

The Honorable Paul Ryan
Speaker of the House
U.S. House of Representatives
H-232 The Capitol
Washington, D.C. 20515

27 March 2017

Dear Speaker Ryan:

On behalf of the Consortium for Ocean Leadership, which represents our nation's leading ocean research and technology institutions (from academia, industry, and aquaria), I am writing to express concern regarding the *Honest and Open New EPA Science Treatment (HONEST) Act of 2017* (H.R. 1430). Sound science must underpin the rulemaking process at all our nation's federal agencies, the Environmental Protection Agency included. I am concerned about the practical implications of this bill and what it means, not only for the rulemaking process, but for the health, security, and prosperity of our nation and its citizens. While I ardently support efforts to ensure the continued use of sound science, I urge you and your colleagues to consider unintended consequences of this bill before bringing it to the House floor.

While reproducibility is a fundamental assumption of science, that should not be conflated with the idea that all non-reproducible science is incorrect. There are many cases where reproducibility is simply not possible, but that does not negate the importance of the conclusions that have been reached. In 1994, the comet Shoemaker-Levy collided with our celestial neighbor Jupiter, providing a first-hand look at cosmic collisions and insight on both the comet and the planet. The devastating Deepwater Horizon disaster in the Gulf of Mexico has provided untold insights into everything ranging from ecosystem responses to oil to impacts on communities' physical and mental health. Because studies stemming from these one-time incidents are not reproducible, it does not mean that their methodology and results are flawed. Additionally, longitudinal studies, especially in the public health arena, are often too large and take so much time (e.g., a study following a cohort for multiple decades) that they could not realistically be reproduced but are instead replicated through statistical modeling. Under the current language of the HONEST Act, similar studies within EPA's purview would be excluded from the agency's use, potentially keeping the agency from making a proposal or disseminating information and limiting the amount of good science from which the EPA can make decisions.



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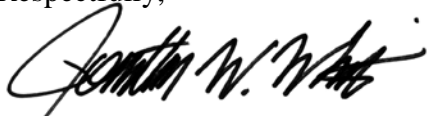
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The bill also requires scientific and technical information used to make federal regulations be posted online. While the language specifies that personally identifiable information used in these studies be redacted (unlike in the bill's predecessor, the *Secret Science Reform Act*), the *HONEST Act* goes on to state that personal information could be disclosed to anyone who signs a confidentiality agreement with the administrator. If federal regulations are made that impact a specific industry, the same industry could access the personal records of those who participated in the study. Knowing that their personal information could be made accessible to anyone would likely reduce the number of willing participants in such a study, again limiting the best science available to the agency.

Additionally, redacting information from documents is a costly and time-consuming process that often requires the work of an entire office. The EPA's limited resources, rather than being spent fulfilling its mission "to protect human health and the environment" would instead be spent redacting, potentially hundreds of thousands of documents. Conversely, the bill does not define who would make this information publicly available online (and make appropriate redactions) if the EPA were relying on a published, peer-reviewed study performed by another entity, such as an academic research institution. This would potentially impose unexpected costs on the institution.

Rather than improving the quality of science used by the agency, this bill would instead limit the amount of "best available science" available for decision-making and would require significant time and manpower. Such an impact would threaten the health, not only of our nation, but of our country's citizens who rely on the EPA to protect their well-being. The unintended consequences from this bill are myriad, and the ocean science and technology community stands ready to help you evaluate them before considering this legislation on the House floor.

Respectfully,



Jonathan W. White, RADM (Ret.), USN
President and CEO
Consortium for Ocean Leadership

Cc:

The Honorable Kevin McCarthy, Majority Leader
The Honorable Steve Scalise, House Majority Whip
The Honorable Nancy Pelosi, Democratic Leader
The Honorable Steny Hoyer, Democratic Whip
The Honorable Lamar Smith, Committee on Science, Space, and Technology Chair
The Honorable Eddie Bernice Johnson, Committee on Science, Space, and Technology Ranking Member