

# EPA Concedes: We Can't Produce All the Data Justifying Clean Air Rules

By Barbara Hollingsworth (/author/barbara-hollingsworth) | April 11, 2014 | 5:32 PM EDT

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**Environmental Protection Agency Administrator Gina McCarthy (CNSNews.com/Penny Starr)**

**(CNSNews.com)** – Seven months after being subpoenaed by Congress, Environmental Protection Agency (EPA) Administrator Gina McCarthy conceded that her agency does not have - and cannot produce - all of the scientific data used for decades to justify numerous rules and regulation (<http://www.epa.gov/ttn/atw/eparules.html>)s under the Clean Air Act.

In a March 7th letter to House Science, Space and Technology Committee chairman Lamar Smith (R-Tex.), McCarthy admitted that EPA cannot produce all of the original data from the 1993 Harvard Six Cities Study (HSC) and the American Cancer Society's (ACS) 1995 Cancer Prevention Study II, which is currently housed at New York University.

Both studies concluded that fine airborne particles measuring 2.5 micrograms or less (PM2.5) – 1/30<sup>th</sup> the diameter of a human hair – are killing thousands of Americans every year.

These epidemiological studies are cited by EPA as the scientific foundation for clean air regulations that restrict particulate emissions from vehicles, power plants and factories.

The agency has recently come under fire for exposing volunteers to concentrated levels of particulate matter without informing them of the risks, a practice Rep. Paul Broun (R-Ga.), chairman of the House Science Subcommittee on Investigations and Oversight, called “despicable (http://cnsnews.com/news/article/barbara-hollingsworth/rep-broun-epa-despicable-not-informing-human-test-subjects-risks).”

The full committee, which issued its first subpoena in 21 years last August after being stonewalled by the EPA for two years, wanted the raw data from the studies so that their results could be replicated by independent researchers. (See EPA subpoena.pdf (/sites/default/files/documents/EPA%20subpoena\_0.pdf))

However, despite “multiple interactions with the third party owners of the research data in an effort to obtain that data,” McCarthy wrote, some of the data subpoenaed by the committee “are not (and were not) in the possession, custody or control of the EPA, nor are they within the authority to obtain data that the agency identified.”

“EPA has not withheld any data in our possession that is responsive to the subpoena,” McCarthy stated. “The EPA acknowledges, however, that the data provided are not sufficient in themselves to replicate the analyses in the epidemiological studies, nor would they allow for the one to one mapping of each pollutant and ecological variable to each subject.” (See EPA letter to Smith March 7 2014 (1).pdf (/sites/default/files/documents/EPA%20letter%20to%20Smith%20March%207%202014%20%281%29.pdf))

CNSNews.com asked EPA whether the agency had turned over any data from the Harvard Six Cities and American Cancer Society studies in response to the subpoena.

“EPA provided to the Committee all the data that was in the possession of the agency or within the agency's authority to obtain under the Shelby Amendment,” which requires that results of federally-funded studies be made available to the public, an agency spokeswoman responded. “As such, the agency has now in good faith obtained and provided to the Committee all the requested research data subject to the Shelby Amendment and covered by the subpoena.”

A committee staff member confirmed to CNSNews.com that “EPA gave us what they have of both studies, which is a significant amount of data, but not sufficient” to allow independent reproduction or verification of results.

“We’re at a point where EPA has conceded that they don’t have in their possession the data necessary to fully comply, and in some cases, never did possess the data,” he added.

The subpoena was issued as the EPA moves to finalize strict new regulations that could place 90 percent (http://science.house.gov/press-release/witnesses-say-epa%E2%80%99s-forthcoming-ozon-standards-impossible-meet) of the U.S. population in non-attainment areas and impose an additional \$90 billion annual burden on the U.S. economy.

However, two newer studies cast doubts on the original research.

Stanley Young and Jessie Xia of the National Institute of Statistical Sciences published a paper last year questioning the EPA's reliance on the Harvard and Cancer Society studies, both of which found that breathing fine particulate matter (PM2.5) resulted in increased mortality.

"There is no significant association of PM2.5 with longevity in the west of the United States," Young and Xia noted, adding that "our findings call into question the claim made by the original researchers." (See [young080113.pdf](#) (/sites/default/files/documents/young080113.pdf))

Another recent study ([/news/article/barbara-hollingsworth/study-no-statistical-correlation-between-fine-airborne-particles](#)) by Johns Hopkins-trained biostatistician Steve Milloy that attempted to duplicate EPA's findings also found "no correlation between changes in ambient PM2.5 mortality" and any cause of death in California between 2007 and 2010.

"Virtually every regulation proposed by the Obama administration has been justified by nontransparent data and unverifiable claims," committee chairman Lamar Smith (R-Texas) said in February, denouncing what he called EPA's "secret science" (<http://science.house.gov/issue/committee-investigation-epa-secret-science>).

"The American people foot the bill for EPA's costly regulations, and they have a right to see the underlying science. Costly environmental regulations should be based on publicly available data so that independent scientists can verify the EPA's claims."

Smith and Rep. David Schweikert (R-Ariz.) have introduced the Secret Science Reform Act of 2014, which would prohibit EPA from "proposing, finalizing or disseminating regulations based upon scientific information that is not publically available in a manner sufficient for independent scientific analysis."

HR 4012

(<http://science.house.gov/sites/republicans.science.house.gov/files/documents/HR4012%20.pdf>), which would amend the Environmental Research, Development and Demonstration Authorization Act of 1978, states that "the Administrator shall not propose, finalize, or disseminate a covered action unless all scientific and technical information relied on to support such covered action is (A) specifically identified; and (B) publicly available in a manner that is sufficient for independent analysis and substantial reproduction of research results."

At a February 11<sup>th</sup> hearing before the Subcommittee on Environment, Raymond Keating, chief economist at the Small Business & Entrepreneurship Council, testified in favor of the bill. (HHRG-113-SY18-WState-RKeating-20140211.pdf (/sites/default/files/documents/HHRG-113-SY18-WState-RKeating-20140211.pdf))







"The U.S. has made enormous progress in cleaning the air over the last 40 years, so much so that we now are talking about reducing very small increments of pollution. Achieving those tiny reductions will no doubt be very costly—as EPA itself admitted when it released its cost analysis for ozone in 2010. The question is: will they be worth it?" Keating asked.

"We won't know that unless we have the scientific data in front of us, unless scientists from all over the country can attempt to replicate it and determine its validity. Without that, EPA is hiding the ball, and imposing costs without truly knowing what the benefits are."

Congress is expected to consider the bill sometime this summer.

#### Attachment:

-  EPA subpoena\_0.pdf ([http://cdn.cnsnews.com/documents/EPA subpoena\\_0.pdf](http://cdn.cnsnews.com/documents/EPA_subpoena_0.pdf))
-  EPA letter to Smith March 7 2014 (1).pdf ([http://cdn.cnsnews.com/documents/EPA letter to Smith March 7 2014 \(1\).pdf](http://cdn.cnsnews.com/documents/EPA_letter_to_Smith_March_7_2014_(1).pdf))
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## Barbara Hollingsworth

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stevor • a year ago

It was here a minute ago, with o'bama's birth certificate!

^ | ▾ • Reply • Share ›



disqus\_H2BJZ2lgBq • a year ago

FBI,EPA.BLM and ALL 3 letter agencies need to go away....FK this Commie Government!

^ | ▾ • Reply • Share ›



**Eric Stegner** • a year ago

She looks like a man.

^ | v • Reply • Share ›



**Reuben James Hunt** • a year ago

Can't produce the data sound like Fabrication to me.

^ | v • Reply • Share ›



**Nelson Coleman** • a year ago

Like all other agencies in Washington each and everyone of them should have a "Justification Folder" in hands reach to substantiate any and all challenges against their agency. It would be just common sense. Unlike our congress that attaches bills to other bills that have nothing in common. Just the facts maam!

^ | v • Reply • Share ›



**Pat Moffitt** • a year ago

The data and studies supporting Lisa Jackson's "signature regulation" while at NJDEP also "cannot be found" according to NJ OPRA replies (equivalent to FOIA)

1 ^ | v • Reply • Share ›



**Libslayer** • a year ago

The environmental prosecution association.

^ | v • Reply • Share ›



**listentome** • a year ago

We need to get rid of the EPA in its entirety, abolish it, as it has place millions of Americans out of jobs. jobs that couldn't conform to their ridiculous regulations, since its inception, regulations based on "BAD" science that did not exist to begin with. Giving us rules and regulations based on preferences of who ever was in office at the time. My gasoline smells from the additives they use and costs me more per gallon, which is a minute sample of what they have done to us, closing coal plants, mining and usage. Exploration and delivery of oil, dramatic changes in our lives and for what a bunch of lies. Global warming we all know to be a hoax, our best scientist in the world call it a hoax, yet we maintain it as a priority and for what so political connected companies can steal American dollars to subsidize their lies. Read Operation Seeding, & Global Chaos and learn the truth about the weather.

3 ^ | v • Reply • Share ›



**ppiaseck** • a year ago

This is the exact reason we need Congress who gets paid good money to start doing their job, remove the ability to impose laws by the administrative part of the Federal government. it is obvious they will lie to bolster their employee numbers and take laws into their own hands, look at all these departments that have their own enforcement arms, you talk about the police state, that is where it starts.. It is even said that they are trained to ignore our constitution.....

1 ^ | v • Reply • Share ›

**Steven** • a year ago

Its isn't that they can't produce the data. It is that the data either doesn't exist, or doesn't support the EPA rules.

6 ^ | v • Reply • Share ›

**masmpg** → Steven • a year ago

That's right! The fact is climate change happens and if one would watch the video "The Great Global Warming Swindle" on You Tube they will find out that all this foney science they consider man made is far from that. The earth has had time periods where CO2 was much higher than it is now and there was an ice age, or heat waves. The fact is CO2 has nothing to do with climate change at all. This nonsense is just a way for the UNgovernment to rob american.

3 ^ | v • Reply • Share ›

**Shadowll** • a year ago

Well it turns out the EPA has been exaggerating the impact of minute particle emissions. This is just what you would expect from a bunch of statist bureaucrats that want to run America by regulatory fiat. Let's take the unjustified expense out of the EPA budget and repay it to the public. This would of course take the entire EPA budget so all the egg head bureaucrats would have to find productive work.

5 ^ | v • Reply • Share ›

**fastfood** • a year ago

Do the Jewish Holocaust (which included murdering Human beings with auto exhaust) and 'Dr.' Josef Mengeles' forced Human experimentation ring a bell? And to think, we're supposed to be preventing these kinds of things from ever happening again. And of course, this cr@p occurred under the 'watchful eye' of Obama.

In addition, I wonder how much of the "very small increments of pollution." are produced by other countries and nations over witch we have no control?

1 ^ | v • Reply • Share ›

**Gizur The Goth** → fastfood • a year ago

Time to update your history. The mobile gassing truck was invented and tested by Isay Davidovich Berg, head of the NKVD Economics Division in the Moscow region. More on the religion/race/idology behind these ruthless inventors here: <http://www.vho.org/tr/2004/3/S...>

1 ^ | v • Reply • Share ›

**fastfood** → Gizur The Goth • a year ago

I was only alluding to the fact that it had happened and that we are supposed to be preventing it from happening rather than causing it. But I wasn't aware that this grotesque method had been used earlier.

^ | v • Reply • Share ›





**Vincent Vega** · a year ago

Your harbour, safe from the storms of confusion conjured up by today's liberals, progressives, and mass-media clowns: <http://www.amazon.com/dp/B0094...>

^ | v · Reply · Share ›



**jimpeel** · a year ago

That nutcase Carol Browner created more stringent EPA rules on "particulate matter" which includes dust blown up by the wind. She did this against all of the advise of all of her advisers to not implement these rules. Overnight, cities which were in compliance with EPA regulations were thrown out of compliance and none of them have been able to come back into compliance. Now, Browner works for Obama. Go figure.

5 ^ | v · Reply · Share ›



**Just\_realistic** · a year ago

This is right up there with the climate change folks that used massaged data in their models so that the projected outcome is what they want it to be.

5 ^ | v · Reply · Share ›



**daveca** · a year ago

Off topic, listen to it anyway.

Former Liberals



^ | v · Reply · Share ›



**Joe Bastardi** • a year ago

Their lines of evidence are provably false, yet they use them as reason for their endangerment findings. Wrote about this in summer

<http://patriotpost.us/opinion/...>

5 ^ | v • Reply • Share ›



**tweaver1945** • a year ago

So, here we are with a government agency making command decisions that affect 300 million+ Americans and haphazardly issuing regulations based on bad science or lack of science....That's just swell.

8 ^ | v • Reply • Share ›



**Thomas Olson** → tweaver1945 • a year ago

Isn't that what politics is all about?

1 ^ | v • Reply • Share ›



**daveca** → tweaver1945 • a year ago

Its Globull Warmings ugly twin sister.



^ | v • Reply • Share ›



**ncpg** • a year ago

The EPA has become nothing more than a Liberal Left weapon used on the citizenry.

9 ^ | v • Reply • Share ›



**raffaro** • a year ago

Both studies concluded that fine airborne particles measuring 2.5 micrograms or less (PM2.5) – 1/30th the diameter of a human hair – are killing thousands of Americans every year.

Yea, caused by Chem trails?

4 ^ | v • Reply • Share ›



**daveca** → raffaro • a year ago

what are your crackpot conspiracy theories caused by?

^ | v • Reply • Share ›



**Mike Gilmer** • a year ago

You cannot produce proof of fake science.

4 ^ | v • Reply • Share ›



**Jeffrey Barker** • a year ago

Every regulation without data is now VOID.

9 ^ | v • Reply • Share ›



**totallyFedup** • a year ago

They purposefully deposited the actual data in another location so they could say they could not produce under court orders.

1 ^ | v • Reply • Share ›



**Phil Hughes** • a year ago

IOW back in 1993 THEY JUST MADE IT UP!

4 ^ | v • Reply • Share ›



**Jerry54** • a year ago

EPA along with about 80% of the Fed need to be

ABOLISHED.

.

8 ^ | v • Reply • Share ›



**Guest** • a year ago

Why do the EPA hate Capitalism knowing that without it we will become a third world nation?

5 ^ | v • Reply • Share ›



**trustandobeyalways** → Guest • a year ago

leave off the "why does" and you have your answer

5 ^ | v • Reply • Share ›



**daveca** → trustandobeyalways • a year ago

AGENDA 21

2 ^ | v • Reply • Share ›



**trustandobeyalways** → daveca • a year ago

makes you wonder what agenda one thru twenty are? altho i think we can pretty much guess at this point haha

^ | v • Reply • Share ›



**Guest** • a year ago

We are never going to see such an opportunity for our government to become much smaller than now. We'll be helping, not harming.

5 ^ | v • Reply • Share ›



**Genso** • a year ago

Typical government BS, pulling shi+ out of their azz so they can increase their control over the mases!

9 ^ | v • Reply • Share ›



**reddots** • a year ago

They make up their "Science" show us it is a fraud, but we have to destroy our lives to live up to their rules. These government agencies are run by Communists with the mental development of a 13 year old. These agencies need to be forced to prove their value to the tax payers or be abolished.

7 ^ | v • Reply • Share ›



**TOMMYHOUR** • a year ago

Our elected representatives are allowing un-elected bureaucrats to define laws and consequently our lives.

This is the new form of taxation and control without representation.

10 ^ | v • Reply • Share ›



**Duane L Petersen** • a year ago

There is one way to stop Obama in his tracks and that would be to put a veto proof numbers in both the House and the Senate. Where if it gets through the congress and Obama vetoes it it would be passed over his veto. This would basically make the congress the President and Obama could go suck hind tete.

5 ^ | v • Reply • Share ›



**Reamensa** → Duane L Petersen • a year ago

You are assuming that, if voting mattered, they would let us do it..

2 ^ | v • Reply • Share ›



**Duane L Petersen** → Reamensa • a year ago

You are assuming to much that is not true at most local levels. If you don't vote what is there to do in a political arena. Get busy and find someone that you can get behind for office and do what he or she needs to win.

^ | v • Reply • Share ›

2 ^ | v • Reply • Share ›



**ProgsRaMenace** • a year ago

The EPA, OSHA, the IRS, Big-Gov's Big-Ed and Barry's Kill Your Health Scheme (aka Obamacare), all of them, need to be abolished/put out of business/defunded/obliterated and deep-sixed with a stake driven through them. they have become a menace.

4 ^ | v • Reply • Share ›



**tonylion** • a year ago

The problem with most government bureaucracies is that they have to justify their existence, so they have to some times make \$hit up, kind of like the UN's IPCC.

The executive branch has way too many departments, bureaus, agencies and czars, case in point the BLM at the Bundy ranch.

8 ^ | v • Reply • Share ›



**Mike Brafford** → tonylion • a year ago

When you close coal plants, stop miners from earning a living and shutdown manufacturing all on lies and make believe pie in the green sky data - it is time for a class action lawsuit. The coal industry just hired another 1,000 lawyers no doubt.

6 ^ | v • Reply • Share ›



**ProgsRaMenace** → Mike Brafford • a year ago

Let's hope so.

5 ^ | v • Reply • Share ›



**Gerard** • a year ago

Tell me why? Tell me Why?? Oh please tell me why??? Tell me why, if EPA rules are to be bottomed on the best scientific data available, and the data cannot be produced upon request of the Congress (to say nothing of the public whose PRODUCTIVE memberfs bear the cost of the EPA nonsense, a lawsuit challenging the continued enforcement of the EPA rules would not succeed at the apellate levell. Or, is this the reason that BHO was fixated on adding members to the DC Circuit Court of Appeals. This is one of the reasons that I have advocated replacing the EPA Administrator with a five person Board (like the FCC, FTC, etc.) with no more than 3 members from one single political party.

7 ^ | v • Reply • Share ›



**DOCWRIGHT** → Gerard • a year ago

And no authority to make laws and rules at all.

5 ^ | v • Reply • Share ›



**Gerard** → DOCWRIGHT • a year ago

If the data and studies used to justify a new rule were required to be on the public record (as is now NOT the case with EPA and OSHA) and a reasonable reading the data or

studies did not provide adequate justification for the new rule, the DC Circuit would have a basis for holding the rule void as arbitrary and capricious (the FCC has experienced this on several occasions in recent years).

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1 ^ | v • Reply • Share ›



**steve** • a year ago

Then I suggest you get ready to be sued big time.

2 ^ | v • Reply • Share ›

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## **Ben Carson on Evolution: 'Life Evolve From Non-Life? Incredible Fairy Tales'**

(<http://cnsnews.com/blog/michael-w-chapman/ben-carson-evolution-life-evolve-non-life-%E2%80%A6incredible-fairy-tales-0>)

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