In the wake of the poor performance of the Trump Administration’s efforts to address the coronavirus pandemic in the United States, there has been advice that the Biden Administration should “follow the science” in developing its coronavirus policies and strategies. While an emphasis on a clean break from the prior Administration’s rejection of the nature and seriousness of the coronavirus is understandable and welcome, the rhetoric of follow the science has its own pitfalls that could lead to real problems. In explaining why this is so, I draw on key lessons from environmental law and policy for the interaction of science, law, and policy.

First, there is no doubt that the Trump Administration has failed the American people by first rejecting the seriousness of the threat of coronavirus, then promoting uncertain treatments as cure-alls, and finally by installing leadership that downplayed the death toll and the health consequences of the unchecked spread of the virus (among many missteps). Some of these undoubtedly involved disregarding science – or at least the prevailing understanding among most researchers as to important questions relevant for policymaking.

But in meaningful ways, the Trump Administration’s failure had little to do with rejecting science. The failure stemmed from incompetence, cronyism, or simply making policy choices that short-term economic growth was more important than constraining the growth of the pandemic. Those policy failures and choices were poor ones, but they came less from rejecting science and more from poor leadership. Even if the Trump Administration had “followed the science,” many of these failures could still have occurred. After all, plenty of Democratic governors talk about “following the science” but still have had poor performance in areas such as vaccination rates.

And that’s the danger of “follow the science” as a political talking point. It implies that science determines policy outcomes in a way that it does not and can not. This is a lesson I teach my students in my environmental law classes. Scientific information has significant levels of uncertainty, particularly as it is applied to policy questions. Often the most policy-relevant questions are the hardest to develop clear empirical evidence for. On top of that, the questions are constantly evolving – for instance, one reason we had so much uncertainty about the coronavirus over the past year is precisely because it is so new. By implying that scientists have all the answers, “follow the science” can privilege scientists, who have their own perspectives and value choices, ones that might not match what the broader public shares.

In the context of environmental law, for instance, there is significant uncertainty about the harms for humans that might result from levels of exposure to toxic chemicals, or about the likelihood that an endangered species will go extinct within the next 100 years. Answering

those questions often is infeasible given current technology, resource limitations, and ethical constraints on research. So we necessarily must make value choices about what we do with that uncertainty – which risks do we accept, and which do we hedge against? These policy and value choices frequently get embedded in technical and scientific analyses – where they are made by experts, who may or may not be broadly accountable to the public for their choices. These issues were first noted by Wendy Wagner in her pathbreaking work over twenty years ago, and extended by my colleague Holly Doremus in her work, and in work I’ve done on scientific disciplines and environmental law.

That of course doesn’t mean scientific information isn’t central to policymaking. Climate change is real and will have devastating impacts on societies and economies. And maintaining the integrity of that scientific information is crucial to effective policymaking, as Holly Doremus has also noted.

But even with integrity in how we collect and analyze scientific information, we are still left with policy and value choices about what to do with that information. “Follow the science” may be comforting in the wake of an Administration that was brazen in its disregard for science, but it isn’t an adequate path forward in a world faced with deep uncertainty and constant change.