

TESTIMONY

**THE SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS
COMMITTEE ON ENERGY AND COMMERCE
of the
US HOUSE of REPRESENTATIVES
on the
MISSION and FUTURE of THE US EPA**

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Chair DeGette , Ranking member Guthrie and members of the Committee. Thank you for the opportunity to appear today to discuss EPA and the role the Committee plays in it's oversight.

As you know , I was Assistant Administrator of the Agency from 1983 to 1985 and Administrator from 1985 to 1989 serving under President Reagan. I left government at that time after 20 years and have spent the last 30 years in business serving as President, CEO or Director of a number of companies both natural resource and industrial manufacturing. I have seen environmental regulations from the perspective of the regulator and the regulated. In both cases , I have seen the need for a strong credible EPA providing leadership at a national and global level to protect human health and our environment. The public demands and deserves that protection and industry needs that credible, consistent regulation.

I recognize that this committee has been asked to explore the various regulatory issues that have become controversial during this Administration. Rather than discuss those specific regulatory matters, today I would like to address my remarks to broader yet critical environmental issues facing this country and the tools the Agency needs to appropriately and adequately address them. I believe these matters offer important opportunity for oversight.

EPA has been given a critically important mission i.e. protecting human health and the environment. It's authority is broad and deep resulting in a natural tension between the regulator and the regulated , the individual's

rights vs. the communities' rights, regulatory costs vs. environmental and human health benefits. Establishing the proper balance isn't easy and yet that is what the agency should strive to achieve within the requirements of the laws that guide it. Does it have the capacity to make sound decisions? Are the laws strong enough and clear enough for proper decisions to be made? Has the Agency given the public the opportunity for input and explained the basis for its decisions? These are the questions oversight should address. The integrity of the Agency and the credibility of its decisions are critical to its ability to implement them.

It is critically important that the Agency have the capacity to insure that credibility in its decisions. Is there a sound scientific basis for the decision? Has a rigorous economic analysis of the costs and benefits been completed? Was there an open and transparent review process for the public input? To answer these questions positively requires strong internal science and economic capacity and active review and input from a broad external science and economic community. It requires close intergovernmental coordination and ongoing communication with the public. It also requires coordination with other countries to confront global problems. We would never have completed the Montreal Protocol to protect the stratospheric ozone layer in 1987 if we had not worked for years on environmental issues with other countries and multinational agencies.

As oversight goes beyond Agency capacity and looks at the laws that authorize its actions there is the opportunity to identify areas for improvement. We have made

important progress controlling air and water pollution ,providing safe drinking water, managing hazardous waste and chemical and pesticide products under the laws enacted by Congress over the last 50 years. Whether it is addressing gaps in these laws or resolving ambiguity it is important that a bipartisan approach is taken. During my tenure Congress did this with reauthorization of the Resource Conservation and Recovery Act , the Superfund law, the Clean Water Act and the Safe Drinking Water Act. In each case ,there was coordination with the Administration and important new provisions were added. Also ,during that period ,the Senate unanimously approved the international Montreal Protocol to phase out ozone depleting chemicals. These bipartisan Congressional actions endorsed by President Reagan gave the Agency a strong mandate for it's actions.

As I look at the Agency today I see the progress that has been made on environmental protection, yet there are important issues which must be addressed .Wetlands protection, non point source water pollution, air toxics control and global warming are some examples. I see a need for a stronger capacity and a clearer mandate, both areas which oversight should explore. Does the Agency have adequate resources with the strong scientific capability it needs? Is it seeking input from key scientific advisory committees? Is it coordinating actively with the broad scientific community on research surrounding environmental issues. I don't think they do. Is the Agency working actively with the states to insure compliance with environmental regulations through education and

enforcement? Is the Agency coordinating closely internationally to address global environmental issues? I don't think they are. Can Congress give the Agency clearer direction on how it should deal with the complexity of global warming? I believe you should.

In summary, I believe there is a need for rigorous oversight by the committee of the Agency's capacity for sound decisions, their efforts at insuring compliance with regulations and the processes they use for interacting and seeking public input. Additionally gaps, ambiguity or weaknesses in our laws should be identified by the committee and solutions proposed. That happened during my tenure and should happen today.

Thank you again for the opportunity to present my views to the committee. I'll be glad to answer your questions.