

**Committee on Energy and Commerce
Subcommittee on Oversight and Investigations**

**Hearing on
“Critical Mission: Former Administrators Address the Direction of the EPA”**

June 11, 2019

The Honorable William K. Reilly

The Honorable Michael C. Burgess, M.D.

1. In recent years, the Environmental Protection Agency (EPA) has garnered significant mistrust in public opinion. For instance, when EPA officials state that companies and communities must be “crucified” to make an example of them or when the EPA avoids accountability for their own mistakes, such as when the agency released 3 million gallons of waste from the Gold King Mine into the Animas River watershed. These are just two examples of how the EPA has eroded the trust of the American public, especially those in rural communities.
 - a. As EPA Administrator, how did you work to garner public trust in your institution?
 - b. Why should the public trust the EPA when no one is held accountable?
 - c. How should the EPA work to rebuild trust amongst all communities in the United States?

REPLY FROM WILLIAM REILLY

a. I was fortunate to know my predecessors, especially Russell Train and William Ruckelshaus, and to consult them before taking office. Each put a premium on communicating to the public, to Congress, to sectors and interests with business before EPA, to press, and others. I sought to replicate their model.

One of my first actions was to sign and release the so-called transparency memo Ruckelshaus authored when he returned to EPA in 1983. It called for conducting the agency’s affairs transparently and setting a high standard for all that we did. My schedule of meetings was available daily.

I also was quite clear in meeting with staff and others that I fully respected and understood the close relationship between our country’s economic health and the health of the public and the environment. I was pleased to note that most of the senior career staff I worked closely with also understood this relationship.

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I did my best to encourage creative initiatives that would advance environmental progress. We started voluntary programs such as Green Lights, which evolved into Energy Star, 33/50 urging facilities with toxic emissions to reduce those emissions tracked by the Toxic Release Inventory, Design for the Environment to encourage substitution of less harmful chemicals for more troubling ones. I also challenged our media and regional offices to develop place-based initiatives, modeled to some extent after the National Estuary Program, recognizing that people treasure local resources and if EPA could contribute to their improvement, their productivity, and the like, the agency would be a welcome partner.

Some early events – for example, Alar on apples, the controversial Two Forks dam in Colorado, the Exxon Valdez oil spill, drafting the new clean air law President H.W. Bush had promised in the campaign – demanded a public presence and I took that role on. I also traveled the country, visiting all EPA's regional offices and other communities, making a point of meeting with local media, state and local officials as available, and speaking at events.

We also tried something called regulatory negotiation, which brought all parties together to work out a reasonable approach to the issue at hand. It worked well regarding reformulating gasoline as called for in the 1990 Clean Air Act but encountered difficulties as an approach over time.

During my time at EPA, we also fashioned a program of Total Quality Management that encouraged our regulators to treat regulated parties as clients, as cooperators in improving the environment. Respect for those most affected and inconvenienced by EPA rules and regulations is critical to winning the country's trust in EPA."

Within the Agency, my office regularly monitored pending developments including regulations, decisions, and other initiatives, and we required communications plans for all major announcements, the last one a press conference with HHS Secretary Louis Sullivan that declared second hand tobacco smoke a known human carcinogen, which one senior staff member after my tenure at EPA, commented was the single most important decision I made affecting public health.

I continue to believe that the combination of substantive decisions and initiatives in pursuit of continuing environmental progress with serious attention to how we communicated those decisions was the foundation for building public trust.

b. I can't speak to decisions or accountability of those leading EPA after my tenure. The American public deserves to have government officials who step up and accept responsibility for decisions they make, for oversights, errors of commission or omission.

With respect to the comment about being "crucified," this was an ill-considered and wholly inappropriate comment by the EPA Regional Administrator in Texas, I believe, characterizing his mode of getting polluting companies to take EPA seriously. As I understand, the official was promptly terminated and that speaks to accountability.

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Enforcement of laws and rules is an essential part of the Agency's responsibilities to ensure regulated sectors comply with the rules, that there is a level playing field, that those who do adhere to the rules are not harmed by less scrupulous competitors. Aside from blatant and willful violations, the regulated communities deserve to be treated with a measure of respect if they reform their ways.

As to the Gold King Mine fiasco, I am mindful that even the best laid plans can go awry. In complete information, unanticipated events or consequences, errors in judgment, insufficient resources to tackle the panoply of problems and challenges, and the like can undermine even the best intentions by honorable individuals.

I do not have the details of what happened at the mine. If I were in charge, I would have immediately sought a detailed explanation of what happened, what went wrong and why, what was learned from the experience that should guide future activities.

There are tens of thousands of abandoned mines in the country and the resources rather meager for cleaning them up or securing them against leakages. Problems like the Gold King Mine are bound to occur again, notwithstanding the best efforts of EPA, states and localities, the private sector. There are few if any spheres in life totally within our control.

Ultimately, the EPA Administrator serves at the pleasure of the President, who can make a change at EPA if the Administrator is not meeting standards.

c. In my view, regular communications between EPA and affected communities and interests is essential. The Administrator and top staff need to be out and about, meeting representatives from those sectors, listening, explaining, engaging them in the enterprise.

As a country, we have made substantial progress in cleaning up what were egregious pollution problems. Many sectors, businesses, states and localities and tribes, NGOs, many others contributed significantly to this record of achievement. We need to recognize the progress and the reasons for it even as we prepare to tackle challenges like climate change and resiliency, toxic algae blooms, water scarcity, and other problems that will require approaches different from the approaches and methods we have relied on.

To be open and straightforward about these new challenges is essential to building trust among the American public.