

March 2, 2015

Dear Representative:

The undersigned individuals and organizations working on public health and science-informed regulation strongly oppose the H.R. 1029 the EPA Science Advisory Board Reform Act of 2015 and H.R. 1030, the Secret Science Reform Act of 2015, to be considered by the House of Representatives this week.

Both bills would severely undermine the ability of the Environmental Protection Agency (EPA) to use the best available scientific evidence when making decisions regarding the protection of public health and safety and the environment.

When very similar bills were up for a vote in the House last November, the Administration issued veto threats for both bills. The Administration stated that the Secret Science Reform Act would “greatly impede the EPA’s ability to use science to protect public health and the environment,” and warned that the EPA Science Advisory Board Reform Act would “weaken the scientific independence and integrity of the SAB.”

The erroneously named Secret Science Reform Act would tie the EPA’s hands by restricting the information it can use to develop protective regulations. The EPA could only regulate based on publicly available scientific data. This restriction would block the agency’s use of many different types of public health data, such as those for which public release would violate privacy protections, or data from corporations that are designated as confidential business information. It also would restrict the use of scientific data that is not “reproducible.” This provision seems to adopt a very narrow view of scientific information solely based on laboratory experiments. As major scientific societies including the American Association for the Advancement of Science (AAAS) have noted, such a restriction would eliminate the use of most epidemiological and public health data, such as those regarding the public health impacts of air pollution, because these data are collected in long-term studies following individuals longitudinally.

Not only do privacy concerns arise, but such studies are not inherently reproduced in the way a laboratory experiment or a clinical trial may be. It would be unethical to deliberately expose adults or children to air pollution merely to determine whether the increased rates of asthma and heart attacks caused by such exposures can be duplicated, or to encourage teenagers to smoke to re-assess the toxic effects of tobacco.

The EPA Science Advisory Board Reform Act would greatly weaken the EPA’s advisory process, making it far more likely that recommendations from its independent Science Advisory Board (SAB) will be dominated by corporate special interests. This bill opens the door to increased corporate influence on the Board, by encouraging the EPA to accept more SAB panelists with corporate ties.

The bill’s overly broad restriction on SAB members with subject-matter expertise is equally counterproductive, and goes far beyond the common-sense limits imposed by the National Academies. Unlike the 2014 bill, the 2015 bill does appear to permit SAB experts with published, peer-reviewed research, to address those topics on which they have credentials, provided that their expertise is publicly disclosed. But the language in the bill is so vague that it

raises many questions. Generally, experts have developed their knowledge base over time, and not purely through peer-reviewed publications. How is an expert supposed to make that distinction? What happens if a scientist relies on expertise that is not specifically permitted in the bill? Will there be legal ramifications? Clearly, scientific experts will think twice before joining the SAB if it means they will have to consult their lawyers before they give advice.

Even worse, the bill requires the SAB to remain in an endless loop soliciting public comment about the “state of the science” touching on every major advisory activity it undertakes and responding to nearly every comment before moving forward, without being limited by any time constraints. At best, the SAB will be reduced to busy work. At worst, the SAB’s assessments will address the concerns of corporations, not the desires of citizens for science-informed regulation that protects public health.

These bills together will greatly impede the ability of EPA, and potentially other agencies, to utilize the best available science, independently reviewed, to inform regulations crucial to public health and the environment.

We strongly urge you to vote No on The Secret Science Reform Act and the EPA Science Advisory Board Reform Act.

Sincerely,

Center for Science and Democracy at the Union of Concerned Scientists

Annie Appleseed Project

Breast Cancer Action

Center for Medical Consumers

Institute for Ethics and Emerging Technologies

Jacobs Institute of Women’s Health

National Center for Health Research

National Physicians Alliance

Our Bodies Ourselves

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