

OPENING STATEMENTS

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Committee on Science, Space, and Technology

Full Committee Markup of H.R. 4012

June 24, 2014

Thank you Chairman Smith. Today the Committee is marking up H.R. 4012, the Secret Science Reform Act of 2014. This bill is an insidious attack on the EPA's ability to use the best science to protect public health, and this markup is the culmination of one of the most anti-science and anti-health campaigns in the history of this esteemed Committee.

The genesis of this legislation is the Majority's longstanding obsession with two seminal scientific studies conducted by Harvard University and the American Cancer Society which linked increasing air pollution with death and disease. The Majority has harassed the EPA for more than two years in an attempt to get access to the raw data used in those studies. Since those studies involved hundreds of thousands of human volunteers who submitted sensitive personal health information to the researchers, the raw data is stringently protected from public disclosure.

The EPA explained this to the Chairman, but he nonetheless issued a subpoena to the EPA Administrator to turn over data that the EPA had no legal right to access and for which there are strict legal prohibitions against public disclosure.

The Majority's solution to this "problem"--a problem of their own creation-- is H.R. 4012. Rather than explain the problems with this legislation myself, I will simply quote from a letter we received from the American Lung Association and the American Thoracic Society, two leading and trusted public health organizations.

They state: "The legislation before the committee will compel the U.S. Environmental Protection Agency to either ignore the best science by prohibiting the agency from considering peer-reviewed research that is based on confidential patient information or force EPA to publically release confidential patient information, which would violate federal law. This is an untenable outcome that would completely undermine [the] ability of the EPA to perform its responsibilities under the Clean Air Act and myriad other federal laws. The legislation will not improve EPA's actions; rather it will stifle public health protections."

I also want to take a moment to comment on the process that led us to where we are today. In the formulation of both the EPA subpoena and the legislation before us, the Majority has shown a disturbing pattern of relying upon the advice of researchers and other individuals with strong financial ties to the tobacco industry. When the Committee met in August to authorize subpoenas to obtain the data from the Harvard and Cancer Society studies, we questioned what legitimate researchers didn't already have access to the data. The Chairman named Dr. James

Enstrom as someone who didn't have access to the data, and, apparently, someone to whom the Chair intended to provide the data.

As I've noted in letters to the Chairman, Dr. Enstrom has a long history of ties to the tobacco industry that include receiving research funding from and performing consulting work for tobacco companies. When the Majority had their legislative hearing on this bill, they called three witnesses to testify, all of whom had past financial connections to the tobacco industry. In fact, the only scientist who was called by the Majority to testify had an extensive history of tobacco industry research funding and consulting work.

This should be profoundly disturbing to the Members of this Committee. The tobacco industry was responsible for perpetrating one of the greatest scientific frauds in history on the American people. They committed this fraud to subvert and delay the imposition of health regulations on their industry. As a consequence of the delayed implementation of tobacco regulations, millions of people needlessly suffered and died. It defies logic that the Majority would be relying on these people to justify their bill.

On the other hand, a diverse set of voices from the scientific, public health, legal, and environmental community have criticized this legislation.

We have received letters or statements expressing concern with the bill from the American Association for the Advancement of Science, the American Lung Association, the American Thoracic Society, the American Association for Justice, the Center for Effective Government, the Union of Concerned Scientists, the Natural Resources Defense Council, Clean Water Action, Earthjustice, Environment America, the Environmental Defense Fund, Friends of the Earth, the League of Conservation Voters, the Sierra Club, and the Center for Progressive Reform, and I'd ask that these letters be placed in the record.

Mr. Chairman, to close, when the Committee on Science is taking its cues from folks tied to the tobacco industry instead of from legitimate scientists and public health professionals, then something is profoundly wrong.

Whatever views my fellow Members may have about specific EPA rules and regulations, I would hope that they will see this bill for what it is—a pernicious assault on EPA's ability to use the best science to protect public health. It is a bill that diminishes our Committee by the very fact that we are marking it up today. I strongly urge my colleagues on both sides of the aisle to oppose this legislation, and I yield back.