



Alan I. Leshner
Chief Executive Officer and
Executive Publisher, *Science*

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The Honorable Debbie Stabenow
The Honorable Thad Cochran

The Honorable Frank Lucas
The Honorable Collin Peterson

Dear Chairwoman Stabenow, Chairman Lucas, Ranking Member Cochran, and Ranking Member Peterson:

As the House and Senate Agriculture Committee conferees work to finalize the Farm Bill, I am writing to express the concerns of the American Association for the Advancement of Science (AAAS) regarding Section 12307 in the House-passed version of the Federal Agriculture Reform and Risk Management Act of 2013 (H.R. 2642). That section addresses standards for using scientific information in setting policies, and requires that agencies have in place guidelines for “maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.” In our view, Section 12307 is counterproductive and should be struck.

First, the language in Section 12307 would extend its reach beyond the Department of Agriculture (USDA) and be applied to all "agency guidance" of every kind. It would conflict significantly with an existing OMB data quality requirement (www.whitehouse.gov/omb/fedreg_reproducible) that has been utilized by the federal government since 2002. This well-established guideline has been subject to public comment and has been carefully crafted in order that it not inhibit but, rather, facilitate the conduct of science, the development of federal policies, and the release of research data, while also respecting confidentiality, proprietary and national security interests.

Second, the House version of the Farm Bill requires that an agency give greatest weight to information that is based on data that are “experimental, empirical, quantifiable, and reproducible ... [and] developed in accordance with well-established scientific processes.” However, some scientific projects might not strictly meet all of these criteria. Some are not experimental but rather theoretical or statistical, and some experiments are so large-scale or long-term that they may not realistically be reproduced. In other cases, the science may take a rigorous qualitative approach with no comparable quantitative study. The point is that science offers policymakers a wide range of knowledge and processes through a variety of scientific approaches, and thus Congress should not legislatively prescribe which scientific approach would be the best.

AAAS believes that imposing such requirements on all science-based regulation has the potential to render even the most careful scientific regulation as “arbitrary and capricious” under the Administrative Procedures Act. Such artificially imposed standards would likely lead to even more challenges to legitimate agency rule-making and policy-making and would further hamstring agencies already under significant budgetary pressure.

Given the adverse impact this would have across the federal government that extends well beyond the USDA, we respectfully recommend that this Section be removed from the final bill.

Sincerely,

Alan I. Leshner