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6 HEARING ON THE DENIAL PLAYBOOK: HOW INDUSTRIES MANIPULATE

7 SCIENCE AND POLICY FROM CLIMATE CHANGE TO PUBLIC HEALTH

8

9 Tuesday, February 26, 2019

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11 House of Representatives,

12 Subcommittee on Oversight and Investigations,

13 Committee on Natural Resources,

14 Washington, D.C.

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18 The subcommittee met, pursuant to notice, at 2:33 p.m.,

19 in Room 1324 Longworth Hon. TJ Cox, [Chairman of the

20 Subcommittee] presiding.

21 Present: Representatives Cox, Dingell; Gohmert, Gosar,

22 Johnson, Gonzalez-Colon, San Nicolas

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27       Mr. Cox. Well, thank you very much. The Subcommittee  
28 on Oversight and Investigations will now come to order. The  
29 Subcommittee on Oversight Investigations is meeting today to  
30 hear testimony on The Denial Playbook: How Industries  
31 Manipulate Science and Policy from Climate Change to Public  
32 Health.

33       Under Committee rule 4(f), any oral opening statements  
34 at hearings are limited to the chairman and the ranking  
35 minority member. Therefore, I ask unanimous consent that all  
36 other members' opening statements be made part of the record  
37 if they're submitted to the clerk by five p.m. today.  
38 Hearing no objections, so ordered.

39       Welcome to the first Oversight and Investigations  
40 Subcommittee of the 116th congress. It's an honor to serve  
41 as Chairman. Now, more than ever, this Subcommittee's  
42 mandate is important. We must work together to ensure the  
43 American people have a government that is transparent and  
44 accountable to them.

45       I want to thank the Ranking Member, Mr. Gohmert, for his  
46 ongoing service to this subcommittee. My hope is that we can  
47 not only have a great working relationship, but we can find  
48 common ground in working for an effective, efficient, and  
49 responsive federal government that serves the best interests  
50 of the American people.

51       Today's hearing focuses on the climate denial playbook

52 and is part of the Committee's monthlong series on climate  
53 change. Let's be clear: Climate denial is not a matter of  
54 scientific disagreement, but rather a set of tactics used by  
55 the fossil fuel industry to distort science to further their  
56 own agenda.

57 For the past few decades we've seen a parade of industry  
58 -backed experts called into question who has already had  
59 overwhelming consensus of the scientific community on climate  
60 change, creating confusion, uncertainty and doubt in the  
61 public about one of the greatest national security challenges  
62 of our time.

63 Today we'll hear about one of the key plays in the  
64 denial playbook, something our witness, David Michaels, has  
65 described as manufacturing uncertainty, or manufacturing  
66 doubt.

67 Of course, this is not the first time we've seen this  
68 denial playbook put to use. The tobacco industry made it  
69 famous. Nearly half a century ago a tobacco executive said  
70 that doubt is "the best means of competing with a 'body of  
71 fact' that exists in the minds of the general public."

72 We've seen the NFL use the playbook to dismiss the role  
73 of professional football in causing a neurological disorder  
74 related to repeated trauma to the brain called CTE. CTE  
75 affects football players at all levels, as well as millions  
76 of players in other contact sports like hockey, lacrosse, or

77 soccer. The younger the player the earlier, the symptoms  
78 show up. Symptoms include memory loss, aggression,  
79 depression, and dementia and can appear decades after the  
80 last traumatic event.

81 And the pharmaceutical industry has used the playbook to  
82 deny the addictiveness of opioids. Now that denial has  
83 helped drive an opioid epidemic that kills 130 Americans  
84 every day. It has created a new generation of kids who have  
85 lost their parents to opioids.

86 In each of these cases, the science showed a clear risk,  
87 but industry distorted the science to keep selling their  
88 product. According to the playbook, the messenger is just as  
89 important as the message. This means paying off thought  
90 leaders and established scientists to deliver an industrious  
91 message and peer-reviewed literature and media. It means  
92 vicious, personal attacks on the reputations of independent  
93 scientists that criticize their product; and it means funding  
94 entire programs in academia and even in the U.S. government  
95 to conduct the research it wants, sometimes reserving the  
96 right to kill or edit studies that don't produce favorable  
97 results.

98 This playbook has real consequences. Climate change has  
99 warmed waters of the Caribbean Sea, fueling powerful storms  
100 like Hurricane Maria, a Category 5 hurricane with winds up to  
101 230 miles per hour and nearly 12 inches of rain per hour. It

102 devastated Puerto Rico, taking the lives of close to 3,000  
103 people and driving nearly 300,000 to leave the island. In my  
104 home state in California, last year it led to the deadliest  
105 wildfire season in history.

106       According to the National Climate Assessment, rural  
107 communities face challenging obstacles in responding to  
108 climate change because they're highly dependent on natural  
109 resources. My constituents, the people of California's  
110 Central Valley, live in one of the most economically  
111 distressed parts of the country. We have been forgotten, but  
112 not left behind. But it is my constituents who have seen the  
113 direct impacts of climate change with our recent heatwaves  
114 and droughts. It is only going to get worse if we don't work  
115 together and address the issues head on - and I'm committed  
116 to finding solutions for my constituents and the American  
117 people.

118       A clear understanding of the magnitude of damage the  
119 denial playbook has had on working families in my district  
120 and across America is the first step towards fighting back  
121 against its terms. I look forward to adding to that  
122 understanding in today's hearing, starting with playbook's  
123 most consequential use to date, climate denial.

124       And with that, I now recognize Ranking Member Gohmert  
125 for his opening statement.

126       Mr. Gohmert. Thank you, Mr. Chairman. I want to start

127 by congratulating you on your election to Congress and to  
128 chairing the first Subcommittee hearing here today. I wish  
129 you well and look forward to working with you.

130 This is now, though, the 7th oversight hearing related  
131 to climate change that the majority is holding this month,  
132 starting with a full committee hearing. It's been a bit  
133 concerning how this all fits within this Committee's  
134 jurisdiction.

135 As Republican leader Bishop stated at the full committee  
136 hearing earlier this month, we would ask that the majority,  
137 as was our practice when we served in the majority, to comply  
138 with Rule 4(c) of the Committee's rules so that to the extent  
139 practicable, the majority staff shall make publicly available  
140 a memorandum explaining the subject matter of the hearing.  
141 This way all of us, including the public, have a little  
142 notice as to the purpose of the hearing.

143 It appears the witnesses invited by the majority today  
144 will focus on topics of discussion including football,  
145 concussions, opioid addiction, OSHA and epidemiology. These  
146 matters are all clearly outside the Committee on Natural  
147 Resources and its Subcommittee per the rules of the U.S.  
148 House of Representatives.

149 House Rule 10, which outlines organization committees  
150 and their jurisdiction clearly indicates that matters related  
151 to commerce, biomedical research and development, as well as

152 health and health facilities belong to the jurisdiction of  
153 the Energy and Commerce Committee. Matters related to labor  
154 standards or occupational safety are most appropriately  
155 handled by the Education and Labor Committee.

156       We'll say sure, there are things that we could agree on  
157 here. I think it is outrageous the way the pharmaceutical  
158 industry took advantage of how easily people were addicted to  
159 opioids and made big profits but did massive damage to the  
160 country. But again, that's not within the purview of this  
161 Committee.

162       So when it comes to matters related to climate change,  
163 the House rules explicitly references several topics. Topics  
164 include those such as conservation of energy resources,  
165 almost anything to do with renewable energy, national energy  
166 policy, environmental research, scientific research, the  
167 National Science Foundation and even the National Weather  
168 Service.

169       None of these areas pulse within the jurisdiction of  
170 this Committee. Instead, these are unambiguously listed  
171 under the jurisdictions of either the Energy and Commerce  
172 Committee or Science, Space and Technology Committee. What  
173 does fall within the Natural Resources Committee's  
174 jurisdiction includes wildlife conservation. That is exactly  
175 why this Committee should be interested in focusing on  
176 modernizing laws like the Endangered Species Act.

177           Last Congress I introduced the SAVES Act, which was a  
178   bipartisan bill designed to enhance the conservation and  
179   welfare of non-native, endangered species bred in captivity.

180           Forest and public lands also fall within the Natural  
181   Resources Committee jurisdiction. Topics such as the need  
182   for long-term legislative solutions to continue and improve  
183   revenue sharing payments to counties through the U.S. Forest  
184   Service Secure Rural Schools Program is critical. Over 700  
185   counties across the United States receive funding from the  
186   program.

187           I was just in Sabine County, probably my most rural  
188   county, this weekend. They point out again the county judge  
189   said back in the '80s we were getting around 1.6 million, not  
190   from taxpayer money but as our share of the revenue off  
191   production of pine trees being harvested, a fantastic  
192   renewable research (sic). Yet last year they got \$64,000 as  
193   their share. It's hard to maintain a school in a county when  
194   the federal government has most of the land and you can't tax  
195   it. So these are things we ought to be dealing with.

196           Based on the title of today's hearing it seems that the  
197   majority is focused on science and public health issues,  
198   which are great, it's just we don't have that jurisdiction,  
199   but not within our jurisdiction. So it can be inferred from  
200   the hearing's title there's industry denial about climate  
201   change. For whatever problems climate change poses to the



202 welfare of Americans, I hope we can focus on finding  
203 reasonable solutions and encourage innovation to address our  
204 problems. I do not think there is any denying we should seek  
205 practical policies to help reduce pollution, promote good  
206 environmental stewardship -- the ideas of eliminating cows or  
207 air travel are not promising starting points.

208 That said, it appears today's hearing topic is well  
209 outside our jurisdiction and per House Rule 10 and the  
210 reasons I've stated, I would move that we adjourn.

211 Mr. Cox. The ranking moves that the Committee do now  
212 adjourn. The question is on the ranking member's motion.  
213 All those in favor say aye.

214 [Chorus of ayes.]

215 Mr. Cox. All opposed say no.

216 [Chorus of no.]

217 Mr. Cox. In the opinion of the chair, the noes have it  
218 and the motion is not agreed to.

219 Mr. Gohmert. Ask for the yeas and nays.

220 Voice. Is that a denial of fact?

221 Mr. Cox. The Clerk will call the role.

222 The Clerk. Mr. Cox.

223 Mr. Cox. No.

224 The Clerk. Mr. Cox votes no. Mr. Gohmert?

225 Mr. Gohmert. Yes.

226 The Clerk. Mr. Gohmert votes aye. Mrs. Dingell?

227       Mrs. Dingell.   No.

228       The Clerk.   Mrs. Dingell votes no.   Mr. Gosar?

229       Mr. Gosar.    Yes.

230       The Clerk.   Mr. Gosar votes aye.   Mr. McEachin?   Mr.

231   Johnson.

232       Mr. Johnson.   Aye.

233       The Clerk.   Mr. Johnson votes aye.   Mr. San Nicolas?

234   Ms. Gonzalez-Colon?

235       Ms. Gonzalez-Colon.   Aye.

236       The Clerk.   Ms. Gonzalez-Colon votes aye.

237       Mr. Cox.    The Clerk will announce the result.

238       The Clerk.   Mr. Chairman, on the motion, the ayes are

239   four and the nays are two.

240       Mr. Cox.    Thank you.   The motion passes.   The hearing is

241   adjourned.

242       (The hearing was adjourned at 2:47 p.m.)