

OPENING STATEMENT
Ranking Member Eddie Bernice Johnson (D-TX)

House Science, Space, and Technology Committee

Markup of: H.R. 1430, the "*Honest and Open New EPA Science Treatment Act of 2017*" (*HONEST Act*)
and H.R. 1431, the "*EPA Science Advisory Board Reform Act*"

March 9, 2017

Thank you Chairman Smith. Today we will be revisiting two bills this committee considered in the previous two congresses: the "Secret Science Reform Act," which is now renamed the "HONEST Act," and the EPA Science Advisory Board Reform Act. As in those prior congresses, today I will be strongly opposing passage of each of these misguided pieces of legislation.

At the outset, let me say that the cosmetic changes that were made to the Secret Science Reform Act in arriving at the HONEST Act do nothing to address the larger issues with this bill. Under the current legislation, the EPA would have to publicly distribute any scientific data relied upon for a covered action. EPA could withhold from public distribution items containing trade secrets or personal information. However, under this bill anyone could then access this sensitive data after signing a confidentiality agreement with the EPA. Since the EPA is not authorized to issue confidentiality agreements for third party researchers, this legislation would have the same effect as the Secret Science Reform Act: limiting the ability of the EPA to use the best science.

Since we have some new Members on the Science Committee, I think it might be instructive to remind folks how we got to today's markup of the HONEST Act. Several years ago a tobacco industry consultant attempted to obtain access to the American Cancer Society's epidemiology data. He was denied access to that data due to his extensive prior connections with the tobacco industry and prior misuse of American Cancer Society data. Then the Chairman came to his aid, by subpoenaing the EPA to provide the Committee with the data used in two seminal health studies conducted by Harvard and the American Cancer Society. This data contained the personal health histories of tens of thousands of American citizens. Thankfully, since EPA did not possess this data, they were unable to provide it to the Committee. I say this because the Chairman had indicated his intent to publicly distribute these tens of thousands of people's health histories over the internet - a horrifying prospect.

However, that answer didn't satisfy the Majority. The Majority's solution to this manufactured problem was the Secret Science Reform Act. At the legislative hearing on this bill, the Majority invited three witnesses with extensive ties to the tobacco industry. And this would be a theme that would continue. The groups that endorsed the Majority's bill are a "who's who" of toxic chemical manufacturers. On the other hand, groups that opposed the bill included the American Association for the Advancement of Science, the American Lung Association, the American Association for Justice, the Union of Concerned Scientists, the Natural Resources Defense Council, and a host of other public health and environmental groups.

The differences in those two groups underscores the real intent of this legislation: To undermine the science that EPA can use in their work, and ultimately, make it easier to pollute in our country. If this bill were enacted, EPA could be crippled, and the result would be more sick Americans and more dead Americans.

I yield back.