

Union Calendar No. 33

115TH CONGRESS
1ST SESSION

H. R. 1430

[Report No. 115–59]

To prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2017

Mr. SMITH of Texas (for himself, Mr. CUELLAR, Mr. LUCAS, Mr. BIGGS, Mr. BANKS of Indiana, Mr. ROHRABACHER, Mr. POSEY, Mr. BROOKS of Alabama, Mr. WEBER of Texas, Mr. BABIN, Mr. PALMER, Mr. HIGGINS of Louisiana, Mr. HULTGREN, Mr. BRIDENSTINE, Mr. ABRAHAM, Mr. LAHOOD, Mr. WEBSTER of Florida, Mr. MARSHALL, Mr. DUNN, Mr. SESSIONS, Mr. CHAFFETZ, Mr. SCHWEIKERT, Mr. WESTERMAN, Mr. PALAZZO, Mr. YOUNG of Alaska, Mr. BARTON, Mr. PEARCE, Mr. GOSAR, Mr. TIPTON, and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

MARCH 24, 2017

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Honest and Open New
5 EPA Science Treatment Act of 2017” or the “HONEST
6 Act”.

7 **SEC. 2. DATA TRANSPARENCY.**

8 Section 6(b) of the Environmental Research, Devel-
9 opment, and Demonstration Authorization Act of 1978
10 (42 U.S.C. 4363 note) is amended to read as follows:

11 “(b)(1) The Administrator shall not propose, finalize,
12 or disseminate a covered action unless all scientific and
13 technical information relied on to support such covered ac-
14 tion is—

15 “(A) the best available science;

16 “(B) specifically identified; and

17 “(C) publicly available online in a manner that
18 is sufficient for independent analysis and substantial
19 reproduction of research results, except that any
20 personally identifiable information, trade secrets, or
21 commercial or financial information obtained from a
22 person and privileged or confidential, shall be re-
23 dacted prior to public availability.

24 “(2) The redacted information described in para-
25 graph (1)(C) shall be disclosed to a person only after such

1 person signs a written confidentiality agreement with the
2 Administrator, subject to guidance to be developed by the
3 Administrator.

4 “(3) Nothing in the subsection shall be construed
5 as—

6 “(A) requiring the Administrator to disseminate
7 scientific and technical information;

8 “(B) superseding any nondiscretionary statu-
9 tory requirement; or

10 “(C) requiring the Administrator to repeal, re-
11 issue, or modify a regulation in effect on the date of
12 enactment of the Honest and Open New EPA
13 Science Treatment Act of 2017.

14 “(4) In this subsection—

15 “(A) the term ‘covered action’ means a risk, ex-
16 posure, or hazard assessment, criteria document,
17 standard, limitation, regulation, regulatory impact
18 analysis, or guidance; and

19 “(B) the term ‘scientific and technical informa-
20 tion’ includes—

21 “(i) materials, data, and associated proto-
22 cols necessary to understand, assess, and ex-
23 tend conclusions;

1 “(ii) computer codes and models involved
2 in the creation and analysis of such informa-
3 tion;

4 “(iii) recorded factual materials; and

5 “(iv) detailed descriptions of how to access
6 and use such information.

7 “(5) The Administrator shall carry out this sub-
8 section in a manner that does not exceed \$1,000,000 per
9 fiscal year, to be derived from amounts otherwise author-
10 ized to be appropriated.”.

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