

Written Testimony

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Thank you Chairman Pallone, Chair DeGette and distinguished members of the Subcommittee for providing me with the opportunity to participate in today's hearing on restoring the vital mission of the Environmental Protection Agency. I am honored to appear with the other, very distinguished, members of this panel.

I completed a 38-year civil service career at the EPA when I retired in 2017, and had the privilege of serving in seven administrations, under both parties. Over the years, I held positions in the Office of the Administrator, the Office of Policy, and the Office of Environmental Information. The majority of my time at the Agency, however, was spent in the chemical safety area, at both the beginning and the end of my career. I was the Director of the Office of Pollution Prevention and Toxics, which implements the Toxic Substances Control Act and other programs, from 2009 to 2016. I became the Principal Deputy Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, which includes both the chemicals and the pesticides programs, in 2016. I was Acting Assistant Administrator beginning in January 2017 until I retired September 2nd. I am here today to provide the perspective of a career employee and senior program manager at the EPA who has spent many years involved in efforts to make policy and regulatory decisions, based on the law and the science.

The EPA has an incredibly important mission to protect public health and the environment. Accomplishing the mission is difficult and complex and becomes more so with every passing year. There are many laws which provide the Agency with its authorities, and those laws often impose specific requirements and deadlines for regulations, reports and other actions. There are varying statutory standards for making regulatory decisions and for setting priorities under certain statutes. Policy and regulatory decisions must be based on scientific, technical and economic information which has been developed according to widely accepted scientific practices and guidelines. Interested parties outside government must be engaged to provide information of a technical nature and, very importantly, to represent American society's varied interests in how best to protect health and the environment. The risks to be addressed, the legal framework for regulation and enforcement, the science and technology, and the public's interests evolve, requiring the Agency to frequently update the basis for analysis and decisions. In addition to making the work itself complex, these factors make setting priorities across the range of EPA's work challenging.

Essential to human health and environmental protection is the need for the EPA's work to be moved forward apace. While risks are being analyzed and actions developed, potential threats remain unaddressed. There is a challenging balance to be maintained between the desire for thoroughness and the need to provide public protection. Important actions which have been stopped or delayed will need to be restarted or accelerated.

The EPA's greatest strength is its career staff. It is my belief that Agency staff have, and must have, unparalleled expertise in the science, legal and regulatory frameworks necessary to achieving continued progress in protecting human health and the environment. And they have, collectively, the experience of working for different administrations and appointed leaders and of providing information and advice to inform the policy decisions which fall to those appointed leaders.

I am concerned that this key strength of the EPA, its career work force, has been eroded. When the legal and scientific views of career staff are dismissed or if career staff is cut out of policy and technical discussions at the political level altogether, a great resource is lost and the Agency's credibility suffers as a result. Their lack of participation also raises concerns about political interference and the undue influence of special interests.

Staff members are rightly proud of their role in the EPA's mission and of their role in helping to inform, develop and implement policy. Morale, productivity and recruitment suffer when they are not able to fulfill their role and are working under the cloud of lost credibility. William Ruckelshaus realized this when he returned to the EPA as Administrator in 1983, after a period of leadership which was dismissive of career staff and which resulted in scandal. One of his first actions was an informal meeting with career staff to thank them for their work and to promise that their role and the Agency's integrity would be restored. For many of us, Mr. Ruckelshaus' actions cemented our commitment to the Agency's mission and leadership. EPA's leadership can demonstrate their commitment to those principles by engaging in meaningful and honest discussion with career staff, and by making transparent their decisions and the basis for them.

In addition, a concerted effort at hiring is needed to replace staff members who have been lost in recent years to retirement and other departures. The increasing urgency, scope and complexity of the work also indicate the need to increase the staff of the EPA. And, to do their jobs as they should, staff must have the appropriate infrastructure to support them: data and the technology to analyze and present data; technology to improve communication with the public and interested parties; access to expert consultant and contractor support; and training and development opportunities to maintain and increase their skills and knowledge. This rebuilding and enhancement will help to ensure the Agency's capacity to do its job well and to swiftly move out on addressing urgent threats to public health and the environment.

Sound, credible and transparent science is vital to the Agency's credibility and effectiveness. Important areas to examine include the following.

Scientific peer review is a cornerstone of credibility for EPA science and, for that matter, scientific work in general. There are many dedicated professionals across the country, in all aspects of society, who study and contribute to the science underpinning the EPA's work. Those most qualified and knowledgeable in the scientific issues of interest should be recruited to participate in transparent and balanced peer review panels, and should comply with all ethics requirements. Political interference to omit or include certain peer review participants shreds the credibility of the process.

Also crucial is the role of science in Agency decisions. It is the job of Agency leadership to apply appropriate non-scientific information, policy, and judgment, as well as science, to make decisions. That said, the dismissal of pertinent and vetted scientific

information in decision-making, or the substitution or removal of certain studies or analyses, in order to support a particular policy outcome, is inappropriate and shreds the credibility of those policy decisions. On the other hand, when policies for the use of data are developed with the participation of scientists and the public, and are applied transparently by decision-makers, credibility is enhanced. EPA leadership can further emphasize commitment to this principal via meaningful engagement with EPA staff and peer reviewers and by making the basis for their decisions clear to all.

Adequate resources and infrastructure are necessary to EPA's development and use of sound scientific and technical information. Resources are also required to support robust peer review and public engagement processes.

On a personal note, my last job at the EPA was to help steer my program and the Agency through another change of administration, and to help the new Administration hit the ground running as was the goal of every transition. I had planned to retire after a new AA for Chemical Safety and Pollution Prevention had been confirmed. I quickly learned, however, that my advice was not wanted, and that special interests were the primary source of information for the new administration. Political appointees made changes in decisions and documents that were legally or scientifically questionable. In some cases I did not know the final content of documents until after they had been signed by the Administrator. And an effort began to stop programs and drastically reduce resources. I, and Agency colleagues in similar positions, was made to sit through a presentation by the President of the United States during which he belittled the work of the Agency. I was angry and saddened, and felt that I could not continue to be a part of what was going on

and I retired. Many of my colleagues made the same decision. Although I am no longer at the Agency, I have to believe that the atmosphere has been corrosive. It is my sincere hope that the Agency and its mission can be rebuilt and revived.

Restoring the EPA's mission and ability to protect health and the environment is a crucial and complex undertaking. I commend the Subcommittee for its interest, thank you again for the opportunity to participate today, and hope I have been able to contribute in a small way to your efforts. And I wish the very best for those now working at the EPA, both career and political staff, as they continue a great tradition of service to the American people.