

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

H.R. 1430, Honest and Open New EPA Science Treatment (HONEST) Act of 2017  
March 29, 2017

I rise in strong opposition to H.R. 1430, the so-called “HONEST Act.”

This is the third time the Majority has tried to move this misguided legislation, which was formerly known as the “Secret Science Reform Act.” Unfortunately, in this case, the third time is not the charm.

The Secret Science bills the Republicans tried to enact over the previous two Congresses were insidious bills designed from the outset to prevent the EPA from using the best available science to meet its obligations under the law. Those bills were constructed to hamstring the ability of the EPA to do just about anything to protect public health.

As the American Lung Association said at the time, “The legislation will not improve EPA’s actions; rather it will stifle public health protections.”

The HONEST Act, if anything, is even worse than those prior bills.

There are several reasons for this. Like the prior Secret Science bills, the HONEST Act requires the EPA to release the underlying data from any science that is relied upon when taking action. This would cause a host of cascading problems for the agency, which of course, is the real reason the Republicans are pushing this bill.

First, the EPA relies upon science drawn from many sources. Since EPA does not own or control the data for most of these scientific sources, the EPA would have no authority to order the public release of such data. This would preclude the EPA from using the vast majority of peer-reviewed science in existence today.

Second, under the HONEST Act, scientific studies relied upon by the EPA must be reproducible from the data that is publically released. However, the EPA frequently investigates and relies upon scientific studies that are inherently not reproducible. For instance, the EPA might study natural or man-made environmental disasters such as the Deepwater Horizon oil spill to better understand the effects on the environment or to improve disaster response. Under this bill, the EPA couldn’t use this type of information at all. These problems with the legislation were apparently not enough for my Republican colleagues. They have worked hard to make the bill even worse this Congress. The newest additions to the bill would permit the EPA to redact from public disclosure confidential information such as trade secrets and personal health information.

However, the bill then sets up an unrestricted process whereby anyone who signs a confidentiality agreement can access any restricted information in the EPA’s possession. This provision is a Pandora’s box which could have untold consequences for the EPA, industry, and the general public. First, EPA will find it much more difficult to collect scientific data in the first instance if people think it will be disclosed at will. This will cripple the EPA’s ability to

conduct their own science, which is important since the rest of the HONEST Act essentially places all non-EPA science off limits.

This provision is also in direct conflict with any number of other Federal laws like the Freedom of Information Act and HIPPA. The bill provides no guidance to the agency on how to navigate the minefield it creates, which will surely lead to a morass of law suits and legal bills for the EPA.

Finally, this provision places no restrictions on who can access restricted information. For instance, could a chemical manufacturer obtain access to the trade secrets of a competitor simply by signing a confidentiality agreement? Could insurance companies seek the health information of potential customers? The potential for abuses with this provision are endless. In a day and age where the most valuable commodity on the black market is personal information and trade secrets, it is unconscionable that we are providing an easily accessible source for criminals around the world.

Finally, the HONEST Act also foists upon the EPA a massive unfunded mandate. While we have no CBO cost estimate for this bill, prior versions were estimated to cost the EPA 250 million dollars per year. However, the bill restricts the EPA to spending only one million dollars to implement its provisions. In essence, that hits the EPA with a 249 million dollar unfunded mandate every year.

If that were not bad enough, this bill comes in the face of massive proposed budget cuts to EPA's science programs by the Trump Administration.

Mr. Speaker, Republicans claim that this bill is just implementing scientific best practices. It's odd then that a host of scientific societies and science stakeholder groups have expressed their opposition to the legislation. This includes the American Association for the Advancement of Science, the Association of Public and Land-grant Universities, the Association of American Universities, and the American Chemical Society.

If Republicans don't want to be labelled as flat-earth science haters, I think they would want to listen to what scientists say instead of lecturing them about things they don't understand.

In reality this bill isn't about science. It's about undermining public health and the environment. That is why a host of public health and environmental groups are actively opposing the bill. This list includes, among others, the American Lung Association, the American Thoracic Society, the American Public Health Association, the Union of Concerned Scientists, and the Environmental Defense Fund. I'll be placing some of the letters we've received in opposition into the record.

Mr. Speaker, for the many reasons I've spoken of today, I strongly oppose this legislation.