

**TESTIMONY OF  
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**BEFORE THE**

**SUBCOMMITTEE ON THE INTERIOR, ENERGY AND ENVIRONMENT AND  
SUBCOMMITTEE ON INTERGOVERNMENTAL AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM**

*Regulatory Reform Task Forces Check-In: Part III*

**November 29, 2017**

Good morning Chairman Farenthold, Chairman Palmer, Ranking Member Plaskett, Ranking Member Demings, and members of the Subcommittees. Thank you for holding this important hearing on agency implementation of the President's executive orders on regulatory reform. My name is Brittany Bolen, and I serve as Deputy Associate Administrator for the Office of Policy at the U.S. Environmental Protection Agency. In addition, I serve as a member of EPA's Regulatory Reform Task Force. I am grateful for the opportunity to testify on the work of the Task Force under the leadership of Administrator Scott Pruitt to fulfill the Agency's core mission of protecting human health and the environment while implementing these executive orders.

EPA's regulatory reform efforts over the last year have been driven by two executive orders – E.O. 13771 and E.O. 13777. First, in January, the President issued E.O. 13771 on Reducing Regulation and Controlling Regulatory Costs, also known as the “2 for 1” executive order, which instituted a policy for agencies to identify two regulations for repeal for each new regulation. For fiscal year 2017, the executive order directed that the total incremental costs of

all new regulations be no greater than zero, unless otherwise required by law or consistent with advice provided by the Office of Management and Budget. For fiscal year 2018 and on, agencies were directed to establish a regulatory budget in coordination with OMB.

In February, the President issued E.O. 13777 on Enforcing the Regulatory Reform Agenda, which established a federal policy for agencies to reduce unnecessary regulatory burdens on the American people. Among other requirements, the executive order directed agencies to form a Regulatory Reform Task Force to implement E.O. 13771 and make recommendations on regulations that may be appropriate for repeal, replacement or modification. The executive order further provided the Task Force a targeted set of criteria on which to focus their evaluation and recommendations of existing regulations, including those that may be (1) outdated, unnecessary, or ineffective, (2) eliminate jobs, or inhibit job creation, (3) impose costs that exceed benefits, (4) are inconsistent with regulatory reform initiatives or policies, or (5) are inconsistent with the Information Quality Guidelines or other Presidential directives. In order to help identify such regulations, the executive order directed the Task Force to seek input from entities significantly impacted by the agency's regulations. In implementing these executive orders, the EPA's regulatory reform work has emphasized transparency, public participation, and progress.

## **TRANSPARENCY**

EPA has initiated a transparent process for its regulatory reform work. As a first step towards implementing these executive orders, in March, Administrator Pruitt issued an agency-wide memorandum announcing the establishment of the Regulatory Reform Task Force and its membership. This memorandum further provided an open account of the specific directions to the Task Force and EPA program offices to solicit public input on our existing regulations and

make recommendations for those that may be appropriate for review per E.O. 13777. In April, Administrator Pruitt issued an agency-wide memorandum announcing the Task Force would also lead the Agency's implementation of the President's E.O. 13783 on Promoting Energy Independence and Economic Growth, which established a national policy to promote the responsible development of our energy resources while reducing unnecessary regulatory burdens and directs agencies to undertake several actions to further this goal.

In an effort to provide the public details of its regulatory reform work, in April, EPA launched a new regulatory reform webpage with information on the Task Force, the executive orders, and opportunities for input into the Agency's regulatory reform efforts. This webpage can be accessed at: <https://www.epa.gov/laws-regulations/regulatory-reform>. The Agency has already updated this webpage with additional information. Our next planned update to this webpage will follow publication of the Fall 2017 Semiannual Unified Regulatory Agenda by OMB and include information on our deregulatory actions.

## **PUBLIC PARTICIPATION**

EPA has provided an enhanced level of public participation in its regulatory reform work. Pursuant to the Administrator's March memorandum on E.O. 13777, beginning in April, EPA offices invited more than 200,000 stakeholders to participate in nearly a dozen public meetings and teleconferences to solicit ideas for regulations that may be appropriate for reform. Subsequently, in order to provide an open and fair opportunity for all members of the public to provide input on existing regulations, EPA also issued a Federal Register notice opening a formal docket with a 30-day comment period. This docket can be accessed at: <https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190>.

In total, EPA received more than 460,000 public comments. While many of these comments were form letters, over 63,000 were unique comments, which is an EPA record. These comments range from a few pages dedicated to a specific rule to dozens of pages of analysis and information related to numerous rules. This exercise has greatly assisted the Agency in identifying the universe of potential rules for review as required by the executive orders. Given the volume, EPA is continuing to carefully analyze the comments. In addition, EPA is reviewing the public feedback received in other dockets, including the 170 comments the U.S. Department of Commerce received in response to its request for information per the Presidential memorandum on Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing. Any specific regulations that the EPA may review and consider revising will, indeed, provide further opportunity for public comment in accordance with the Administrative Procedure Act.

## **PROGRESS**

Underpinning these efforts is a commitment to achieving meaningful progress in protecting human health and the environment while meeting the executive order deliverables to reduce unnecessary regulatory burden. For instance, in accordance with E.O. 13771, for fiscal year 2017, EPA rules imposed no new net costs. EPA expects to impose no additional net costs in fiscal year 2018 as well. Details regarding EPA's fiscal year 2018 regulatory plans will be included in the upcoming Fall 2017 Semiannual Unified Regulatory Agenda. As EPA moves forward with its regulatory reform efforts, the Agency looks forward to continuing to update the public and Congress on our progress.

EPA's regulatory reform efforts complement Administrator Pruitt's Back-to-Basics agenda. As Administrator Pruitt has said, regulations ought to make things regular. The Back-

to-Basics agenda ensures the Agency is actually providing that regularity through a commitment to three principles: rule of law, process, and cooperative federalism. First, EPA must operate within the legal parameters established by Congress. Second, EPA must have a process in place that is fair, transparent, and predictable that leads to regulations that are scientifically and economically sound, and that advance environmental improvements without unnecessarily hampering growth and jobs, as consistent with law. Finally, consistent with the principle of cooperative federalism embedded in environmental statutes, EPA must actively engage with our co-regulatory partners in state, local and tribal governments to achieve the most meaningful environmental results. Indeed, the Agency's regulatory reform work over the last year demonstrates the success of the Administrator's Back-to-Basics agenda.

Thank you again for this opportunity to testify on the work of EPA's Regulatory Reform Task Force. I appreciated the time I spent with bipartisan committee staff last month discussing our regulatory reform efforts. I look forward to answering your questions.

## **BIOGRAPHY OF BRITTANY BOLEN**

Brittany Bolen serves as Deputy Associate Administrator for the Office of Policy at the U.S. Environmental Protection Agency. The Office of Policy is the primary policy arm of EPA, providing multi-disciplinary analytic skills, management support, and special expertise in the areas of regulatory policy and management, environmental economics, strategic environmental management, and sustainable communities. Ms. Bolen was also selected by Administrator Pruitt to serve on EPA's Regulatory Reform Task Force. Before joining EPA, Ms. Bolen served in several Congressional committee offices working on environmental and regulatory policy. Ms. Bolen holds a J.D. from the George Mason University School of Law and a B.A. from the University of Florida.