommendations of the 2021 National Academy of Sciences report on light-duty vehicle technologies have been addressed, assessing how changes in vehicle markets will affect the benefits and costs of vehicle standards and addressing the recommendations provided in the February 2020 SAB report on the SAFE Vehicles Rule. The SAB's comments on these topics are important to the EPA as we consider potential future light-duty vehicle emissions standards. We will carefully consider these comments as we develop the proposed rulemaking for emissions standards for light-duty and medium-duty vehicle standards for model years 2027 and later (as described in the Regulatory Agenda). The EPA looks forward to sharing additional information about this rulemaking with the SAB in the future.

The EPA and the Department of the Army ("the agencies") published on December 7, 2021, a joint proposed rule to revise the definition of "waters of the United States" for purposes of the Clean Water

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<sup>1</sup> This proposal has since been finalized, see 86 FR 74434, December 30, 2021.

<sup>2</sup> U.S. EPA Science Advisory Board. 2022. Science Advisory Board Recommendations of the SAB Work Group for Review of Science Supporting EPA Decisions Regarding Two Planned EPA Regulatory Actions (RIN 2060-AV13).

Act. The public comment period closed February 7, 2022. The proposed rule would generally return to the regulations defining “waters of the United States” that were in place until 2015, with updates to reflect the agencies’ interpretation of the statutory limits of the scope of “waters of the United States” and informed by Supreme Court case law. The agencies’ proposed rule is supported by the EPA’s 2015 science report, Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, which as was reviewed by the SAB in 2014-2015. The report provides the agencies with a strong scientific foundation to support their rulemaking effort and is the primary body of science used to support the proposed rule.

The chartered SAB unanimously voted March 7, 2022, to review the science supporting the proposed revised definition of “waters of the United States” for the reasons stated in your letter. Members of the chartered SAB have been working since then to provide their recommendations to the agencies on aspects of the proposed rule and its supporting documents. The draft review was posted to the SAB website in May 2022, and the chartered SAB held public meetings May 31 and June 2, 2022, to discuss the draft review. I received the final report from the SAB July 6, 2022.

On behalf of the agencies, I thank you and the members of the SAB for their interest in reviewing the science supporting the proposed rule revising the definition of “waters of the United States.” The agencies appreciate the hard work of the members of the chartered SAB and the SAB work group who led the review of this important proposed rule.

I would be happy to direct any inquiries you may have about any of the regulatory matters in which you have expressed interest to colleagues in the Office of the Administrator, the Office of Air and Radiation and the Office of Water, as appropriate.

Please accept my gratitude for your service on the SAB. I appreciate the board’s work in support of the EPA’s scientific activities and look forward to working with you in the future.

Sincerely yours,



Michael S. Regan