

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

November 14, 2024

The Honorable Michael S. Regan  
Administrator  
U. S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Regan:

The Committee on Oversight and Accountability is investigating the Biden-Harris Administration's establishment of government-wide scientific integrity committees with possible intent to interfere with the executive authority of future presidential administrations.<sup>1</sup> Policymaking by the administrative state should be informed by scientific evidence—including views that challenge the existing consensus—and accountable to the American people and their elected leadership, not beholden to career bureaucrats implementing their own agendas. Yet the regime implemented by the Biden-Harris Administration is likely to entrench the status quo without regard to scientific advances while enhancing the power of unelected federal officials to influence or stymie policy decisions. The Committee seeks documents and information from the U.S. Environmental Protection Agency (EPA) to assist in its investigation and ensure continued accountability within the Executive Branch.

At the outset of its time in office, the Biden-Harris Administration issued a Presidential Memorandum directing the White House Office of Science and Technology Policy (OSTP) to establish a Task Force on Scientific Integrity and publish a report on federal agencies' scientific-integrity policies, ostensibly to "restore trust in government."<sup>2</sup> In this memorandum, each agency head was directed to establish agency-specific scientific integrity policies, designate chief science officers and scientific integrity officials, and form scientific advisory committees.<sup>3</sup> Despite its purported goal of reducing political influence in federal scientific and technological processes, this top-down approach risks further politicizing science by increasing political

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<sup>1</sup> Erin Schumaker, *Biden's Got a Plan to Protect Science from Trump*, POLITICO (May 27, 2024); Dave Jamieson, *Preparing for A Trump Return, EPA Workers Secure 'Scientific Integrity' Protections*, HUFFINGTON POST (May 29, 2024); Maxine Joselow & Scott Dance, *Why Scientists Fear a Second Trump Term, and What They Are Doing About It*, WASH. POST (Jun. 12, 2024).

<sup>2</sup> The White House, Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking (Jan. 27, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>; Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, 86 Fed. Reg. 8845 (Feb. 10, 2021).

<sup>3</sup> *Id.*

involvement in these processes and improperly empowering federal career bureaucrats to dictate ultimate agency policy.<sup>4</sup>

The OSTP Scientific Integrity Task Force defines scientific integrity government-wide as “the adherence to professional practices, ethical behavior, and the principles of honesty and objectivity when conducting, managing, using the results of, and communicating about science and scientific activities. Inclusivity, transparency, and protection from inappropriate influence are hallmarks of scientific integrity.”<sup>5</sup> Defining scientific integrity amid constantly evolving information environments is a challenge, and concerning, OSTP’s definition leaves terms such as “inclusivity,” “transparency,” and “influence” open to agency interpretation.<sup>6</sup> In practice, the discretion granted to agency scientific integrity officials by this policy could be used to usurp leadership accountable to elected officials and legal requirements, tying agency leadership’s hands from implementing policy directives if deemed “too political” by federal bureaucrats.

It is likely that the goal of these scientific integrity efforts is less to ensure the best science is considered when making policy decisions and more to buttress support for and entrench far-left progressive policies in the administrative state.<sup>7</sup> Indeed, recent reporting indicates that the Biden-Harris Administration is using “scientific integrity” to proactively respond to and hamstring the incoming Trump Administration’s ability to implement their own executive agendas and discredit scientific information and views that are not in keeping with the mainstream consensus or are based on emerging research challenging the status quo.<sup>8</sup> This would be a subversion of the idea that agency leaders appointed by a President accountable to the electorate should execute the will of the people consistent with the law, and not implement the individual policy agendas of career bureaucrats.<sup>9</sup>

The Committee is deeply concerned by recent reports of potential violations of EPA’s own scientific-integrity policies, whistleblower retaliation, and opportunities for future politicization and bias in chemical risk evaluations. EPA’s Office of the Inspector General recently released five reports detailing how whistleblowers within EPA’s chemicals division

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<sup>4</sup> Curtis Schube, *Scientific Integrity: The Latest Front in the Effort to Protect the Administrative State from Representative Democracy*, THE COUNCIL TO MODERNIZE GOVERNANCE (Apr. 2024), available at <https://modernizegovernance.org/wp-content/uploads/2024/05/Scientific-Integrity.pdf>.

<sup>5</sup> NATIONAL SCIENCE AND TECHNOLOGY COUNCIL, SCIENTIFIC INTEGRITY FRAMEWORK INTERAGENCY WORKING GROUP, A FRAMEWORK FOR FEDERAL SCIENTIFIC INTEGRITY POLICY AND PRACTICE, 8 (Jan. 2023), available at <https://www.whitehouse.gov/wp-content/uploads/2023/01/01-2023-Framework-for-Federal-Scientific-Integrity-Policy-and-Practice.pdf>.

<sup>6</sup> *Id.* at 29.

<sup>7</sup> E.g. James Broughel, *The Quiet Threat to Science Posed by ‘Indigenous Knowledge’*, FORBES (Feb. 29, 2024); Alex Norcia, *Memos Show FDA Overruled Science-Office Call to OK Menthol Vapes*, FILTER MAG. (Dec. 14, 2022).

<sup>8</sup> Erin Schumaker, *Biden’s Got a Plan to Protect Science from Trump*, POLITICO (May 27, 2024); Dave Jamieson, *Preparing for A Trump Return, EPA Workers Secure ‘Scientific Integrity’ Protections*, HUFFINGTON POST (May 29, 2024); Maxine Joselow & Scott Dance, *Why Scientists Fear a Second Trump Term, and What They Are Doing About It*, WASH. POST (Jun. 12, 2024).

<sup>9</sup> Curtis Schube, *Scientific Integrity: The Latest Front in the Effort to Protect the Administrative State from Representative Democracy*, THE COUNCIL TO MODERNIZE GOVERNANCE (Apr. 2024), available at <https://modernizegovernance.org/wp-content/uploads/2024/05/Scientific-Integrity.pdf>.

experienced retaliation after expressing differing scientific opinions in new chemical risk evaluations between 2018 and 2022.<sup>10</sup> According to reports, “[a]n EPA spokesperson said the whistleblower’s complaints are a bygone of the Trump administration” and that senior-level managers claimed that they were “‘too conservative’ when determining if a new chemical poses risks.”<sup>11</sup> Respect for legitimate difference of scientific opinion is critical to the public’s ability to maintain confidence in chemical review processes and to assuring the public that a wide range of views are considered before final determinations are made.

Further, the Committee is aware that EPA has taken steps to insulate itself from opposing viewpoints that may arise in the next Administration. Specifically, EPA recently entered into an agreement with its employee union, which represents roughly 8,000 EPA employees, to “prevent inappropriate interference in scientific work.”<sup>12</sup> The agreement states that employees who report compromises in scientific integrity “shall not be subject to retribution, reprisal, or retaliation by the Agency.”<sup>13</sup> The Committee is concerned that these terms are not truly intended to protect scientific integrity, but rather to enable career bureaucrats who favor one set of scientific viewpoints to undermine politically accountable agency leaders who seek to base agency actions on differing science. The timing of this agreement appears specifically designed to obstruct an anticipated Trump Administration and its ability to implement a new agenda.

To assist the Committee’s investigation of this matter, please provide the following documents, information, and communications, covering the period January 27, 2021, to present, as soon as possible, but not later than November 27, 2024:

1. All records pertaining to EPA’s development of a scientific integrity committee, including:
  - a. the criteria for selecting members;
  - b. duties and authorities of the committee;
  - c. the proposed reporting structure of the committee;
  - d. the relationship of the committee to other internal investigatory bodies;
  - e. changes to existing scientific integrity oversight procedures;
  - f. All Standard Form 50 (SF 50) Notifications of Personnel Action and related personnel records of proposed or nominated members, including but not limited to Francesca T. Grifo, the agency’s designated scientific integrity official; and
  - g. decisions regarding officials for selection on the committee.
  
2. The status of investigations into scientific integrity complaints filed with EPA; and

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<sup>10</sup> Ellie Borst, *Watchdog slams EPA for retaliation on chemical reviews*, E&E NEWS, (Sept. 18, 2024), available at <https://www.eenews.net/articles/watchdog-slams-epa-for-retaliation-on-chemical-reviews/>.

<sup>11</sup> *Id.*

<sup>12</sup> Dave Jamieson, *Preparing For A Trump Return, EPA Workers Secure ‘Scientific Integrity’ Protections*, HUFFPOST, (May 29, 2024), available at [https://www.huffpost.com/entry/epa-scientific-integrity-union-contract\\_n\\_6656375ce4b052122749f91a](https://www.huffpost.com/entry/epa-scientific-integrity-union-contract_n_6656375ce4b052122749f91a).

<sup>13</sup> *Id.*

Administrator Michael S. Regan

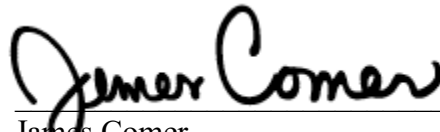
November 14, 2024

Page 4 of 4

3. All communications between EPA, OSTP, and White House officials regarding the Biden-Harris Administration's priorities for using scientific integrity to impair future supervision by presidential appointees.

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a horizontal line underneath it.

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member  
Committee on Oversight and Accountability