

Floor Statement
Ranking Member Eddie Bernice Johnson (D-TX)

H.R. 1431, the EPA Science Advisory Board Reform Act of 2017
March 30, 2017

Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 1431, the EPA Science Advisory Board Reform Act of 2017. Like the bill we considered yesterday, the so-called “HONEST Act,” H.R. 1431 is designed to harm the Environmental Protection Agency’s ability to use science to make informed decisions. The bill before us today claims to “reform” the EPA’s Science Advisory Board. Let’s talk about what these “reforms” would mean.

First, the bill establishes a series of roadblocks to prevent independent academic scientists from serving on the Board. It accomplishes this by turning the term “conflict-of-interest” on its head, by excluding scientists who have done the most relevant research on the topic being considered by the Board. The bill also prohibits Science Advisory Board members from obtaining extramural research grants for three years after their service on the Board, which would be a major disincentive for scientists to serve on the panel.

At the same time that this bill makes it much more difficult for academic researchers to serve on the Advisory Board, the bill also makes it much easier for corporate interests to serve. This is accomplished by gutting actual financial conflict of interest restrictions against industry representatives. Under this legislation, those industry representatives would simply have to disclose their financial conflicts, and they could serve on panels directly related to their corporate interests.

Finally, H.R. 1431 imposes exhaustive and duplicative notice and comment requirements on the Science Advisory Board. I say these requirements are exhaustive because in addition to being an open ended process, the Board would also have to respond in writing to any and all significant comments. In fact, I find it hard to believe that the advisory process created by this bill could ever be completed. Of course that’s the real purpose of this provision. It is designed to throw sand in the gears of the Advisory Board process, and prevent Board Members from ever rendering their expert advice.

These additions are totally unnecessary. The Science Advisory Board already has statutorily mandated notice and comment obligations, and the Federal Advisory Committee Act already applies to their activities.

So if this bill passes, what would happen? As an example, I'll turn to a case study from the early 1990's.

At that time, the EPA was forming a Science Advisory panel to review the evidence of harm from second-hand tobacco smoke. Thanks to internal tobacco industry documents that have been made public, we now know that Big Tobacco made a concerted effort to stack the Science Advisory Panel with tobacco industry hacks.

We take it for granted now that tobacco smoke is dangerous, but at that time in the early 90's, Big Tobacco had succeeded in muddying the scientific waters around this issue by investing tens of millions of dollars in a coordinated attempt to defraud the American people.

If H.R. 1431 had been in effect back then, Big Tobacco likely would have succeeded in co-opting the Science Advisory Board. What would the effects have been on public health to have the EPA's science review body controlled by tobacco interests?

That's why a number of public health and environmental interest groups have come out against H.R. 1431. In a letter penned by the American Lung Association, the American Public Health Association, and several other health groups, the effects of H.R. 1431 are summed up like this:

“In short, EPA Science Advisory Board Reform Act would limit the voice of scientists, restrict the ability of the Board to respond to important questions, and increase the influence of industry in shaping EPA policy. This is not in the best interest of the American public.”

I couldn't agree more. I strongly urge Members to oppose this misguided bill.

Thank you, and I reserve the balance of my time.