

**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 Lee M. Thomas

The Honorable Michael C. Burgess, M.D.

1. Under this administration, the Environmental Protection Agency (EPA) has changed its top-down, business as usual approach to one that includes all stakeholders and seeks compliance of environmental law rather than heavy handed regulation and punitive action.

a. What is the most cost-effective approach to obtaining compliance with EPA’s laws and regulations for taxpayers and consumers?

Answer : Cost effective compliance begins with well structured regulations based on sound risk/benefit analysis. It should also include input from the regulated community as well as the public. I found some regulations could be developed through a negotiated approach with key stakeholders participating. The draft regulation then went through a comment process before finalization. To insure compliance with a final regulation a communication plan should be developed by EPA working with states and trade associations to insure the regulated community understands the regulations and the consequences of non compliance.

b. Is compliance with the law only possible if punitive action is taken against states and private industries?

Answer: As noted in my answer above, I believe compliance is primarily a result of education. This is accomplished during and after a regulation is being developed and implemented .If regulations are well structured ,consistent with the laws that govern them and the states and the regulated community are educated, compliance should be a consequence. Punitive action should be the exception and Congress clearly expects EPA to use the authority it has incorporated in the environmental laws when non-compliance occurs.

c. Who pays the cost of the mistakes of the EPA?

Answer: If EPA issues regulations that are insufficient to control pollutants, the cost is borne by the public. This may be consumers or employees or the public generally. If EPA issues regulations that are more stringent than required by the law the costs would be borne by individuals or industry or taxpayers. In either case regulations issued by EPA are typically challenged in court if they are viewed as inconsistent with the law and Congressional intent.