In Victory for Public Health, Federal Judge Scraps Trump's Polluter-Friendly 'Censored Science' Rule

"Science matters again, and it will again guide how to best protect people from dangerous pollution and toxic chemicals."

by

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"Had this rule censoring science been allowed to stand," said Rep. Don Beyer (D-Va.), "it could have done massive damage to the EPA's ability to regulate dangerous chemicals and pollutants." (Photo: Justin Sullivan/Getty Images)

In a development welcomed by environmental and public health advocates, a federal judge on Monday invalidated the Trump administration's last-minute rule change dictating which types of research the Environmental Protection Agency can use to regulate polluting industries and toxic chemicals.

Judge Brian Morris, chief judge for the U.S. District Court for the District of Montana, Great Falls, vacated the rule at the request of the Biden administration, overturning one of former President Donald Trump's last actions taken prior to leaving office.

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> **—Rep. Don Beyer**

"It took a federal court just days to reject the Trump EPA's obvious lawbreaking," Vijay Limaye, a climate and health scientist at the Natural Resources Defense Council (NRDC), said in a statement. "This is a major victory for people's health."

"Science matters again," said Limaye, "and it will again guide how to best protect people from dangerous pollution and toxic chemicals."

Just two weeks before the inauguration of President Joe Biden, then-EPA Administrator Andrew Wheeler, previously a coal lobbyist, finalized the "Strengthening Transparency in Regulatory Science" rule, which required scientists to disclose raw data, including personal medical records, from their public health studies before the agency could enact new regulations based upon the research.

Because the EPA relies heavily on data that cannot, for ethical and legal reasons, be made public, the rule change would force the EPA "to stick its head in the sand and pretend the most vital science about people's health doesn't exist," Emily Knobbe of the Center for Biological Diversity said in early January.

The Washington Post noted that "the rule, which was made effective immediately, would assign less weight to studies built on medical histories and other confidential data from human subjects where the underlying information was not revealed. That sort of research—including dose-response studies, which evaluate how much a person's exposure to a substance increases the risk of harm—have been used for decades to justify EPA regulations."

As *Common Dreams* reported last month, the Trump administration's so-called "secret science" rule was widely condemned, with Knobbe calling it a "nightmarish giveaway to polluters [that] will sicken millions of the most vulnerable people across this country."

The Environmental Defense Fund, Montana Information Center, and Citizens for Clean Energy sued to block the implementation of the "censored science" rule.

Last Wednesday, as *Bloomberg Law* reported, Morris ruled that the Trump administration's EPA "failed to justify its decision to make the controversial rule take effect right after its publication in the Federal Register, instead of after 30 days, as is typical."

By "casting doubt on the rule's legality," *Bloomberg Law* noted, Morris created an opening for Biden to quickly undo Trump's rule change, which the White House took advantage of.

Officials in the Biden administration's EPA on Sunday pointed to Morris' January 27 ruling and asked him to vacate the "censored science" rule and send it back to the agency,

a request the judge granted on Monday. [According to](#) *Bloomberg Law*, Monday's decision saves the Biden administration "the significant time and resources it would have had to spend to unwind the Trump administration rule through a standard rulemaking process."

Rep. Don Beyer (D-Va.), a member of the House Science Committee, has been a vocal opponent of what he and committee colleagues, Reps. Suzanne Bonamici (D-Ore.) and Paul Tonko (D-N.Y.), recently [called](#) the Trump administration's "anti-science rule and its underlying agenda, which is to protect polluters rather than people and the planet."

In a celebratory Twitter thread shared on Tuesday, Beyer [described](#) the Republican Party's years-in-the-making attempt to undermine EPA regulations "by weakening the scientific basis behind the agency's rulemaking process under the guise of 'transparency.'"

Beyer characterized the federal judge's decision to invalidate Trump's attack on scientific integrity and evidence-based policymaking as yet another loss for the former president in court, "this time with huge implications for public health."

"Had this rule censoring science been allowed to stand," he said, "it could have done massive damage to the EPA's ability to regulate dangerous chemicals and pollutants."

"The court's decision," the congressman added, "opens the doors to vital progress to protect the environment and the public."

As the NRDC's Limaye noted, "Polluters—who backed the Trump EPA's insidious scheme—have no more excuses than to follow our bedrock environmental laws."