OPENING STATEMENT
The Honorable Andy Harris (R-MD), Chairman
Subcommittee on Energy and Environment
Fostering Quality Science at EPA: The Need for Common Sense Reform

November 17, 2011

I want to welcome everyone to this afternoon's hearing on Fostering Quality Science at EPA: The Need for Common Sense Reform. I would like to note my appreciation at the outset to Dr. Anastas for moving his schedule around in order to be with us today, however, I am disappointed that you did not get your testimony to us until 6:00 pm last night. I trust that you make sure to meet Committee deadlines in the future.

In the last nine months, this Committee has held seven different hearings on issues related to EPA science and process. In each of these hearings, we have questioned the processes by which the Agency ensures the development and dissemination of quality science and raised concerns about EPA moving forward on specific regulations before the science is available to inform those decisions. In today's hearing, we are discussing the overall science enterprise and its function within EPA.

Research and development in EPA have been authorized by a number of environmental laws, but the Environmental Research, Development and Demonstration Authorization Act, or ERDDAA (ERDA) is the only statute dedicated solely to science activities in the agency. This law, first enacted in 1976, was reauthorized annually through fiscal year 1981 providing authorization levels to address different environmental issues. Additionally, ERDDAA established the Office of Research and Development, required 5-year R&D plans and created EPA's Science Advisory Board. However, despite numerous efforts in both the House and Senate, no reauthorization has occurred in 30 years.

EPA is a unique agency in that it performs the functions of the scientist, the policy maker, the regulator, and the enforcer. Since it has been forty years since the creation of the agency, and thirty years since science activities were last authorized, it is appropriate and necessary for Congress to evaluate the effectiveness of the EPA in fulfilling all these roles.

In the current economic climate and given the EPA's breadth of jurisdiction over the economy, the Agency must be vigilant ensuring that it only promulgates regulations that are necessary and appropriate to protect public health and welfare. Quality science is an essential requirement in creating these regulations. Yet time and again, EPA's scientific justification for many of its rules and regulations have been questioned based on concerns with data quality, peer review, lack of transparency and other process problems. It has gotten to the point where the perception is that EPA has a penchant for pursuing outcome-based science in order to validate its regulatory agenda. This has led to a crisis of confidence that undermines the ability of the public to trust anything EPA says, an untenable situation for an Agency with sweeping authority over the nation's economic activity.

So what can be done to fix this dilemma? Is it a question of greater oversight? Or are there fundamental changes within the organization of EPA that are needed to address these problems? There have been reports, evaluations, and studies over the years that have identified the specific problems within the EPA science enterprise. Consequently, these reports have contained recommendations to the Agency on how to alleviate these problems. Unfortunately, many of these recommendations have not been followed, and all too often Congress has been absent from these reform efforts.

As this Committee undertakes the process to reauthorize ERDDAA, I invite any interested stakeholders to provide recommendations and suggestions. Similarly, I welcome the suggestions of my colleagues across the aisle and hope that they will view this as an opportunity to collaborate on much needed reforms.

Science activities at EPA comprise only a fraction of the agency's overall budget, but their importance and impact on jobs and the economy are enormous. Good regulations must be based on good science, and good science requires transparency, quality data, and confirmation of processes and results through peer review. In other words, it requires an adherence to the scientific method and longstanding principles governing the incorporation and use of scientific and technical information to regulatory decision-making.

I want to thanks the witnesses for appearing before the Subcommittee today and I look forward to a constructive discussion.