

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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July 31, 2013

The Honorable Eddie Bernice Johnson
Ranking Member
Committee on Science, Space,
and Technology
2468 Rayburn House Office Building
Washington, DC 20515

Dear Ms. Johnson,

Thank you for your letter yesterday. You sought answers to three questions pertaining to the Committee's authorizing a subpoena, so let me answer them here.

The Committee plans to markup an authorization for a subpoena of the data related to the Harvard Six Cities Study and Cancer Prevention Study II tomorrow. The data from these studies are used to justify cost-benefit analyses for virtually all major Clean Air Act regulations under this Administration, including: National Ambient Air Quality Standards for ozone and particulate matter; Maximum Achievable Control Technology standards for coal-fired power plants, industrial boilers, and Portland cement kilns; upcoming Tier 3 standards for transportation fuel; and Cross-State Air Pollution Rule. In 2010, the EPA's proposed ozone standard alone was estimated to cost the American taxpayer an estimated \$90 billion per year and was reported to be the most costly regulation in U.S. history, before the Administration withdrew the proposal. Given the import of this data and how this outdated data going back to the 1970s is used to support the EPA's regulatory decisions that impact hard-working American taxpayers, this data should be made publicly available to the research community to independently review EPA's conclusions.

I fully recognize that the data being requested will likely need to be de-identified. While the EPA's response has called this de-identification process a "complicated undertaking", numerous federal agencies have processes and procedures in place to de-identify personal information. The Department of Health and Human Services recently released straightforward guidelines to de-identify much more sensitive medical information. In 2005, the National Academy of Sciences described "relatively simple data masking techniques" and de-identification approaches that have worked for more than 40 years. Their report stated: "Nothing in the past suggests that increasing access to research data without damage to privacy and confidentiality rights is beyond scientific reach." As noted by the National Academies, most health information contained in these data sets is decades old. The National Institute of Statistical Sciences has written to me that de-identification "should be quick and relatively easy

to accomplish.” The NISS stated that “it is almost always possible to de-identify data so individual identity is protected and analysis is possible.”

While your letter focuses on the use of this data by my Committee staff, my intent is to provide this de-identified data to independent scientists for their review. American taxpayers paid for this data to be collected, and researchers have come forward to the Committee to express their concerns that they have been denied access to review this data. This Administration’s policies on data access, transparency, regulations, and scientific integrity support the principle that regulations should not be based on secret science and that science funded by taxpayers should be made public. Full release of de-identified data allows independent researchers to verify results. The National Academies strongly supports this view, arguing that “[r]esearchers’ use of government data creates an effective feedback loop by revealing data quality and processing problems as well as new data needs.”

Open access improves science. I hope you share this view and would be willing to join me in this simple request: the EPA should abide by its own policies and its own promises to make this de-identified data available to the public. It’s unfortunate that we’ve reached this point after two years of delay and excuses from the EPA. I look forward to working together with you to help the EPA come clean with the American people.

Sincerely,



Lamar Smith
Chairman