Submitted via email and www.regulations.gov

January 12, 2024

Dr. Kristi Pullen Fedinick
Assistant Director of Environmental Justice Science and Technology
Office of Science and Technology Policy
Executive Office of the President
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, DC 20504

Re: Office of Science and Technology Policy Request for Information: Development of a Federal Environmental Justice Science, Data, and Research Plan; Docket ID No. OSTP-CE-2023-0012

Dr. Fedinick:

The undersigned trade associations appreciate the opportunity to comment on the Office of Science and Technology Policy's (OSTP) Request for Information (RFI) to Support the Development of a Federal Environmental Justice Science, Data, and Research Plan. 88 Fed. Reg. 71,041 (Oct. 13, 2023).

Our associations represent a broad cross-section of the U.S. economy—including large and small businesses in the manufacturing, mining, energy, agriculture, infrastructure, construction, waste and recycling, chemical distribution, and transportation sectors—all of which are essential to ensuring our nation's economic security and maintaining our modern standard of living. Our members are committed to responsible community development that provides economic opportunities in the form of good-paying jobs and other community investment, while fostering environmental stewardship and innovation at their facilities.

We welcome the opportunity to partner with OSTP on this important effort and believe that the federal government's environmental justice actions will be more effective and durable if the business community has a seat at the table. As OSTP develops its Federal Environmental Justice Science, Data, and Research Plan, we urge your consideration of the following key recommendations:

- **Improve integration of industry contributions.** We encourage OSTP to systematically include the following data in federal decision-making processes, where appropriate: data on job creation, economic development, and historical progress in emissions reduction initiatives. OSTP also can foster collaborative initiatives among federal agencies, communities, and industry sectors to ensure a comprehensive understanding of industry's socioeconomic and environmental contributions. In any policy changes or research involving environmental justice,

OSTP should recognize and consider the important economic opportunities and the environmental stewardship efforts provided by our members.

- **Take a more proactive role in fostering transparent information sharing between industries and communities.** We recognize the important role that government plays in informing communities about permitting processes and, in some cases, providing support for projects. We stand ready to work with the government on ways to foster transparent information sharing between industry and the communities in which our members operate to build trust and maintain sustainable relationships.

- **Promote data quality, integrity, and accessibility.** We urge OSTP to ensure that any federal government data-collection efforts have a specific and appropriate purpose and use that is consistent with the collecting agency's statutory authority. Context should be provided around any data used to inform or make federal decisions, and data should be made publicly available when possible.

  OSTP should also ensure that any data collected meet certain quality, integrity, and accessibility standards, and that the way agencies use those data similarly meets such standards. Data-quality criteria should be clearly communicated and easily accessible to the public so that community efforts to gather and submit information can be undertaken with these criteria in mind. For example, community-generated data regarding air emissions and air quality should meet the same validity and credibility criteria applicable to the regulated community for submission to and use by a federal agency.

  Regarding RFI Question 3(a), we encourage OSTP to provide clarity on the term "community-driven data," which could refer to data *about* communities, data *provided by* communities, or both.

- **Offer flexibility and interoperability to include local data.** OSTP should encourage and enable local stakeholders, including businesses, to offer specific data relevant to a particular community that improves the clarity of the decisions made that may affect the community. As stated above, any additional submitted data collected or used to inform decisions should meet certain quality, integrity, and accessibility standards. Agencies collecting community data and implementing such data into agency decision-making processes should have a mechanism for facilities and other stakeholders to submit additional data that is of high quality and robust integrity. Opportunities for review, reevaluation, and recourse should be made available within publicly available databases and decision-making processes when more recent, higher quality, and/or more scientifically credible data are available for use by agencies.

- **Address data gaps and strengthen data infrastructure.** Federal agencies should actively identify and mitigate gaps in data collection, including those related to positive socioeconomic and environmental impacts. Agencies' environmental

justice data should incorporate industry successes and show how those successes were achieved; in many instances, this can be accomplished with existing government data compilations. For example, EPA's annual "Air Trends" report for 2022 demonstrates a significant reduction in air pollutants from 1970 to 2022 and strong economic growth over the same time series.[1] OSTP should increase federal investment in robust data infrastructure designed to support the collection, analysis, and dissemination of relevant data that can contribute to a more accurate and comprehensive understanding of industry's overall impacts. In doing so, OSTP should first leverage existing data-collection efforts and ensure that they do not impose additional administrative burdens on industry, or state and local governments to supply duplicative information. OSTP should consider how the federal government can leverage the rapid development and deployment of artificial intelligence and machine learning to improve data quality and infrastructure in the environmental justice context.

- **Protect confidential business information.** In response to RFI Question 4(b), we urge OSTP to ensure that confidential business information (CBI) and personal privacy of community members are robustly protected. There are several new regulations across various federal agencies requiring the disclosure of business information that may create national security issues, disrupt competitive trade, or invite bad actors to misuse the information provided. As OSTP considers how to address and incorporate data related to environmental justice, it is critical that CBI and other sensitive data from businesses and individual community members is secure and protected.

- **Ensure balanced consideration of all data, including potential unintended consequences.** We are concerned that the current scope of data collection is too narrow and could exclude the consideration of important information such as the potential unintended consequences of particular government policies. The unintended consequences that could be overlooked include impacts on energy affordability, consumer choice, mobility, access to products and services, and other important factors. OSTP should establish a framework that helps policy makers also consider the full range of potential unintended consequences of a policy option, and not focus only on the narrower policy objective of a proposed action, to better ensure that the selected policy does more good than harm and avoids unnecessary adverse consequences.

Thank you for your consideration of these recommendations. As OSTP proceeds with developing and implementing this research plan, it is critical that the processes embrace opportunities for stakeholder engagement, including, but not limited to solicitation of stakeholder input—including business sectors—at key stages of the development of the plan and research, along with formal public review and comment on any drafts. We look forward to continued collaboration and discussions with your office to ensure that OSTP policies effectively address environmental justice concerns while allowing our members

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[1] *See* Press Release: EPA Releases Annual Air Report, Highlighting Trends through 2022 (May 23, 2023), https://www.epa.gov/newsreleases/epa-releases-annual-air-report-highlighting-trends-through-2022.

the flexibility to develop and produce goods that are critical for the continued prosperity of their communities.

If you have any questions in the meantime, please contact Caitlin McHale at cmchale@nma.org or (202) 463-2646.

Respectfully submitted,

Alliance for Chemical Distribution
American Chemistry Council
American Coke and Coal Chemicals Institute
American Gas Association
American Petroleum Institute
American Road & Transportation Builders Association
Associated General Contractors of America
National Asphalt and Pavement Association
National Association of Home Builders
National Mining Association
National Pork Producers Council
National Oilseed Processors Association
National Ready Mixed Concrete Association
National Waste and Recycling Association
Printing United Alliance
The Aluminum Association
The Fertilizer Institute
U.S. Chamber of Commerce