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California Construction Trucking Association

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August 15, 2014

Chancellor Gene D. Block
University of California, Los Angeles
2147 Murphy Hall
Los Angeles, CA 90095-1405
chancellor@conet.ucla.edu

Re: Reject Michael Jerrett, Ph.D., as UCLA Environmental Health Sciences Chair

Dear Chancellor Block,

We know that UCLA is searching for a new Environmental Health Sciences (EHS) Chair (<http://ph.ucla.edu/sites/default/files/attachments/EHS%20Chair%20Search%20oct2513.pdf>) and we understand that one of the top candidates for this position is UC Berkeley Prof. Michael Jerrett (<http://ph.ucla.edu/events/ehs-seminar-michael-jerrett-phd-ubiquitous-and-participatory-sensing-assessing-individual>). As knowledgeable California businessmen who financially support the University of California as long-term taxpayers, we strongly urge you to reject Prof. Jerrett for this influential position for two major reasons.

The first reason we are against Jerrett's hiring, is the almost laughable volume of research largess Jerrett has engaged in, mostly synonymous with scientific misconduct by systematically misrepresenting and exaggerating the relationship between fine particulate matter and total mortality and even heart disease in California. During 2010 and 2011 we wrote several letters to UC President Mark G. Yudof regarding Jerrett, which give detailed criticism of his PM2.5 epidemiologic research. Our correspondence and UC responses are contained in a 50-page attachment (<http://calcontrk.org/Jerrett051711.pdf>). The latest misconduct by Jerrett is his September 1, 2013 *AJRCCM* paper "*Spatial Analysis of Air Pollution and Mortality in California*" (<http://www.atsjournals.org/doi/abs/10.1164/rccm.201303-0609OC>). His paper focuses on questionable measures of significant PM2.5 and mortality relationship based on one obviously tortured ad hoc model, but it completely ignores the overwhelmingly null evidence in his October 28, 2011 CARB Final Report "*Spatiotemporal Analysis of Air Pollution and Mortality in California Based on the American Cancer Society Cohort*" (<http://www.arb.ca.gov/research/apr/past/06-332.pdf>).

Furthermore, his paper does not cite the insignificant California PM2.5 mortality evidence from at least ten other studies, summarized in a 2012 American Statistical Association Joint Statistical Meeting paper "Particulate Matter is Not Killing Californians" (<http://www.scientificintegrityinstitute.org/ASAS092812.pdf>). The serious misconduct in the *AJRCCM* paper is described in detail by statistician Dr. William M. Briggs in his blogs of August 6, 2013 (<http://wmbriggs.com/blog/?p=8720>) and September 11, 2013 (<http://wmbriggs.com/blog/?p=8990>).

The continued demonization of diesel exhaust by researchers such as Jerrett for personal and professional advancement flies in the face of clearly objective scientific analysis such as the United Nations Economic

Commission for Europe that released this summer a paper titled, "[*Diesel Engines Exhausts: Myths and Realities.*](#)" The authors' findings and an expressive conclusion #121 on page 41 of report concluded:

"Eighty three per cent of particulate matters emissions in European Union countries (EEA, 2012a) and 97 per cent in the United States of America (EPA 2013) and Canada, is generated by other economic sectors, mainly the commercial, institutional and household sector. **Therefore, the claim that emissions from diesel engine exhausts from road transport are the main**

cause of lung cancer in humans needs to be seriously challenged.” (Note the bolding in the report).”

The U.N. conclusion is not really all that surprising considering a mortality study on those most closely exposed to diesel exhaust with decades of exposure – truck drivers. This study didn’t find elevated mortality levels for truck drivers compared with the general population. The study was performed by the National Institutes of Occupational Safety and Health and is titled: *Mortality Among Members of a Truck Driver Trade Association.*” The only surprise about this study is how the findings are ignored by most researchers in lieu of outdated and problematic mortality studies of coal miners and union truck drivers because they fit nice and tidy within the box of their preconceived conclusions – which isn’t science.

The academic dishonesty that is all too common in today’s research universities, where adherence to “faith and doctrine” and a desire to give those funding studies what they want to hear (or what they’ve paid for) when researching health effects and mortality related to diesel exhaust exposure was further confirmed by Dr. Boffetta, Director of the Institute for Translational Epidemiology. His 2012 study, “A review of cancer risk in the trucking industry, with emphasis on exposure to diesel exhaust” found that researchers must recognize the limitations in using older studies based on totally different formulated fuels, he also recognizes the changes in diesel engine technology that makes reliance on outdated studies skew conclusions. Boffetta found that many current studies (used to regulate the trucking industry) have inherent biases and that occupational exposure and evidence of increased risk of lung cancer are “limited” and “inconclusive.” Meanwhile, Jerrett, et al continues to generate fabulously one-sided studies that delight environmental regulators because without these slanted studies, they could not continue to blindly regulate.

As an indication of the national concern about his research, the U.S. House Science Committee has challenged EPA regarding the validity and transparency of the PM2.5 epidemiologic findings of Jerrett and his collaborators, primarily because these findings are based on ‘secret science’ data from the American Cancer Society (ACS) Cancer Prevention Study (CPS II). A June 12, 2013 letter from Committee Chair Lamar Smith to EPA discusses four papers co-authored by Jerrett that are based on ACS CPS II data and that have been used by EPA to justify costly regulations (<http://science.house.gov/press-release/committee-threatens-subpoena-epa-secret-science>). Because EPA did not comply with repeated data requests, the Committee issued an August 1, 2013 subpoena demanding that EPA produce the ‘secret science’ data that is possessed primarily by ACS (<http://science.house.gov/press-release/smith-subpoenas-epa-s-secret-science>). Jerrett is first author or co-author on three of the seven papers specifically cited in the subpoena. Since EPA and ACS have defied the August 1, 2013 subpoena, the House Science Committee approved the ‘*Secret Science Reform Act of 2014*’ (H.R. 4012) on June 24, 2014. This bill forbids EPA from using unverifiable studies that are based on ‘secret science’ data, like those of Jerrett (<http://science.house.gov/press-release/committee-approves-bill-prohibit-epa-using-secret-science>). Our June 17, 2014 letter of support ([CCTA Letter of Support](#)) has been specifically cited in the Committee press release. H.R. 4012 is supposed to come before the full House of Representatives in September and it was introduced in the U.S. Senate in July.

Second, there is overwhelming evidence that Jerrett is not an objective environmental scientist, activist yes, but scientist – no! Much of his research has blatantly exaggerated the health effects of air pollution in California and the United States. He has not given a balanced assessment of air pollution that is in context with other health risk factors and socioeconomic impacts. In particular, during the past decade, Jerrett has worked closely with CARB, CARB Chair and UCLA Law Professor, Mary D. Nichols, and UCLA EHS Prof. John Froines in providing the scientific justification for draconian CARB diesel vehicle regulations that have unjustly harmed businesses like ours. Several of Jerrett’s PM2.5 mortality papers since 2000, including those subject to the August 1, 2013 subpoena, were specifically cited in the October 24, 2008 CARB “Tran” Report (<http://killcarb.org/tranpage.html>) and the August 31, 2010 CARB “EPA” Report (<http://www.bakersfieldcalifornian.com/columnists/lois-henry/x618251275/Air-board-must-be-held-accountable>). These two reports have been used to justify the CARB diesel regulations with the now discredited CARB claim that PM2.5 contributes to up to 18,000 “premature deaths” per year in California. The CARB regulations have forced California businesses like ours, which depend heavily upon diesel powered vehicles, to pay billions of dollars in scientifically unjustified costs for diesel truck replacement and diesel particulate

filters. In addition, many of these businesses have closed or moved out of California because they are unable to comply with the CARB regulations.

Extreme activism conduct by Professors Nichols and Froines connected with the CARB diesel regulations is described in several detailed letters that Delta Construction Company has submitted to UCLA since March 11, 2009, articles written in the California Transportation News magazine and even published by inquisitive reporters such as Lois Henry of the Bakersfield Californian newspaper. An October 9, 2013 Delta's letter to the Council on Education for Public Health opposing the reaccreditation of the UCLA School of Public Health includes these prior letters as part of a 32-page attachment (<http://calcontrk.org/Delta100913.pdf>).

We are puzzled as to why Mr. Jerrett, a Canadian environmental activist academic, has been endowed this position. Are there no American's qualified for such a prestigious and obviously lucrative position?

Mr. Jerrett, much like his predecessor John Froines clearly does not understand, respect or minimally empathize with the plight of California business people like us, many of which are part of the struggling middle class and represented by a growing minority community. Indeed, he fits the profile of the "new" and very disturbing politicization activism class of "for sale" academics described in the April 2, 2012 National Association of Scholars Report "*A Crisis of Competence: The Corrupting Effect of Political Activism in the University of California*". (http://www.nas.org/images/documents/A_Crisis_of_Competence.pdf).

We strongly recommend that you reject Prof. Jerrett and select as EHS Chair an honest, ethical, and objective scientist who conducts environmental health research that is in the best interest of all Californians, including those most affected by specious research adored by activists. We will finish with this quote from the NAS report, "When that marketplace is functioning effectively, ideas progress to the extent they can be supported by evidence and logic; they cannot prevail because of their political value, because a political faction is able to enforce their dominance through sheer weight of numbers, or because ideas threatening to an orthodoxy are artificially excluded. Yet that is what has now happened in certain important areas of (UC) campus life. How has this happened?"

Clearly, "A great system of higher education has been corrupted." You need to stop this now and seriously look at ways to fix it; rejecting Mr. Jerrett is a good start.

Thank you very much for your consideration regarding this important matter.

Sincerely yours,



Lee Brown
Executive Director, CCTA



Norman R. ("Skip") Brown
Owner, Delta Construction Company

cc: UCLA Provost Scott Waugh
US House Science Committee Chair Lamar Smith
US House Science Committee Vice Chair Dana Rohrabacher

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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June 12, 2013

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

Dear Acting Administrator Perciasepe:

On March 4, 2013, a letter was sent from this Committee to Gina McCarthy, Assistant Administrator for the Office of Air and Radiation at the Environmental Protection Agency (EPA), requesting that EPA take immediate steps in accordance with current law and Administration policy to obtain and release the underlying research data from specific PM_{2.5} studies that EPA has relied on to support multiple rulemakings. In this same letter, we also requested that EPA obtain and immediately release the underlying data supporting a critical ozone study (Jerrett 2009) that relies on these same datasets and that EPA has referenced 18 times in its Integrated Scientific Assessment (ISA) in preparation for the upcoming ozone rulemaking.

The Agency's April 10, 2013, response to that letter acknowledges that the previously released information is "not sufficient" to allow replication of the study results. In the three months that have passed since our most recent request, we have yet to receive any commitment from the Agency that, in the case of Jerrett 2009, it will discontinue the use of this data or in the case of the most recent PM_{2.5} long term cohort studies, immediately obtain and release that data. In May, EPA proposed new Tier III Vehicle Emission and Fuel Standards that depend on these same datasets to provide a majority of the claimed benefits. EPA's response also shows a general lack of understanding of Administration policy and the nature of the requested data:

- While EPA is correct in noting that the responses to the personal interview questionnaires collected 30 years ago include confidential information, the electronic input and output files used in the actual analysis for these studies are unlikely to contain confidential data. This was confirmed by Health Effects Institute (HEI) in 2000 when it conducted a reanalysis of the studies.¹

¹ Krewski et al. 2000, *Part I: Replication and Validation*; (p 42). The HEI Report confirms that an electronic data file ("Mort6C.file") containing a copy of the Harvard Six cities database "did not contain any information that could be used to identify the individual study participants."

- EPA's proffered excuse for not obtaining the data because the studies "received funding from a number of different sources, including the EPA, other federal agencies, and non-federal sources" conflicts with OMB policy which clearly states that funding Agencies retain the right to obtain all data developed from mixed funding sources.²
- EPA's response also incorrectly states that NDI data cannot be released, ignoring the fact referenced in its own attachment on page 3 that Harvard University had released (and EPA transmitted) coded NDI data in 2011.

We also remain deeply concerned that EPA continues to rely on this data, even while the National Research Council has cautioned against using them in its 2004 report.³ In that report, the NRC concluded that updates of these two cohorts alone would be of "little use for decisionmaking" due to the outdated nature of the information and dwindling relevance to today's population and risk profile. The full NRC discussion on this point is attached for review. For example, since the time the data were initially collected, smoking rates have declined from 40 to 20 percent, while education levels (used as a surrogate for socioeconomic status in air pollution studies) have increased. A number of other factors affecting the surveyed population's health status have also changed, including improved treatments for hypertension and cholesterol that have contributed to reductions in the cardiovascular mortality rates in the U.S. Because the American Cancer Society and Harvard Six City cohorts have not been updated, there is a clear concern that the health benefits attributed to reduced PM_{2.5} and ozone levels over the past 30 years could in fact be incorrect due to other changes affecting the health status of the surveyed individuals that may have a much greater bearing.

EPA's recent clarification about which studies it relies upon fails to acknowledge this central point. Indeed, the fact that EPA has chosen not to rely on two studies using this outdated cohort information (Pope 2002 and Laden 2006) in the Regulatory Impact Assessment for the Tier III rulemaking but instead to use Krewski 2009 and Lepeule 2012 does not address this weakness but rather exacerbates the problem since both of these more recent studies use more recent and lower air pollution data but continue to rely on the same outdated cohort information.

Throughout this process, EPA has responded to our questions in a cavalier manner, hoping perhaps we were not reading the NRC reports carefully or were simply unaware of the law or guidance governing data access. The opposite is true. Our examination has underscored two central points:

- EPA must immediately refrain from relying on and citing studies that continue to use 30-year old cohort data. This includes all PM_{2.5} and ozone studies that rely on the American Cancer Society and the Harvard Six Cities cohorts. The NRC's main criticism in 2004 is even more relevant today, nine years later.

² *Federal Register*, Vol. 64, No. 195 (Friday, October 8, 1999). See section G: Projects Funded From Multiple Sources.

³ National Research Council, *Research Priorities for Airborne Particulate Matter: IV. Continuing Research Progress* (2004), Board on Environmental Studies and Toxicology (BEST), p 135.

- EPA must immediately obtain all of the underlying research data supporting the previously requested PM_{2.5} and ozone studies, and release all non-confidential data in accordance with current law and Administration guidance. EPA must also take steps to determine whether confidential data sets can be de-identified to help ensure transparency in its decision making.

Current law and OMB guidance are clear in requiring EPA to obtain and release the data. To confirm there are no confidential data in the electronic input and output files and whether de-identification procedures can be applied, EPA must first obtain the data – which it openly admits to not having. The EPA's continued refusal to comply with this Committee's oversight request undermines the credibility of its regulations.

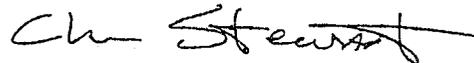
EPA officials should justify their agenda through an open and transparent process that is based on good science, if they can. EPA has projected that its upcoming ozone standard will be the most costly environmental regulation in U.S. history. Working families will bear these costs. They have a right to know what scientific data supports EPA's claims.

EPA must respect the law and the public's right to this information. In order to avoid formal action by this Committee to obtain the requested information, we urge you to comply with our request by July 8, 2013.

Sincerely,



Lamar Smith
Chairman
House Science, Space and Technology



Chris Stewart
Chairman
Environment Subcommittee

cc: Rep. Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology
Ms. Gina McCarthy, Assistant EPA Administrator
Dr. Glenn Paulson, Science Advisor to the EPA Administrator
Dr. Ken Olden, NCEA Director
Dr. John Holdren, Director, OSTP
Ms. Sylvia Mathews Burwell, Director, Office of Management and Budget

References

Jerrett et al. "Spatial analysis of air pollution and mortality in Los Angeles." *Epidemiology* 16(2005): 727-736.

Jerrett et al. "Long-term ozone exposure and mortality." *N Engl Med* 360 (2009): 1085-1095

Krewski et al. "Reanalysis of the Harvard Six Cities Study and the American Cancer Society Study of Particulate Air Pollution and Mortality." Special Report to the Health Effects Institute, Cambridge MA. (2000) <http://pubs.healtheffects.org/getfile.php?u=274>

Krewski et al. "Extended follow-up and spatial analysis of the American Cancer Society study linking particulate air pollution and mortality." *HEI Research Report, 140*, Health Effects Institute, (2009) Boston, MA

Laden et al. "Reduction in Fine Particulate Air Pollution and Mortality." *American Journal of Respiratory and Critical Care Medicine*. 173 (2006): 667-672

Lipfert et al. "PM_{2.5} constituents and related air quality variables as predictors of survival in a cohort of U.S. military veterans." *Inhal. Toxicol.* 18 (2006): 41-72.

Lepeule et al. "Chronic Exposure to Fine Particles and Mortality; An Extended Follow-Up of the Harvard Six Cities Study from 1974 to 2009." *Environ Health Perspect.* Jul; 120(7) (2012): 965-70

Pope et al. "Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution." *Journal of the American Medical Association* 287 (2002): 1132-1141.

Pope et al. "Particulate air pollution as a predictor of mortality in a prospective study of U.S. adults." *Am. J. Respir. Crit. Care Med* 151 (1995): 669-674.

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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August 1, 2013

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
USEPA William Jefferson Clinton Federal Building
1200 Pennsylvania Ave., N.W., Washington, DC

Dear Administrator McCarthy,

Enclosed please find a subpoena *duces tecum* from the United States House of Representatives Committee on Science, Space, and Technology.



Rep. Lamar Smith
Chairman
Committee on Science, Space, and Technology



Rep. Chris Stewart
Chairman
Subcommittee on Environment

Enclosure.

3. The phrase "all analyses and re-analyses of" means any subsequent analysis of the Harvard Six Cities or Cancer Prevention Study II data, including, but not limited to:

Jerrett et al. 2009. "Long-term ozone exposure and mortality." *New England Journal of Medicine* 360: 1085-1095.

Krewski et al. 2000. "Reanalysis of the Harvard Six Cities Study and the American Cancer Society Study of Particulate Air Pollution and Mortality." Special report to Health Effects Institute. Cambridge MA. July.

Pope et al. 2002. "Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution." *Journal of the American Medical Association* 287: 1132-1141.

Pope et al. 2009. "Fine Particle Air Pollution and Life Expectancy in the United States." *New England Journal of Medicine* 360: 376-386.

Laden et al. 2006. "Reduction in Fine Particulate Air Pollution and Mortality." *American Journal of Respiratory and Critical Care Medicine* 173: 667-672.

Krewski et al. 2009. "Extended follow-up and spatial analysis of the American Cancer Society study linking particulate air pollution and mortality, HEI Research Report 140, Health Effects Institute. Boston, MA.

Lepeule et al. 2012. "Chronic Exposure to Fine Particles and Mortality: An Extended Follow-Up of the Harvard Six Cities Study from 1974 to 2009." *Environmental Health Perspectives* 120(7): 965-970.

4. The term "covered studies" means the Harvard Six Cities Study, the Cancer Prevention Study II, and all analyses and re-analyses of either study.
5. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
6. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
7. The terms "person" or "persons" means natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
8. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

Wall Street Journal **Opinion** June 24, 2014

What Is the EPA Hiding From the Public?

The agency shouldn't get to decide who sees the science behind its rules. Open the research to outside analysis.

By Lamar Smith

June 23, 2014 6:45 p.m. ET

The climate is changing and, yes, humans play a role. But that does not mean, as Environmental Protection Agency Administrator Gina McCarthy would have us believe, that the debate—over how much the climate is changing, how big a role humans play, and what can reasonably be done about it—is over. Still less does it mean that anyone who questions her agency's actions, particularly the confidential research it uses to justify multimillion and billion-dollar air rules, is a denier at war with science.

The EPA's regulatory process today is a closed loop. The agency funds the scientific research it uses to support its regulations, and it picks the supposedly independent (but usually agency-funded) scientists to review it. When the regulations are challenged, the courts defer to the agency on scientific issues. But the agency refuses to make public the scientific research it uses.



Environmental Protection Agency Administrator Gina McCarthy *Getty Images*

The House Science Committee will vote Tuesday on legislation to open up this closed loop. The Secret Science Reform Act, which I co-sponsored, has a simple goal: EPA regulations should be based on legitimate science and data that are open to the public.

Scientific journals in a variety of disciplines have moved toward data transparency. Ms. McCarthy sees this effort as a threat. Speaking before the National Academy of Sciences in late April, she defended her agency's need to protect data "from those who are not qualified to analyze it."

The EPA essentially decides who is or is not allowed access to the scientific research they use—research that is paid for with public funds, appropriated by Congress, on behalf of American taxpayers. This is wholly improper.

I recently received a letter of support for the Secret Science Reform Act that was signed by more than 80 scientists, including physicians, and professors of environmental science, physics, statistics, economics and engineering. The signatories included George Wolff, former chair of the EPA's Clean Air Scientific Advisory Committee in the Clinton administration and Forrest J. Remick, former commissioner of the U.S. Nuclear Regulatory Commission in the George H.W. Bush administration. They wrote that the bill would "make the agency's regulations more accountable, credible, and enforceable" and that its transparency requirements "can be accomplished without imposing unnecessary burdens, discouraging research, or raising confidentiality concerns."

Costly environmental regulations must be based on publicly available data that independent scientists can verify. For example, take the administration's recently proposed plan to regulate greenhouse gas emissions from existing power plants—regulations that could cost hundreds of thousands of jobs and spike electricity rates.

In the announcement of her agency's 645-page Clean Power Plan, Ms. McCarthy claimed "The science is clear. The risks are clear. And the high costs of climate inaction keep piling up." Yet any reporter willing to read beyond the EPA press release would find that the reality doesn't match the rhetoric.

Monday's Supreme Court decision (*Utility Air Regulatory Group v. EPA*) underscores the need for scrutiny of agency claims. The court called EPA's rewriting of the Clean Air Act "outrageous," and said that "When an agency claims to discover in a long-extant statute an unheralded power to regulate 'a significant portion of the American economy,' we typically greet its announcement with a measure of skepticism." Such skepticism is well deserved.

Virtually all of the EPA's health claims for its latest power-plant rules, including that they would save thousands of lives a year, are based on data that haven't been made public. In any event, for most of the EPA's 2030 projections, a majority of the health benefits claimed have nothing to do with carbon dioxide. They come from reductions in air pollutants already regulated by the EPA such as particulate matter and ozone.

The EPA also claims that its Clean Power Plan will yield climate benefits, such as lower sea levels, which the agency calculates using its "social cost of carbon." But a recent analysis by Ted Gayer, vice president and director of economic studies at the Brookings Institution, found that most of these alleged benefits take place outside the U.S. Even using the EPA's own numbers, the costs of this regulation may exceed the direct, domestic benefits.

The EPA, like every other government institution, should be accountable to the American people. We need to protect our environment, but this should be done on the basis of open and honest information. That is the goal of the Secret Science Reform Act.

Mr. Smith, a Republican from Texas, is chairman of the House Committee on Science, Space, and Technology.

<http://science.house.gov/press-release/committee-approves-bill-prohibit-epa-using-secret-science>

Committee Approves Bill to Prohibit EPA from Using Secret Science

June 24, 2014

Washington, D.C. – The Committee on Science, Space, and Technology today approved the *Secret Science Reform Act of 2014* ([H.R. 4012](#)) to require that the Environmental Protection Agency (EPA) base its regulations on data that is public.

Chairman Lamar Smith (R-Texas): “The EPA’s regulatory process is both hidden and flawed. It hides the data and then handpicks scientists to review it. The American people foot the bill for the EPA’s billion dollar regulations and they have the right to see the underlying data. If the EPA has nothing to hide, and if their data really justifies their regulations, why not make the information public? Data sharing is becoming increasingly common across scientific disciplines. The legislation requires that EPA science be available for validation and replication. Americans impacted by EPA regulations have a right to see the data and determine for themselves if the agency’s actions are based on sound science or a partisan agenda. This bill ensures transparency and accountability. The American people deserve the facts. And so does good policy.”

The *Secret Science Reform Act* was introduced by Environment Subcommittee Chairman David Schweikert (R-Ariz.) and has received [letters of support](#) from over 80 scientists and experts, 30 trade associations, the U.S. Chamber of Commerce, the former head of the Office of Information and Regulatory Affairs, the former head of EPA’s Clean Air Scientific Advisory Committee, and the California Construction Trucking Association.

Subcommittee Chairman Schweikert: “Public policy by public data. Today, with the reporting of H.R. 4012, the Committee took a big step forward in ensuring transparency for the American people.”

The *Secret Science Reform Act* does not require any disclosure of confidential information. It would only prohibit EPA’s use of secret science. A [2013 poll](#) from the Institute of Energy Research found that 90 percent of Americans agree that studies and data used to make federal government decisions should be made public.

Provisions in the bill are consistent with the White House’s scientific integrity policy, the President’s Executive Order 13563, data access provisions of major scientific journals, the Bipartisan Policy Center and the recommendations of the Obama administration’s top science advisors.

For more information on today’s markup, including amendments and roll call votes, visit the Science, Space, and Technology Committee [website](#).

June 24, 2014 Wall Street Journal Op-Ed by Lamar Smith "What is the EPA Hiding from the Public?": <http://online.wsj.com/articles/lamar-smith-what-is-the-epa-hiding-from-the-public-1403563536>

Letters Supporting H.R. 4012: <http://science.house.gov/letters-support-secret-science-reform-act-2014-hr-4012>

[87 Experts Letter of Support](#) [30 Trade Associations Letter of Support](#) [U.S. Chamber of Commerce Letter of Support](#) [Dr. Graham Letter of Support](#) [Dr. McClellan Letter of Support](#) [CCTA Letter of Support](#)

Secret Science Reform Act of 2014 ([H.R. 4012](#)):

"To prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.

Section 6(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 ([42 U.S.C. 4363 note](#)) is amended to read as follows:

(1) The Administrator shall not propose, finalize, or disseminate a covered action unless all scientific and technical information relied on to support such covered action is

- (A) specifically identified; and
- (B) publicly available in a manner that is sufficient for independent analysis and substantial reproduction of research results.

(2) Nothing in the subsection shall be construed as requiring the public dissemination of information the disclosure of which is prohibited by law.

(3) In this subsection

(A) the term *covered action* means a risk, exposure, or hazard assessment, criteria document, standard, limitation, regulation, regulatory impact analysis, or guidance; and

(B) the term *scientific and technical information* includes

(i) materials, data, and associated protocols necessary to understand, assess, extend conclusions;

(ii) computer codes and models involved in the creation and analysis of such information;

(iii) recorded factual materials; and

(iv) detailed descriptions of how to access and use such information."