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* C O N T E N T S *
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STATEMENTS OF:

STATEMENT OF THE HONORABLE JOHN T. DOOLITTLE A REPRESENTATIVE IN CONGRESS FROM THE 4TH CONGRESSIONAL DISTRICT OF THE STATE OF CALIFORNIA	PAGE... 14
STATEMENT OF THE HONORABLE TOM DE LAY	PAGE... 24
STATEMENT OF DR. ROBERT T. WATSON ASSOCIATE DIRECTOR OF ENVIRONMENT OFFICE OF SCIENCE AND TECHNOLOGY POLICY EXECUTIVE OFFICE OF THE PRESIDENT WASHINGTON, D.C.	PAGE... 39
STATEMENT OF DR. S. FRED SINGER PRESIDENT THE SCIENCE AND ENVIRONMENTAL POLICY PROJECT FAIRFAX, VIRGINIA	PAGE... 45
STATEMENT OF DR. DANIEL L. ALBRITTON DIRECTOR, AERONOMY LABORATORY ENVIRONMENTAL RESEARCH LABORATORIES NOAA BOULDER, COLORADO	PAGE... 51
STATEMENT OF DR. SALLIE BALIUMAS SENIOR SCIENTIST THE GEORGE C. MARSHALL INSTITUTE WASHINGTON, D.C.	PAGE... 59
STATEMENT OF DR. RICHARD SETLOW ASSOCIATE DIRECTOR LIFE SCIENCES BROOKHAVEN NATIONAL LABORATORY UPTON, NEW YORK	PAGE... 69
STATEMENT OF DR. MARGARET L. KRIPKE PROFESSOR AND CHAIRMAN DEPARTMENT OF IMMUNOLOGY UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER HOUSTON, TEXAS	PAGE... 75
STATEMENT OF THE HONORABLE MARY NICHOLS ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C.	PAGE... 165
STATEMENT OF KEVIN FAY ALLIANCE FOR RESPONSIBLE ATMOSPHERIC POLICY ARLINGTON, VIRGINIA	PAGE... 171

STATEMENT OF BEN LIEBERMAN ENVIRONMENTAL RESEARCH ASSOCIATE
COMPETITIVENESS ENTERPRISE INSTITUTE WASHINGTON, D.C.

PAGE... 178

STATEMENT OF PROFESSOR RICHARD L. STROUP SENIOR ASSOCIATE
POLICY ECONOMY RESEARCH CENTER BOZEMAN, MONTANA

PAGE... 184

STATEMENT OF DR. DALE POLLET PROJECT LEADER, ENTOMOLOGY
LOUISIANA COOPERATIVE EXTENSION SERVICE BATON ROUGE,
LOUISIANA

PAGE... 191

* * * SPEAKER LISTING * * *

RPTSACE				1		
ACEFEDERAL				1		
ROHRBACHER			2,	8,	9,	12,
20,	23,	30,	31,	35,	36,	37,
44,	49,	50,	54,	58,	60,	61,
62,	63,	66,	67,	73,	81,	82,
83,	88,	89,	90,	91,	92,	95,
101,	102,	103,	104,	110,	111,	112,
113,	114,	115,	121,	123,	124,	125,
127,	128,	130,	131,	132,	133,	134,
135,	136,	137,	138,	139,	140,	141,
150,	153,	154,	159,	160,	161,	163,
165,	170,	176,	177,	183,	189,	190,
193,	194,	197,	200,	201,	202,	203,
204,	205,	206,	207,	208,	209,	210,
211,	213,	214,	215,	216,	217,	221,
222,	223,	225,	226,	227,	228	
BROWN			5,	9,	141,	143,
144,	145,	146,	147,	148,	150	
EHLERS			10,	62,	63,	83,
93,	94,	95,	216,	226,	227,	228
DOOLITTLE			14,	20,	21,	22,
23						
RIVERS			20,	21,	22,	23,
34,	35,	90,	105,	106,	107,	108,
109,	110,	111,	114,	115,	138,	140,
153,	154,	217,	218,	219,	220,	221,
222,	223,	224				
DELAY			24,	30,	31,	32,
34,	35,	36,	37			
ROEMER			31,	34,	35,	36
WATSON			39,	86,	99,	105,
112,	113,	119,	125,	128,	130,	132,
133,	140,	141,	142,	145,	148,	149,
154,	160,	161				
SINGER			45,	49,	88,	89,
90,	95,	96,	97,	106,	107,	108,

109,	110,	112,	120,	124,	128,	130,
131,	144,	157,	158,	159		
ALBRITTON			51,	54,	55,	92,
105,	111,	116,	117,	118,	122,	123,
126,	127,	132,	134,	135		
BALIUNAS			59,	61,	62,	63,
64,	65,	66,	67,	93,	96,	109,
110,	114,	115,	147,	148,	150,	153
OLVER			63,	64,	65,	95,
96,	98,	99,	100,	101,	102,	103,
104,	150,	154,	157,	158,	159,	160,
161						
SETLOW			69,	91,	93,	100,
101,	102,	103,	104,	105,	139	
KRIPKE			75,	84,	89,	90,
94,	106,	135,	136,	137,	138,	139
BOEHLERT			82,	84,	88,	104,
116,	117,	118,	119,	120		
NICHOLS			165,	200,	201,	204,
207,	208,	213,	214,	215,	224	
FAY			171,	177,	202,	203,
204,	205,	206,	209,	210,	211,	212,
213,	215,	216,	224,	225,	226,	227
LIEBERMAN			177,	178,	202,	208,
220,	221,	222,	223,	226		
STROUP			184,	189,	190,	205,
218,	219,	220				
POLLET			191,	193,	194,	214,
216						

1 RPTS ACE
2 ACE FEDERAL

3

4 HEARING ON SCIENTIFIC INTEGRITY AND PUBLIC TRUST:
5 THE SCIENCE BEHIND FEDERAL POLICIES AND MANDATES
6 CASE STUDY 1--STRATOSPHERIC OZONE: MYTHS AND REALITIES

7 Wednesday, September 20, 1995

8 U.S. House of Representatives,
9 Subcommittee on Basic Research, and
10 Subcommittee On Energy and Environment,
11 Committee on Science,
12 Washington, D.C.

13

14

15

16 The Subcommittee met at 9:37 a.m., in Room 2318 of the
17 Rayburn House Office Building, the Honorable Dana
18 Rohrabacher, Chairman of the Subcommittee on Energy and
19 Environment, presiding.

20 Mr. ROHRBACHER. The hearing of the Energy and
21 Environment Subcommittee will come to order.

22 And Mr. DeLay will be here momentarily. Mr. Doolittle is
23 here already and they will have testimony for us in the
24 beginning.

25 But first, I will begin with an opening statement.

26 I am Congressman Dana Rohrabacher, chairman of the
27 committee.

28 On February 3rd, 1992, then-Senator Al Gore told the
29 United States Senate that, and I quote, "If atmospheric
30 conditions continue as they are for a few weeks, there could
31 be an ozone hole above heavily-populated areas in the
32 northern hemisphere. There could well be an ozone hold above
33 Kennebunkport."

34 And I remember that time period very well because I
35 remember
36 the senator coming to one of the hearings that we had for
37 the science hearings with many cameras in tow and newsmen in
38 tow, in which he made the same prediction.

39 But on the Senate floor, he went on to predict that there
40 would be, and I remember, I believe he made the same
41 predictions here with us, that there would be 300,000
42 additional--that's additional--skin cancer deaths in the
43 United States. And he envisioned a future in which children
44 would have to hide from the sun when out to play.

45 We now know that the hole in the sky over Kennebunkport
46 was bunk.

47 I have a little headline here for you, which, a few months
48 after Senator Gore was before our committee, predicting the
49 hole, the newspaper headline reads: "'Ozone Hole Fails to
50 Materialize as Feared.'"

51 Well, we now know that the hole in the sky over
52 Kennebunkport was bunk. We can see it. We can analyze it.
53 And this hole episode--and there may be a pun intended. I
54 don't know--turned out to be another basically,
55 the-sky-is-falling cry from an environmental Chicken Little,
56 a cry we've heard before when the American people were
57 scared into the immediate removal of asbestos from their
58 schools, which turned out to be exactly the wrong method and
59 the wrong way of going about to tackle the problem, and when
60 the American people stopped eating apples, causing millions
61 and millions of dollars' worth of loss to apple farmers
62 because they were afraid of Alar.

63 This time, the scare-mongers managed to stampede the
64 Congress and the President of the United States. President
65 Bush sped up what had been a deliberate timetable to phase
66 out CFCs around the world.

67 But that wasn't good enough. The U.S. unilaterally
68 imposed an onerous excise tax on CFCs which has, as it
69 always does, led to a thriving black market, which is what

70 we see in the United States today.

71 In July of this year, a senior U.S. Customs agent called
72 bootleg CFCs, "almost as profitable as dope."

73 As this funny circus goes on, we have to ask
74 ourselves--does the science justify the actions that have
75 been taken and the billions that have been spent? Instead
76 of maintaining a deliberate pace, our country rushed
77 head-long to ban the substances people rely on to cool their
78 homes, their cars, and their refrigerators to keep fruits
79 and vegetables and other food fresh.

80 Was this justified by science?

81 Even if we accept the premise that these chemicals are
82 harmful to the stratospheric ozone layer, what is the actual
83 risk of, say, extending the phase-out period of CFCs in
84 vehicles, as compared to the impact on the American consumer
85 faced with replacing such expensive equipment?

86 Are we getting objective science from our regulatory
87 agencies, or are scientists with unconventional views being
88 shut out of the process?

89 These are some of the issues that will be aired at this,
90 the first of a series of hearings on scientific integrity
91 and the public process. Contrary to what you might have
92 heard, this hearing is not going to be about whether we are
93 for or against skin cancer. The American people deserve
94 better of their government than scare tactics that are

95 designed to intimidate and repress rational discussion.

96 During the course of these hearings, this Subcommittee
97 will air views that are politically correct and politically
98 incorrect. We will take a close look at the science behind
99 regulations which government officials and the media have
100 presented largely in emotional terms, and we will hear from
101 both sides equally--I want to repeat that--we will hear from
102 both sides equally, and I am hoping today to promote a
103 dialogue between the various points of view, rather than
104 just trying to have one view prevail over the other or
105 trying to schedule one view early on in the hearing and not
106 letting the other view be heard until the very end of the
107 hearing, which far too often in the past was modus operandi
108 for the congressional committees.

109 For today's hearing, we are pleased that some of the most
110 prominent scientific and economic experts on stratospheric
111 ozone have agreed to testify.

112 With this, I will now turn and ask my esteemed colleague,
113 who I have great respect for, who chaired the overall
114 Science Committee for a number of years, and now is with us,
115 gracing us with his presence and his expertise, former
116 Chairman Brown.

117 Would you like to have an opening statement?

118 Mr. BROWN. I appreciate the Chairman's courtesy in
119 allowing me the privilege of making an opening statement.

120 I'm really substituting here for the Ranking Minority
121 Member, Congressman Hayes, who couldn't be present, but
122 will, I hope, present a statement.

123 Let me first say that I, as you do, welcome these
124 hearings. What we badly need for all of science in this
125 country is a better public understanding of the basis on
126 which science is conducted and the basis on which regulatory
127 decisions are made based upon that science.

128 And I will compliment the Chairman for the way in which he
129 has phrased the question and on his fairness in terms of
130 setting up a hearing in which we do have good
131 representatives of both sides who are appearing and making
132 their case.

133 And I hope that we can publicize the results of this
134 hearing in such a way that it will contribute to the
135 understanding of the American people on how science policy
136 and science regulatory matters are conducted.

137 And they have been flawed in the past. I would be the
138 first to agree with that.

139 I note with some interest the Chairman's opening statement
140 about the Vice President and Senator Gore's statement and I
141 will admit that that was an effort to focus attention, in a
142 very highly visible way, on an issue which the Senator
143 turned out to be slightly exaggerating the consequences.

144 Now if he were the first politician that had ever done

145 that, I would feel that we might have a case here. But that
146 rather typically represents the way that politicians go
147 about getting interest focused on an issue which they are
148 concerned with.

149 The process today is how we really need to hold hearings
150 and to prepare the basis for legislation in a sounder and
151 longer-term way.

152 And I say this without intending to criticize the Vice
153 President. I watched with great admiration as he exploited
154 every opportunity to focus public attention on science
155 issues while he was a member of this Committee. He did it in
156 a good way and I think that Mr. Rohrabacher is doing a very
157 good job in trying to perhaps now bring about a
158 broader-based view on how some of these things are done.

159 So, Mr. Chairman, I welcome the hearing. This is a very
160 important issue. The global warming issue is one that we
161 will be involved in through both policy and appropriations
162 we're in to the level of billions of dollars per year in the
163 area of atmospheric science and it's only appropriate that
164 we act with great prudence with regard to that, with regard
165 to ozone, yes.

166 It's my personal feeling that the scientific case for
167 ozone depletion is by now extremely strong, if not
168 overwhelming. Of course, this will be explored by the
169 witnesses that we have before us.

170 If there ever was a way in which, an example of how good
171 science was developed, I think the ozone issue illustrates
172 that process.

173 I might say that our history of concern for ozone
174 depletion goes back at least a full generation when it was
175 one of the issues that came up in connection with our
176 discussion of whether to develop a fleet of supersonic
177 aircraft, probably 20-odd years ago. And it was thought at
178 that time that the aircraft would destroy the ozone layer
179 and cause the problems that we now blame on
180 chlorofluorocarbons.

181 That proved to be a slight exaggeration. We never put up
182 the fleet of supersonic transport. But it was not because of
183 their impact on the ozone layer. It was the impact on our
184 pocketbooks which we were worried about.

185 Mr. Chairman, I will ask unanimous consent that my full
186 statement be put into the record at this point.

187 Mr. ROHRBACHER. Without objection.

188 [The full statement along with related hearing materials
189 follow:]

190

191 *****INSERT*****

192 Mr. BROWN. Furthermore, I would like to include as a part
193 of my statement a letter we received from the American
194 Academy of Dermatology regarding the relationship between
195 ozone depletion and skin cancer.

196 The American Academy of Dermatology, of course, includes
197 those medical professionals who deal most with the issue of
198 skin cancer and their statement should have considerable
199 weight because of that.

200 Mr. ROHRABACHER. That will be included, without
201 objection.

202 Mr. BROWN. And two additional matters. I would like that
203 the statement of our colleague, Henry Waxman, who could not
204 be present, be included in the record.

205 He is currently involved in the Clean Air Act and could
206 not be here because of that.

207 Mr. ROHRABACHER. Without objection, it will be put in the
208 record.

209 Mr. BROWN. And furthermore, a statement by the science
210 advisor to the President on ozone depletion, Dr. Jack
211 Gibbons.

212 Mr. ROHRABACHER. That will be put in the record, without
213 objection, as well.

214 Mr. BROWN. And I thank the Chairman for his courtesy.

215 Mr. ROHRABACHER. Thank you very much. And I appreciate
216 the distinguished former chairman of the Science Committee

217 being with us today. He has a treasure house of experience
218 and we appreciate him sharing that with us today.

219 Now we have two members with us. If they would like to
220 give very short opening statement.

221 No? And Mr. Ehlers, would you like to give a short
222 opening statement?

223 Mr. EHLERS. Thank you, Mr. Chairman.

224 First, I also commend you for calling the hearing. I think
225 this is an issue that should be aired for a number of
226 reasons which will emerge during the hearing.

227 My comments that I will offer will be short and just from
228 my perspective as a scientist, and also in the context of
229 Congressman Brown's statement. I will be offering them as a
230 politician who doesn't exaggerate.

231 So we hope they can shed a little light on this.

232 I think the key point to remember is that most of the
233 issues we'll be discussing today are what Alvin Weinberg,
234 former director of Oak Ridge, called trans-scientific
235 issues. They are scientific in their origin, but they're in
236 a sense beyond science because we cannot do the experiments.
237 We cannot go up and create an ozone hole and see what the
238 impact is.

239 And so we can merely observe, model, predict. Then observe
240 again, model again, predict again.

241 This results in large uncertainties in the scientific

242 results.

243 And the difficulty is that, as a result of that, you will
244 find scientists on both sides of issues and to compound the
245 difficulty, advocates of one position or another will tend
246 to look only at the evidence offered by the scientists who
247 support their position and wave that triumphantly and say
248 that science proves that such and such a policy is right or
249 it proves it is wrong.

250 I think it is very important for us, those of us who are
251 laymen and those of us who are scientists, to be very
252 careful in this area. I think it's important to be
253 objective. It's important to be holistic and look at the
254 entire picture and not latch onto just one particular
255 contaminant and say the world is going to end if we don't
256 take care of that, without recognizing the issues that are
257 brought forward by that action.

258 As Garrett Harden once observed, you can never do just one
259 thing to the environment. You do one thing, it has
260 repercussions in many ways.

261 So be objective. Be holistic. Be patient. It takes time to
262 work out the science in some of these issues. It may take a
263 decade or two.

264 In the meantime, we have to be very careful in
265 interpreting and understanding the results.

266 And finally, be prudent. Act on the information you have,

267 | but don't go overboard and set up a major policy which it
268 | turns out is extremely difficult to change once the science
269 | is found to be more firm, more definite, and requires a
270 | change in policy.

271 | So my plea to everyone on all of these issues is to
272 | understand the limitations of science, not trumpet a
273 | particular result as ending the debate simply because it
274 | supports your position and, above all, be objective, be
275 | holistic, be patient and be prudent.

276 | Thank you, Mr. Chairman.

277 | Mr. ROHRBACHER. Mr. Ehlers, of course, is one of the few
278 | scientists that we have here in Congress. We have a large
279 | number of lawyers, but just a few scientists. His opinion is
280 | respected and thank you very much for those words of wisdom.

281 | Before we seat our first panel, we have two colleagues who
282 | have drafted legislation affecting the CFC ban here with us
283 | for remarks. One is Congressman Tom DeLay, who will be
284 | arriving momentarily. He is the distinguished Majority Whip.

285 |
286 | And my friend and colleague and fellow moderate from
287 | California, Congressman John Doolittle. Mr. DeLay will be
288 | here to speak with us about H.R. 475, which would repeal
289 | provisions of the Clean Air Act affecting the production of
290 | CFCs.

291 | Mr. Doolittle has drafted legislation which would return

292 the phase-out of CFCs to the original schedule. That was
293 before Senator Gore created the stampede.

294 And I would ask Mr. Doolittle to step forward now and if
295 he could be recognized for five minutes.

296 Mr. Doolittle?