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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

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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.