

COMMITTEE ON  
**SCIENCE, SPACE, AND  
TECHNOLOGY**  
CHAIRMAN LAMAR SMITH



For Immediate Release  
November 14, 2013

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**Statement of Chairman Lamar Smith (R-Texas)  
Hearing on Strengthening Transparency and Accountability at the EPA**

**Chairman Smith:** The Environmental Protection Agency (EPA), like every other governmental institution, answers to the American people. Everyone agrees that we need to protect the environment, but we should do so in a way that is open and honest. Democracy requires transparency and accountability.

Yet EPA's justifications for its regulations are cloaked in secret science. It appears the EPA bends the law and stretches the science to justify its own objectives.

The Americans impacted by the Agency's regulations have a right to see the data and determine for themselves independently if these regulations are based on sound science or a partisan agenda. The EPA's efforts to expand its regulatory reach across the U.S. represent a troubling trend.

For example, take EPA's current attempt to redefine its jurisdiction under the Clean Water Act. It seeks to expand the definition of "Waters of the U.S." to give the Agency unprecedented new authority over private property.

According to media reports, this expansion of EPA regulatory power could include almost all man-made and natural streams, lakes and ponds in the U.S. This undermines states' rights and increases federal control of private property and could lead to the EPA telling us what to do in our own back yard.

The EPA's efforts to demonize hydraulic fracturing are another example of an Agency implementing a partisan agenda before it takes the time to get the facts. The EPA made wild claims of groundwater contamination, but was forced to retract those claims when it could produce no evidence. Perhaps the most outrageous examples of the Agency's disregard for transparency and accountability are found in the EPA's clean air program.

We all agree that ensuring clean air is essential, but the EPA has a responsibility to establish rules that balance our environmental concerns and our economic needs.

Nearly all of this Administration's air quality regulations are justified on the basis of hidden data. These regulations cost billions of dollars but the EPA claims that the benefits of these rules justify the costs. These claims can't be verified if the EPA uses secret science.

More than two years ago, before this Committee, then Assistant Administrator McCarthy said this information was available for independent review and verification. And a few months ago, the President's own Science Advisor took the same position.

When the EPA failed to live up to those commitments, the Committee issued a subpoena requiring the Agency to produce the data. Three months later, the Agency still hasn't provided the data necessary to verify the Agency's claims.

Let me be clear: It is the EPA's responsibility to ensure that the science it uses is transparent and that its claims can be verified by the public.

Recently, the EPA provided us with copies of letters it received from scientists explaining why they believe this data cannot be released to the public. It's unfortunate that it took us two years and a subpoena to get here, but now even the EPA knows the truth: the Agency itself cannot publicly verify its own claims.

So not only do we have a lack of transparency, we have an Agency that is regulating with reckless abandon and without the facts to back up its claims.

We need to know whether the Agency is telling the truth to the American people. The EPA must either make the data public, or commit to no longer use secret science to support its regulations. Without this, Congress will have no choice but to prohibit the EPA's use of secret data moving forward.

I will introduce legislation in the next few weeks that will stop the EPA from basing regulations on undisclosed and unverified information.

We can and should continue to look for ways to protect our environment. But these efforts must be open, transparent and based on sound science. Only then can the American people decide whether the costs of EPA's regulatory agenda is supported by the facts.

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