Statement on the the HONEST Act (H.R. 1430 / S. 1794)

As the representative body of the Massachusetts Institute of Technology’s (MIT) 6,800 graduate students, the Graduate Student Council (GSC) strongly supports using research findings to inform policy decision making. The changes to EPA regulation development proposed in the HONEST Act (H.R. 1430 / S. 1794) would limit the forms of scientific data available to the EPA by requiring all material be publicly available and restricting material to the “best available science.” This bill would effectively prevent the EPA from using many important sources of scientific data in designing policies and regulations. **We therefore urge members of the Senate not to pass the HONEST Act.**

The premise of the HONEST Act is to ensure that “transparent and reproducible” scientific findings are used to inform policy, but this goal is implemented with such ambiguity that it could easily be used to hinder regulatory and policy advances. One such example is the directive that policy must be guided by “the best available science” (Sec. 2). On the surface, wanting the “best” seems to be an important distinction, but there is no further description of what the best available science may be, how to determine agreement with the criteria, and who would have ultimate authority over that decision. Without a specific description of results and practices that would be considered “the best available science,” the section does not provide any practical improvements in guidance for agency policy. Instead, this requirement appears to be primarily a tool to eliminate some scientific sources from consideration. The requirement for data to be reproducible (Sec. 2) is equally unclear. Many data sources, particularly in the medical field, are unique and impossible to duplicate; there is an important difference between reproducible analysis and the ability to duplicate a unique dataset. The distinction is not specified within the Act, and such ambiguity risks disregarding valuable data based on imprecise standards.

Furthermore, requiring all data be publicly available is unworkable in many cases due to already existing confidentiality laws. Medical records and data are one potential source for guiding regulations with health impacts. These records are protected through HIPAA laws. Nothing in the bill would overrule these confidentiality requirements, and a vague “confidentiality agreement” (Sec. 2) with no enforcement backing does not alleviate these limitations. The net result would be the inability of the EPA to use any form of medical data to guide EPA policy or regulations since it cannot be made publicly available. A similar limitation exists for any data which includes proprietary information, which many companies would be unwilling to share even under the umbrella of a confidentiality agreement.

Finally, it is unclear what the allocated budget described in Section 2 for the administrative demands of enacting the HONEST Act would cover. It is left unspecified whether enforcement and implementation of the HONEST Act would cease once the one million dollars in authorized annual funding was exhausted or if any additional policy changes would be suspended until the next year and a new budget became available for scientific review. The Congressional Budget Office estimates the cost of implementing the HONEST Act to be between a few million dollars per year to hundreds of millions of dollars per year depending on whether the EPA attempts to disseminate scientific information and how the EPA alters the current use of ~50,000 scientific studies per year.^[1] It is not stated in the bill whether the agency would take on increasing dissemination of information, or only rely on studies that already comply with the transparency requirements. The proposed funding to enact the HONEST Act would also be redirected from existing EPA funding, acting as a cut to current EPA funding levels.

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Since the HONEST Act would minimize the use of scientific data in policy, the requirements are vague and poorly outlined, and the Bill would act as a de facto cut to EPA funding, we urge members of the Senate to vote against H.R. 1430 / S. 1794 in order to preserve the use of scientific results to guide EPA policy and regulations.

*Prepared by the External Affairs Board on behalf of the MIT Graduate Student Council. October 2017*