



Advocacy partner of Environmental Defense Fund

March 8, 2017

Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, DC 20515

Honorable Eddie Bernice Johnson
Ranking Member
Committee on Science, Space, and Technology
394 Ford House Office Building
Washington, DC 20515

Dear Chairman Smith and Ranking Member Johnson,

The Environmental Defense Action Fund strongly opposes the “Honest and Open New EPA Science Treatment (HONEST) Act of 2017” and the “EPA Science Advisory Board Reform Act of 2017”.

Despite their benign-sounding titles, these bills would have devastating effects on public health and the Environmental Protection Agency’s (EPA) ability to consider and use sound science.

The HONEST Act, a rebranded version of the “Secret Science Reform Act” from prior sessions of Congress, is framed as a measure to increase transparency by requiring that EPA only use studies that are publicly available online and replicable. Yet, as testimony before your Committee has made clear, these requirements would in many cases prevent the EPA from using the best available science for public health decision-making.

Many epidemiological studies – for example a study on the causes of breast cancer – rely on health data that are legally confidential. This legislation suggests that EPA will be given the authority to disclose confidential medical information on breast cancer patients to anyone willing to sign a confidentiality agreement. EPA would also be responsible for identifying and redacting any information that should not be made broadly publicly available in the first place. Not only is this not an appropriate role for EPA, it could severely restrict both the number of studies EPA can use and the willingness of participants to be part of vital health studies.

In addition, the Act’s requirements for replicability mean that critical longitudinal studies that follow health outcomes of individuals or groups over years, even decades, could not be used because—

- (1) they are inherently not replicable (e.g., a study that follow health outcomes of first responders following a single event such as the tragic 9/11 attack); or
- (2) where they are replicable, it would take years to show that the results could be reproduced (e.g., a study that examines the impacts on intelligence at childhood from environmental exposures that occurred *in utero*).

Furthermore, even if, say, a longitudinal study that follows a cohort of individuals over 20 years could in principle be reproduced, there are practical and ethical reasons why it couldn’t or shouldn’t be. The same goes for a long-term environmental monitoring study, or data collected from a one-time event like the Deepwater Horizon Spill.

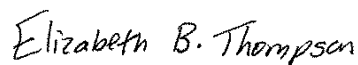
The Congressional Budget Office (CBO) has found¹ that previous iterations of this legislation would impede the number of studies the EPA can rely on—by their estimate, reducing the number of studies by half. Restricting EPA to just some of the existing scientific literature will prevent the agency from using the latest and most accurate science when developing regulations. Moreover, the tremendous resource burden of making data publicly available (CBO’s central estimate was \$250 million a year) would create a strong incentive to reduce the amount of scientific data and analysis considered as part of decision-making. The net effect would be to undermine EPA’s ability to rely on the best available science and unnecessarily put the public at greater environmental and health risk.

Similarly, the EPA Science Advisory Board Reform Act of 2017 undermines scientific integrity of the EPA. Contrary to longstanding practice, the bill allows individuals with financial conflicts of interest to serve on the EPA Science Advisory Board (SAB) so long as those conflicts are disclosed. This would permit an infusion of special corporate interest into what should remain an objective scientific review of EPA work products.

Incredibly, at the same time, the bill makes it more difficult for academic experts to participate on the SAB. The bill considers an expert’s research on a topic covered by the Board to be a conflict of interest, when in fact the academic’s expertise would make them more, not less, valuable. In addition, receipt of EPA research grants and contracts, standard for universities, would be construed to constitute a conflict of interest for a scientist or expert. And a SAB member would be precluded from accepting any such grant or contract for three years after serving on the board which may deter qualified experts from serving on the SAB.

The “Honest and Open New EPA Science Treatment (HONEST) Act of 2017” and the “EPA Science Advisory Board Reform Act of 2017” would block the use of sound science by EPA in developing public safeguards. For these reasons, EDF Action strongly opposes these bills.

Sincerely,



Elizabeth B. Thompson, President
Environmental Defense Action Fund

¹ <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/hr1030.pdf>