



July 31, 2014

The Honorable Barbara Boxer  
Chairwoman  
Senate Environment & Public Works  
Committee  
Washington, DC 20510

The Honorable David Vitter  
Ranking Member  
Senate Environment & Public Works  
Committee  
Washington, DC 20510

Dear Senators Boxer & Vitter:

As leading U.S. science, engineering, and academic institutions, we are writing to express our concerns regarding the Secret Science Reform Act of 2014 (S. 2613). We encourage Senators to take additional time to evaluate the unintended consequences of this bill before considering it in Committee or on the Senate floor.

The research community is concerned about how some of the key terms in the bill could be interpreted or misinterpreted, especially terms such as “materials,” “data,” and “reproducible.” Would the Environmental Protection Agency (EPA) be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the agency address research that combines both public and private data?

With respect to reproducibility of research, some scientific research, especially in areas of public health, involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. Rather these studies are replicated, utilizing statistical modeling. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are being gathered in real time. We could foresee a situation whereby the EPA would be constrained from making a proposal or even disseminating public information in a timely fashion.

Finally, the legislation could impose additional uncompensated burdens of cost and effort on those recipients of federal research grants where the research results are expected to be “relied on to support a covered action.” The bill is not clear on whether it is the EPA’s or the research institution’s responsibility to cover the costs associated with sharing and archiving this information.

The America COMPETES Reauthorization Act of 2010 required that the Office of Science and Technology Policy (OSTP) work with federal agencies to establish access to data policies that relate “to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications.” Agencies are expected to finalize their data access policies by the end of the year, and given the complexities associated with access to research data as outlined above we suggest that the Committee wait to review the agency policies before imposing new statutory requirements via S. 2613.

American Anthropological Association  
American Association for the Advancement of Science  
American Geophysical Union  
American Geosciences Institute  
American Meteorological Society  
American Physical Society (APS Physics)  
American Political Science Association  
American Society for Microbiology (ASM)  
American Society of Agronomy  
American Society of Civil Engineers  
Association for the Sciences of Limnology and Oceanography  
Association of American Geographers  
Association of American Universities  
Association of Public and Land-grant Universities (APLU)  
Bard Center for Environmental Policy  
Biophysical Society  
Brown University  
Consortium for Ocean Leadership  
Consortium of Social Science Associations  
Cornell University  
Crop Science Society of America  
Duke University  
Ecological Society of America  
Entomological Society of America  
Harvard University  
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Massachusetts Institute of Technology  
National Council for Science and the Environment  
Society for Conservation Biology  
Soil Science Society of America  
Stanford University  
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