

**Testimony before the
Senate Energy and Public Works Committee
Subcommittee on Superfund, Waste Management, and Regulatory Oversight
by
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Chairman Rounds, Ranking Member Booker, and esteemed committee members, thank you for the opportunity to testify before you today on behalf of the American Association for the Advancement of Science, or AAAS. AAAS is the largest general scientific membership society in the world, and publisher of the journal *Science*. Our mission is to advance science, engineering, and innovation throughout the world for the benefit of all people.

You are considering the science that goes into EPA regulations. EPA is legally required to base its work on current scientific research. For almost a half century the Environmental Protection Agency has implemented legislation written to protect the health of people and their environment, saving countless lives. The Transparency Rule that you are considering is opposed by many — I think, most — scientists and scientific organizations because, contrary to the stated purpose of the rule, the rule would result in the exclusion of valid and important scientific findings from the regulatory process.

Of course, everyone wants transparency, openness, and peer review in regulatory science. These are essential ingredients of science espoused by AAAS since its

founding in 1848. However, this so-called Transparency Rule is an insidious dodge. There is no good evidence provided by those who want to overturn the successful procedures of EPA that there is any deficiency in the scientific research that has been used until now. Excluding the kinds of peer reviewed research that has been used is not justified.

To put it bluntly, the initiative you consider today – the Secret Science Act of some years ago, which became the HONEST Act, and then turned into the Transparency Rule – is not about transparency or sound science. It is about reducing regulations. We know this because the architects and proponents present these proposals as part of a deregulatory agenda. Most important, whatever the ulterior purpose may or may not be, the effect of the rule would be a significant reduction in good, relevant science that could be used by EPA. This change would likely result in harm to people and their environment.

The proposed rule says that only research about which every detail is made completely public could be used in regulatory decision making because the research must be subject to exact replication. That demonstrates either a deep misunderstanding of how science works (and should work) or an intention to cherry-pick the evidence in the name of transparency.

There are numerous examples of excellent, peer-reviewed research where some data cannot be published openly or where the experiment cannot be precisely repeated. The most obvious such examples are research projects that study human illness resulting from pollutants. You do not need to know the names of the victims who breathe dirty air or drink tainted water to know the science is done right. There are accepted procedures for testing results and verifying outcomes with methodologies that do not require access to raw data. Furthermore, using only studies that can be repeated precisely would eliminate, for example, studies of emissions of smelting plants that no longer exist or studies of a natural disaster that can shed light on continuing environmental insults.

The U.S. Department of Defense said the EPA transparency rule was problematic. The EPA's own Science Advisory Board questioned whether it would be possible to implement the rule as proposed. The current deputy assistant administrator of EPA's chemicals office stated when first reviewing the proposed rule internally, "such a requirement would be incredibly burdensome, not practical" and could jeopardize all TSCA risk evaluations because proprietary chemical process information would not be made public.

The proponents of the rule say they want to eliminate "secret science." There is no secret science. The only secret is the deficiency that the authors of this Transparency Rule see in existing research used by EPA. The open secret is that the proponents

of the rule are not seeking a better scientific process. They appear to be seeking a way to cherry pick research in order to loosen regulations.

I urge you to scrap these initiatives and work with the scientific community and other stakeholders to increase – not decrease – the use of science in the regulatory process.

Thank you for your time and for allowing me to testify, and I would be happy to answer any of your questions.