

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Oversight and Investigations Ranking Member Brett Guthrie

EPA's Enforcement Program: Taking the Environmental Cop Off the Beat

February 26, 2019

Thank you, Chair DeGette, for holding this important hearing today.

Congress has enacted several important laws to protect the environment and human health and the U.S. Environmental Protection Agency (EPA) is responsible for working with its state, tribal, and federal partners to help to put these laws into effect. The EPA must develop and enforce environmental regulations for laws such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act, to name just a few. I am encouraged by the EPA's commitment to assuring compliance with these important environmental laws and I want to thank the thousands of federal and state workers that have spent countless hours helping to achieve these goals.

Every few years, there seems to be a major enforcement action resulting in a substantial amount of penalties and fines. For example, the 2013 enforcement numbers included a settlement with BP following the devastating 2010 Gulf of Mexico oil spill. Similarly, the 2017 enforcement numbers included the record Volkswagen Clean Air Act Civil Settlement. And this year – fiscal year 2019 – the numbers will include the Fiat Chrysler settlement finalized just last month. In fact, the dollar amount for civil, judicial, and administrative penalties in fiscal year 2019 is on track to be one of the largest ever.

These enforcement actions are extremely important to help protect the environment and ensure compliance with federal laws and regulations—and are the type of enforcement actions that the federal government is best suited to pursue rather than the states—but the large fine amounts in certain years does not mean the agency and its partners are any less diligent about protecting the environment in other years where these large settlements do not occur.

Therefore, while monitoring enforcement actions is an important tool to promote compliance with environmental laws and regulations, it is important that we don't lose sight of the most important goals—which are protecting the environment and protecting human health. This Administration has emphasized the need to focus on compliance and ensure that a broad range of compliance assurance tools are available for use by the Agency. We have a lot of questions today about what EPA is doing to promote compliance and how programs such as the self-disclosure violations policies can help achieve compliance.

I also am looking forward to hearing more about how the EPA is working with the states to promote state primacy in authorized programs. As we all know, the EPA works in collaboration with states and tribal organizations to conduct inspections and enforcement. In September 2017, the EPA formed a work group with the Environmental Council of the States to

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develop principles and best practices for State and EPA collaboration on a number of issues, such as inspections and enforcement. The working group issued their final report in August 2018. I've heard that these initiatives are working, and that states are beginning to feel like they have a seat at the table.

The EPA also works with other federal agencies when enforcing some of the environmental laws, and that's one of the reasons I'm glad we have the Honorable Ron Tenpas on the second panel. Mr. Tenpas previously served as an Assistant Attorney General for the Environment and Natural Resources Division of the U.S. Department of Justice, and it will be helpful to hear how the Environment and Natural Resources Division at DOJ works with EPA to ensure robust enforcement of our nation's environmental laws.

I think we can all agree that the desired outcome of any compliance program is to prevent pollution and protect our environment for ourselves, our children, and our grandchildren. I'm looking forward to hearing more about how the EPA is working to accomplish these goals. Considering the ebbs and flows of enforcement fines and penalties within an administration, let alone between administrations, I hope we don't get ahead of ourselves today and imply that one year of slightly lower enforcement accomplishments signals that the EPA is not doing its job of ensuring compliance with our nation's environmental laws.