



Advocacy partner of Environmental Defense Fund

March 29, 2017

Dear Representative,

The Environmental Defense Action Fund strongly opposes H.R. 1430, the “Honest and Open New EPA Science Treatment (HONEST) Act of 2017”.

Despite the benign-sounding title, the HONEST Act would have devastating effects on public health and the Environmental Protection Agency’s (EPA) ability to consider and use sound science.

The HONEST Act, a rebranded version of the “Secret Science Reform Act” from prior sessions of Congress, is framed as a measure to increase transparency by requiring that EPA only use studies that are publicly available online and replicable. Yet, these requirements would in many cases prevent the EPA from using the best available science for public health decision-making.

Many epidemiological studies – for example a study on the causes of breast cancer – rely on health data that are legally confidential. This legislation suggests that EPA will be given the authority to disclose confidential medical information on breast cancer patients to anyone willing to sign a confidentiality agreement. EPA would also be responsible for identifying and redacting any information that should not be made broadly publicly available in the first place. Not only is this not an appropriate role for EPA, it could severely restrict both the number of studies EPA can use and the willingness of participants to be part of vital health studies.

In addition, the Act’s requirements for replicability mean that critical longitudinal studies that follow health outcomes of individuals or groups over years, even decades, could not be used because—

- (1) they are inherently not replicable (e.g., a study that follow health outcomes of first responders following a single event such as the tragic 9/11 attack); or
- (2) where they are replicable, it would take years to show that the results could be reproduced (e.g., a study that examines the impacts on intelligence at childhood from environmental exposures that occurred *in utero*).

Furthermore, even if, say, a longitudinal study that follows a cohort of individuals over 20 years could in principle be reproduced, there are practical and ethical reasons why it couldn’t or shouldn’t be. The same goes for a long-term environmental monitoring study, or data collected from a one-time event like the Deepwater Horizon Spill.

The Congressional Budget Office (CBO) has found¹ that previous iterations of this legislation would impede the number of studies the EPA can rely on—by their estimate, reducing the number of studies by half. Restricting EPA to just some of the existing scientific literature will prevent the agency from using the latest and most accurate science when developing regulations. Moreover, the tremendous resource

¹ <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/hr1030.pdf>

burden of making data publicly available (CBO's central estimate was \$250 million a year) would create a strong incentive to reduce the amount of scientific data and analysis considered as part of decision-making. The net effect would be to undermine EPA's ability to rely on the best available science and unnecessarily put the public at greater environmental and health risk.

The HONEST Act would block the use of sound science by EPA in developing public safeguards. For these reasons, EDF Action strongly opposes H.R. 1430.

Sincerely,

Elizabeth B. Thompson

Elizabeth B. Thompson, President
Environmental Defense Action Fund