

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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June 12, 2013

The Honorable Robert Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Acting Administrator Perciasepe:

As Senate EPW Republicans continue to await further fulfillment of the commitments made by you and your staff pursuant to the Gina McCarthy nomination I was hoping you could clarify the status of obtaining and providing the underlying data in our third transparency request. Senate EPW Republicans engaged in this process back on March 20, three months ago, anticipating tangible and credible efforts to comply with this request. A commitment was made by you personally on April 25 as well as in writing on May 15. We are several months into this process with no clear path forward provided by the Agency, and as Congress continues to weigh other options to obtain this data, I was hoping you could clarify the status of obtaining and providing the underlying data in our third transparency request.

Currently, EPA's only responses include insufficient data previously provided to Congress commitments yet to be fulfilled, and, most recently, recurring scheduling conflicts. As of yet, we have not requested the Agency discontinue use of this data - the alternative to obtaining and releasing it, which provides an opportunity for independent verification. In regard to data requested that may contain confidential information, the Agency needs to determine how de-identification procedures will be applied. In more than one meeting I suggested that EPA investigate guidance developed by the U.S. Department of Health and Human Services for implementation of the Affordable Care Act, as well as across-Agency solutions being developed under the President's recent Open Data Executive Order and Policy.

Throughout this process, EPA has insufficiently responded to our requests, making verbal commitments not yet backed by tangible action. We would note that the NRC's response for information related to the MacFarlane nomination is a far better example of Agency commitment to responding to Congress and honoring transparency. EPA has an important responsibility and an opportunity to increase the transparency and credibility of the scientific basis of its rulemakings. At minimum, the public should be provided the opportunity for independent verification of EPA's claims. At this point in the process, our requests have gone unmet, with commitments from you personally and your staff falling far short of fulfillment.

Stonewalling throughout this process ignores the law and undercuts the Administration's purported commitment to transparency. Accordingly, I ask that you provide by the end of the week an outline of EPA's strategy for achieving acquisition of the requested data, an outline of what data exists and what does not, and the steps to de-identification of personally identifying information that EPA has been analyzing.

Sincerely,



David Vitter
Ranking Member
Environment and Public Works