

Statement on Subpoena Resolution
RANKING MEMBER EDDIE BERNICE JOHNSON
House of Representatives Committee on Science, Space, and Technology
*Full Committee Business Meeting on the Issuance of Subpoenas to the United States
Environmental Protection Agency*
&
Markup of H.R. 2850, the “EPA Hydraulic Fracturing Study Improvement Act”

August 1, 2013

Thank you Mr. Chairman. As I mentioned in my opening statement, I am strongly opposed to this subpoena resolution. To put it simply, there is no basis for this action and there is no legitimate action for this Committee to take.

The Majority has indicated that EPA has not been forthcoming with information. I intend to demonstrate just how ridiculous that assertion is.

If my staff can assist me, I want to first have the staff put out the EPA’s Regulatory Impact Analyses for the rules cited by the Majority in their markup memo. Found in these thousands of pages of documents are detailed explanations of the methodologies used to arrive at EPA’s cost and benefit analyses which the Chairman is presumably questioning.

Second, could the staff please put out the Integrated Science Assessment for Particulate Matter and the Integrated Science Assessment for Ozone. Here is over three thousand pages of peer-reviewed science. One would think this would be enough science for anyone.

Third, could the staff please put out the report from the National Research Council entitled “Estimating the Public Health Benefits of Proposed Air Pollution Regulations.” This, Chairman Smith, is the report you mischaracterized in your July 22 letter to the EPA. In this report the most prestigious scientific society in our country largely endorses the methods and results of the two research studies you claim are sloppy “secret EPA science.”

Fourth, could the staff put out the Health Effects Institute reanalysis of the two studies in question. This independent peer-reviewed study by HEI, which is partially funded by the auto industry, confirmed the methods and results of the two studies in question. It is precisely the kind of re-analysis you are claiming to need this data for, and obviously, it’s already been conducted.

Finally, could the staff please put out the de-identified data that the EPA provided to the Committee from the Harvard Six Cities Study. Here’s all 900 pages of it. Please note that this is precisely the information we are authorizing a subpoena for today. It would seem that EPA has already provided you with what you seek, since it is sitting right in front of us.

Mr. Chairman, since the Majority has claimed that they don't have enough science to review, I think it would be good for all these materials to be inserted into the record of these proceedings so that they will be accessible to the Majority, and I move that the Committee do so.

I think I made my point. There is no "secret science" here. In contrast, what we do have is literally mountains of peer-reviewed research which supports these studies.

However, some in the Majority claim to know better than our Nation's scientific community. They know better than the scores of researchers and peer-reviewers involved in these studies and their re-analysis. They know better than the Science Advisory Board. They even know better than the National Academy of Science. If those Members of the Majority had their way, it would be politicians judging the merits of scientific results rather than the scientific community.

This is indeed a sad day for the Science Committee.

It's sad, not simply because our Committee Majority apparently lacks any respect for our scientific institutions, but also because of what they are doing to this Committee.

Mr. Chairman, the last time this Committee authorized a subpoena was in 1992, over 20 years ago. It's remarkable that in the intervening time, no one has felt compelled to take such a step. The reason is that past Chairmen from both parties have exercised this power with discretion.

Today, we throw that history out the window. These proceedings were not arrived at responsibly. They are based on untrue assertions. They are being carried forward with a complete lack of respect for our peer-reviewed research community. And they are directed at a goal which is totally inappropriate for Congressional oversight.

I strongly urge defeat of this resolution.