

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



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**Statement of Chairman Lamar Smith (R-Texas)  
Business Meeting to Consider EPA Subpoena**

**Chairman Smith:** Today we consider the Committee's first subpoena in 21 years. Unfortunately, we've been put in this position by an agency that willfully disregards Congressional requests and makes its rules using undisclosed data. This subpoena could have been avoided.

For almost two years this Committee has been waiting for the EPA to release the taxpayer-funded research data it uses to justify its Clean Air Act regulations. At a hearing 20 months ago, then-Assistant Administrator Gina McCarthy committed to make the data underlying EPA's claims publically available.

Despite multiple requests since that time, the EPA has failed to produce the promised information. In the meantime, the Agency has continued to propose and finalize regulations based on this undisclosed data. If the EPA has nothing to hide, why not make the information public?

The EPA should not base its regulations on secret data. By denying the Committee's request, the agency prevents Congress from fulfilling its oversight responsibilities and denies the American people the ability to verify EPA's claims. And the EPA's lack of cooperation contributes to the suspicion that the data don't support the agency's actions. The American people deserve all of the facts and have a right to know whether the EPA is using good science.

Nearly all of this Administration's air quality regulations are justified on the basis of hidden data. These regulations impose billions of dollars in compliance costs that harm businesses and working families. We need to determine whether those regulations are justified or not.

There is another reason to question the EPA: some of the data may be decades old and has not been updated or independently verified. Even the President's own Office of Management and Budget has acknowledged that "significant uncertainty remains" about EPA's claims, and argued that they "may be misleading." The American people need to know if the EPA is being honest with them or using data in a dishonest way.

The Committee has been more than patient in its request for information. Gina McCarthy committed to providing the data during a September 15, 2011, hearing. When the Agency failed to abide by that commitment, the Committee again requested the information in letters dated November 15, 2011, December 12, 2011, December 13, 2012, March 4, 2013, June 12, 2013, and June 29, 2013.

After two years of failing to respond, it's clear that the EPA is not going to give the American people what they deserve—the truth about regulations. The EPA should be held accountable for its actions. And the validity of its regulations should be verified by independent scientists.

Because the EPA is not adhering to the very principles of transparency and open government that the President so often proclaims, the Committee will need to approve this subpoena.