



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 17, 2014
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 4012 – Secret Science Reform Act of 2014

(Rep. Schweikert, R-AZ, and 53 cosponsors)

The Administration strongly supports regulatory transparency, but strongly opposes H.R. 4012. The bill would impose arbitrary, unnecessary, and expensive requirements that would seriously impede the Environmental Protection Agency's (EPA's) ability to use science to protect public health and the environment, as required under an array of environmental laws, while increasing uncertainty for businesses and States.

H.R. 4012 could be used to prevent EPA from finalizing regulations until legal challenges about the legitimate withholding of certain scientific and technical information are resolved. The bill also could prevent EPA from making crucial decisions, including those concerning the cleanup of contaminated sites, if the data supporting those decisions cannot, for legitimate reasons, be made publicly available. For example, some scientifically-important data is not made broadly available in order to protect the privacy of test subjects or Confidential Business Information, and H.R. 4012 could prevent EPA from taking actions based on protected data. In short, the bill would undermine EPA's ability to protect the health of Americans, would impose expensive new mandates on EPA, and could impose substantial litigation costs on the Federal government. It also could impede EPA's reliance on the best available science.

Instead of an overly broad bill that would tie EPA's hands, the Administration urges Congress to support the Administration's efforts to make scientific and technical information more accessible and regulations more transparent. A bill consistent with the principles expressed in the Administration's Executive Order 13563 "Improving Regulation and Regulatory Review" and the December 2010 Office of Science and Technology Policy (OSTP) *Memorandum on Scientific Integrity*, as well as implementation of the Administration's recent open data and public access initiatives (e.g., OSTP's February 2013 policy memorandum on *Increasing Access to the Results of Federally Funded Scientific Research*) would greatly benefit the American people. EPA also has embarked on several initiatives that enhance access to and transparency of data and science used to inform policy and regulatory decisions.

If the President were presented with H.R. 4012, his senior advisors would recommend that he veto the bill.

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