

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE AND TECHNOLOGY  
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT**

Hearing on

***The Role of Science in Regulatory Reform***

April 30, 2008

Thank you Chairman Miller. I want to thank you for holding this hearing and welcome our witnesses here today.

The regulatory process is an important topic for this Committee to address as regulations affect the lives of every citizen, whether it is through public health, economic stability, or public safety. Science is central to this process and provides a foundation of knowledge that informs policymakers. Unfortunately, this connection is often manipulated by those who claim their policy decisions are indisputably required by science, and those who question the quality or interpretation of that science. We probably won't be able to resolve this tension today, but I hope the panelists can at least shed some light on the conflict so that future decisions are made transparently without shrouding policy in science, or denigrating findings.

While science plays an enormous role in providing regulators, policymakers, and legislators with the best information possible, it does not absolve those individuals of their responsibilities to make hard choices. As Dr. Coglianese points out in his testimony, "Science speaks to what *is* rather than what *should* be." This is an extremely important concept to understand and elegantly highlights the issues we are facing today. All too often, controversies arise over issues that are not questions of science, but of policy. For example, when decisions are made based on values or ethics, this is seen as an affront to science, but it shouldn't be as long as the decision isn't sold under the banner of science.

With that in mind, I look forward to the Subcommittee's third hearing on this topic. The previous two focused on President Bush's Executive Order 13422. This amendment to President Clinton's Executive Order 12866 created consternation amongst advocacy groups because, as they argued, it gave too much control over the regulatory process to the Administration, and would prevent agencies from protecting public health and safety. What it really did was simply require agencies to report to OIRA work that the Clinton Administration had already required agencies to do, and address issues that were being ignored. In the end, the consternation over this Executive Order was likely more about who was issuing the order, rather than what it directed. Because of this, it will be interesting to see what the current Administration does with the authorities it inherited from the previous Administration. While President Obama rescinded Executive Order 13422, many of the same principles may find their way back into a new order, but probably with less outrage.

Similarly, the Administration recently nominated Cass Sunstein to head OIRA. His nomination has come with mixed reviews from advocacy groups because of his support for Cost-Benefit Analysis, but this concern was far less than the previous nominees. How Mr. Sunstein intends to run OIRA will also be interesting to follow given previous criticisms from outside groups regarding centralized authority and review. Every new Administration since Reagan has chosen to organize and oversee the regulatory process differently, and this Administration certainly will not be an exception.

Thank you, Mr. Chairman. I yield back.

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