

115TH CONGRESS
1ST SESSION

S. 1794

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 SENATE OF THE UNITED STATES

SEPTEMBER 12, 2017

Mr. ROUNDS (for himself, Mr. BARRASSO, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

1 **SEC. 2. DATA TRANSPARENCY.**

2 Section 6(b) of the Environmental Research, Devel-
3 opment, and Demonstration Authorization Act of 1978
4 (42 U.S.C. 4363 note) is amended to read as follows:

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

9 “(A) the best available science;

10 “(B) specifically identified; and

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

18 “(2) The redacted information described in para-
19 graph (1)(C) shall be disclosed to a person only after such
20 person signs a written confidentiality agreement with the
21 Administrator, subject to guidance to be developed by the
22 Administrator.

23 “(3) In making information publicly available pursu-
24 ant to paragraph (1)(C), the Administrator—

25 “(A) may coordinate with another Federal
26 agency to use an existing website maintained by the

1 Federal agency to make the information available;
2 and

3 “(B) shall not be required to duplicate the pub-
4 lic availability of the information if that information
5 has been made available by another Federal agency
6 in accordance with paragraph (1)(C).

7 “(4) Nothing in this subsection shall be construed
8 as—

9 “(A) requiring the Administrator to disseminate
10 scientific and technical information;

11 “(B) superseding any nondiscretionary statu-
12 tory requirement; or

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

17 “(5) In this subsection—

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

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

1 “(i) materials, data, and associated proto-
2 cols necessary to understand, assess, and ex-
3 tend conclusions;

4 “(ii) computer codes and models involved
5 in the creation and analysis of such informa-
6 tion;

7 “(iii) recorded factual materials; and

8 “(iv) detailed descriptions of how to access
9 and use such information.

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

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