

Opening Statement

Ranking Member Eddie Bernice Johnson

House Committee on Science, Space, and Technology
Subcommittee on the Environment

“Ensuring Open Science at EPA”

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Thank you Chairman Schweikert. I would like to echo Ms. Bonamici in congratulating you on being named Chair of the subcommittee and look forward to working with you in this capacity. Unfortunately, I regret that today’s hearing might be a rough start in that regard.

That is because the “Secret Science Reform Act of 2014” continues one of the most regrettable sagas in the history of this esteemed Committee.

This saga began in the last Congress with Majority requests for data associated with studies that the EPA relied upon for certain clean air regulations. It continued in August of last year when the Chairman issued the first subpoena from this Committee in over 20 years to obtain that same data. And now we are here today, to discuss this misguided and mislabeled legislation.

I want to be clear, the “Secret Science Reform Act of 2014” is built on a false premise. None of the science that has been in question during this two year affair is “secret.” Is the data protected? Of course it is.

The data contains the personally identifiable health information of hundreds of thousands of American citizens. Nonetheless, as the Democratic Minority has repeatedly pointed out, legitimate researchers do have access to this data.

So what is the problem? What legitimate researchers cannot already access this data? At the August 1, 2013, meeting to authorize a subpoena, the Chairman indicated that Dr. James Enstrom could not access the American Cancer Society data. As I have pointed out before, Dr. Enstrom has a long history of conducting research and performing consulting work for the tobacco industry.

And that brings us to today’s hearing. Mr. Chairman, all three of the Majority’s witnesses also have significant ties to the tobacco industry. First we have Dr. John Graham. While he headed the Harvard Center for Risk Analysis he personally solicited research funding from Philip Morris. Moreover, he invited Philip Morris public relations officials to review a draft chapter of his book on the subject of second-hand smoke. Dr. Graham’s Center ultimately received tens of thousands of dollars in grants from Philip Morris subsidiary Kraft General Foods.

Next we have Dr. Tony Cox, who has received numerous research grants from Philip Morris tobacco and has collaborated on research with internal Philip Morris scientists. In addition, Dr. Cox has served as a litigation consultant for the Philip Morris and RJR tobacco companies.

Finally, we have Dr. Ray Keating. Dr. Keating's organization, the Small Business and Entrepreneurship Council, and its predecessor, the Small Business Survival Foundation has solicited and received funding from tobacco companies. Moreover, documentation seems to suggest a large amount of collaboration with tobacco companies. For instance, in the mid-1990's Dr. Keating released a series of reports on FDA tobacco regulations and their negative effects on small business and also filed comments with the FDA on the same topic. These reports relied upon a study commissioned by Dr. Keating's organization and conducted by the American Economics Group.

What Dr. Keating didn't mention in his reports or FDA comments is that the Small Business Survival Foundation was acting as a go-between for the tobacco industry. Tobacco company emails show that the study in question was jointly funded and organized by Philip Morris and RJR tobacco.

The reason I highlight this, Mr. Chairman, is that EPA is a public health agency. I find it deeply disturbing that the experts the Majority seems to rely upon for advice in the arena of public health all have extensive ties to the tobacco industry.

That's the same industry that was found by a Federal court to have engaged in racketeering and wire fraud in order to subvert the public health of the American people.

And how did they accomplish this fraud? Through a well documented history of funding researchers and third party groups to cast doubt on the public health effects of tobacco.

Mr. Chairman, this is a serious subject, because ultimately this is about protecting the public health of our citizens. It's about protecting the health of our neighbors, and friends, and family. If the Majority is serious about moving forward with this ill-advised legislation, then we need to hear from a credible set of witnesses. Our citizens deserve no less.

I yield back.