

By Rep. Ralph M. Hall (R-Texas) - 11/01/12 12:30 PM ET

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The scientific enterprise at the Environmental Protection Agency (EPA) is broken, contrary to EPA Administrator Lisa Jackson's assertions that "science is the backbone of everything we do at EPA," or that major regulations are based on the recommendations of EPA's "independent" science advisors. As Americans face a fragile economy and skyrocketing energy prices fueled by President Obama's agenda, it is important to pull back the curtain on the ideologically-driven processes EPA is using to justify an avalanche of costly rules.

An independent peer review process is the foundation of sound, credible science. However, a cursory glance at the peer reviews conducted by EPA's supposedly independent science advisors reveals a process that is the antithesis of independence. The EPA solicits nominations, chooses the panels, writes the questions to be asked, and staffs the meetings. And almost 60 percent of the members of EPA's standing science advisory panels have received research grants from the Agency, totaling hundreds of millions of taxpayer dollars.

In the most recent review of EPA particulate matter standards—which provide the basis for numerous billion-dollar regulations — 25 individuals were chosen to peer review the results. Of those 25 reviewers, 21 were cited in footnotes as sources for the document they were supposed to be independently reviewing. The chair of the review panel was footnoted a total of 85 times. And while the EPA has its hand-picked scientists reviewing their own work, experts from the private sector are almost entirely excluded from this process. This is hardly a recipe for independent scientific analysis.

In another instance, a lead reviewer on a panel evaluating EPA's hydraulic fracturing study published an article titled "Regulate, Baby, Regulate," writing glowingly of the now largely-debunked film about hydraulic fracturing, *Gasland*, concluding that the natural gas extraction process "lacks adequate oversight and regulations." How could this individual possibly provide an impartial review of a process about which he plainly already feels so strongly? EPA's bias has affected its scientific judgment not only in its choice of peer reviewers but also when it comes to studying the effects of oil and gas development. Recently, the Agency attempted to find a link between hydraulic fracturing and groundwater concerns in Texas, Wyoming, and Pennsylvania. Without having all the facts, EPA wasted no time in putting out press releases blaming hydraulic fracturing for issues with the groundwater, but then was later forced to backtrack on its findings. Rushing to judgment and publishing "findings" in press releases makes a mockery of the scientific process.

A recent participant in another EPA review panel testified before the House Science, Space, and Technology Committee earlier this Congress calling EPA's advisory process "flawed, narrow, and possibly ethically questionable." There is clearly a problem. The need for EPA science reform, however, goes well beyond just flawed advisory processes. Example after example of the Agency putting the regulatory cart before the scientific horse has tarnished its credibility.

Major EPA regulations are often grounded in secret science and black box models that do not allow for outside experts to examine the data and findings. For example, nearly 90 percent of the EPA-claimed benefits from the Clean Air Act between 1990 and 2020 are derived from just two studies whose underlying scientific data remains under lock and key, and have never been made available to independent researchers.

Moreover, EPA designs its studies to support predetermined conclusions, often refusing to consider factors that many scientists view as important. For example, EPA stubbornly refuses to acknowledge the well-documented negative health effects associated with regulatory costs like unemployment or higher energy bills. The Agency ignores massive environmental and public health improvements over the last several decades and has had to resort to torturing data to justify more stringent pollution standards.

There appears to be no limit to the EPA's desire to regulate American industry. EPA is now seeking to rewrite the Clean Water Act and expand all other regulatory power under the guise of "sustainability," a term it has yet to clearly define.

President Obama claimed that he would head the most transparent administration in history and that his regulations would be based on the best available science. Regrettably, the EPA's actions under his direction do not match his rhetoric.

In an attempt to restore some semblance of credibility to EPA science, I along with colleagues on the Science, Space, and Technology Committee recently introduced legislation to reform EPA's science advisory system by encouraging impartiality and balance. The bill would strengthen public participation, improve the process for selecting expert advisors, expand transparency requirements, and limit non-scientific policy advice. It is time to rein in the EPA, and this bill is a good step in that direction.

Hall is chairman of the House Science, Space, and Technology Committee.