

**Opening Statement**  
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House Committee on Science, Space, and Technology  
Subcommittee on the Environment

“Ensuring Open Science at EPA”  
February 11, 2014

Thank you, Chairman Schweikert. I would like to start by saying welcome, and I offer sincere congratulations to you on becoming our new Subcommittee Chairman. I am looking forward to working with you and am hopeful that we can find common ground and develop meaningful solutions to our nation’s important environmental challenges.

Improving transparency and public access to federally funded research at EPA, or at any federal agency, is an important objective and one that I fully support. Although there may be disagreements among the subcommittee members about various actions that the EPA may be considering, I am confident that we all support increased transparency.

Unfortunately, it appears the language in the bill we are discussing today, called the “Secret Science Reform Act,” may actually prohibit EPA from increasing transparency. I hope that this is not an attempt to prevent or impede the EPA from promulgating regulations and performing its Congressionally-mandated priority objective of protecting human health and the environment.

If implemented, this bill would actually prevent the EPA from using the best available science to inform its regulatory actions. EPA relies on thousands of peer-reviewed articles as part of their scientific review. Under this proposal, if for any reason all of the scientific and technical information associated with those articles was not publicly available, EPA would have to proceed as if those studies did not exist. That is not in the best interest of the American people – our constituents.

It is also not clear whether this proposal is retroactive. If so, then the legislation would essentially nullify all the progress we’ve made to date to improve the quality of the air our children – and all of our constituents for that matter - breathe and the water they drink.

I am also concerned about the potential negative impacts that the bill could have on the scientific community. Researchers and organizations may be hesitant to conduct EPA-funded research if they are required to disclose protected information like health records. Historically, researchers have been able to assure individuals participating in their studies that their personal information is safe, and that helps attract participants.

Last year, this Committee took the unusual action of issuing a subpoena to acquire data that the EPA relied on when developing air quality regulations. This data, the basis of the Harvard Six Cities study and the American Cancer Society study, contains the personal health records of hundreds of thousands of Americans. I presume that this is an example of the so-called “secret science” that inspired this bill.

But contrary to the assertion that the science behind those studies is “secret, in fact the legal owners of these data sets, Harvard University and the American Cancer Society, allow legitimate researchers access to this information and have procedures in place to protect it.

It’s interesting - this Committee spent a significant amount of time scrutinizing Healthcare.gov and claiming that the website puts personal health records of millions at risk; frankly I am a bit surprised that my colleagues do not now recognize the importance of protecting studies that actually do contain personal health information.

But perhaps what is more troubling about this proposal is that it ignores the good work already done by this Committee. In 2010, this Committee reauthorized the America COMPETES Act, which requires the Office of Science and Technology Policy (OSTP) to issue guidance to all federal agencies on the development of clear and coordinated policies to increase access to federally funded published research and digital scientific data. It’s my understanding that the EPA is in the process of developing policies pursuant to this guidance.

This bill also seems to be inconsistent with the data and public access provisions included in the Majority’s FIRST Act. Although there are some open questions about specific provisions of the FIRST Act, the bill takes the more appropriate government-wide approach and requires consultation and input from the scientific and stakeholder community.

It is worth having a real discussion about how we can improve transparency and data access across the federal government. Additionally, as we have discussed, I hope we are able to have another hearing on this issue. I strongly encourage the participation of the EPA so that the agency has an opportunity to appear before the committee and provide – on the record - their analysis about the provisions of this bill. It would be logical to hold such a hearing in conjunction with our colleagues on the Research and Technology Subcommittee because they have been examining this issue closely.

Mr. Chairman, I hope that we can work together to find a way to improve public access to federally funded research in a manner that does not compromise the EPA’s mission to protect human health and the environment.

Thank you, Mr. Chairman and I yield back.