

**Testimony of
Administrator Scott Pruitt
before
House Energy & Commerce Committee
Subcommittee on Environment
December 7, 2017**

Good morning Chairman Shimkus, Ranking Member Tonko and members of the subcommittee. I appreciate the invitation to join you today to discuss the U.S. Environmental Protection Agency's (EPA) "Back to Basics" agenda.

The Back to Basics agenda has three goals:

- Refocus the Agency back to its core mission.
- Restore power to the states through cooperative federalism.
- Lead the Agency through improved processes and adhere to the rule of law.

Core Missions

Pollution comes in many forms with myriad impacts on human health and the environment. With the goal of clean and safe air, water, and land for all Americans, Congress enacted a range of environmental statutes that spell out EPA's core responsibilities. Our nation has come a long way since the EPA was established in 1970. We have made great progress in making rivers and lakes safer for swimming and boating, reducing the smog that clouded city skies, cleaning up lands that were once used as hidden chemical dumps, and providing Americans greater access to information on the safety of chemicals used throughout our nation. Today we can see this enormous progress—yet we still have important work to do.

The EPA has established priorities for advancing progress over the next four years in each of its core mission areas—land, air, water—as well as chemicals. The Agency will focus on speeding the cleanup of Superfund sites. We will work with states to more rapidly review submissions of state implementation plans for attaining air quality standards, reducing contaminants that can cause or exacerbate health issues. We will work to make water cleaner and safer by helping to update aging infrastructure, both for drinking water and wastewater systems. Of significant importance, EPA's top priority for ensuring the safety of chemicals in the marketplace is the implementation of the new Frank R. Lautenberg Chemical Safety for the 21st Century Act, which modernizes the Toxic Substances and Control Act (TSCA) by creating new standards and processes for evaluating the safety of chemicals in the marketplace within specific deadlines. These endeavors will be supported by strong compliance assurance and enforcement efforts in collaboration with our state and tribal partners, and use of the best available science and research to address current and future environmental hazards, develop new approaches, and improve the foundation for decision making.

To address existing pollution and mitigate future environmental problems, the Agency will collaborate more efficiently and effectively with other federal agencies, states, sovereign tribal nations, local governments, communities, and other partners and stakeholders. EPA will enhance its direct implementation of federal environmental laws on Native American lands where tribes have not taken on program responsibility. With our partners, we will pay particular attention to vulnerable populations. Children and the elderly, for example, may be at significantly greater risk from elevated exposure or increased susceptibility to the harmful effects of environmental contaminants. Much work remains, and together with our partners, we will continue making progress in protecting human health and the environment.

Cooperative Federalism

The idea that environmental protection is a shared responsibility among the states, tribes, and federal government is embedded in the environmental laws Congress enacted. More than 45 years after the creation of the EPA and the enactment of a number of broad federal environmental protection laws, most states, and to a lesser extent territories and tribes, are authorized to implement delegated federal environmental programs within their jurisdictions. Recognizing the congressionally intended responsibilities of our state, local and tribal partners, we must adapt and modernize our practices to reduce duplication of effort with authorized states and tailor oversight of delegated programs.

We must create a sense of shared accountability to achieve positive environmental results. EPA understands that improvements to protecting human health and the environment cannot be achieved by any actor operating alone, but only when the states and EPA, in conjunction with affected communities, work together in a spirit of trust, collaboration, and partnership.

Additionally, EPA recognizes the advances states and tribes have made in implementing environmental laws and programs. This Administration will undertake a series of initiatives to rethink and assess where we are and where we want to be with respect to joint governance. These initiatives will clarify the Agency's statutory roles and responsibilities and tailor state oversight to maximize our return on investment and reduce burden on states, while assuring continued progress in meeting environmental program requirements, as established by Congress.

We also recognize that meeting the needs of states, local governments, and communities, and achieving environmental improvements cannot be done in isolation from economic growth. Opportunities for prosperous economic growth and clean air, water, and land are lost without effective infrastructure investments that align with community needs, especially infrastructure investments that repair existing systems, support revitalization of existing communities, take advantage of existing roads, and lead to the cleanup and redevelopment of previously-used sites and buildings. EPA will play a role in supporting infrastructure investment by optimizing and aligning its relevant programs to catalyze other resources.

EPA needs to be a better partner to the states, which all have unique challenges and needs when it comes to meeting environmental goals. An important aspect of becoming a better partner is recognizing that a one-size-fits-all strategy to achieve environmental outcomes has not, and will not, work. For example, as the Agency continues the process of defining "Waters of the United States", I have traveled to over 27 states in order to get different perspectives, to hear from people about how this rule affects different parts of the country. During this process, I am thankful to have had the blessing of learning about the unique challenges faced by each region, and the one-size-fits-all mentality of the previous administration. This type of top-down regulation does not foster a cooperative relationship with the states that Congress intended in the Clean Water Act.

The Agency can also work to be a better partner through compliance assistance and compliance assurance. We will use a full set of compliance tools, such as compliance monitoring, electronic reporting, traditional enforcement, grants to states and tribes, and tribal capacity building, to work jointly with our co-regulators to protect human health and the environment. EPA will also respect the important role that state governors play in cooperative federalism and will seek their views and perspectives on compliance assistance and other opportunities to improve the EPA-state partnership. In addition, the Agency will work to strengthen intergovernmental consultation methods to engage stakeholders and hear diverse views on the impacts of prospective regulations.

Improved Processes and the Rule of Law

EPA will seek to improve its processes and reinvigorate the rule of law as it administers environmental regulations as Congress intended, and to refocus the Agency on its core statutory obligations. I am a firm believer that Federal agencies exist to administer laws passed by Congress, as intended. Along with faithfully following the Rule of Law, improving the processes by which EPA has operated will be crucial as we refocus the Agency.

Over the years, outside the regulatory process, well-funded special interest groups have attempted to use lawsuits to force federal agencies – especially EPA – to issue regulations that advance their priorities. At some point, this exercise of “Sue-and-Settle” and the practice of acquiescence through consent decrees or settlement agreements, which were often crafted behind closed doors and without the transparency of the rulemaking process, became all too common. This will not continue at EPA, which is why on October 16th of this year, I signed a memorandum ending the practice.

Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney’s fees to these groups with which we swiftly settle. Finally, my directive creates a more transparent process in which impacted parties and states have a voice and creates more awareness for the general public.

As I mentioned before, and have championed since my time as an attorney general, I am a firm believer that federal agencies exist to administer laws passed by Congress, in accordance with the will of this body. Compliance with the law is not just about enforcement—it is about ensuring consistency and certainty for the regulated community, so it has a complete understanding of the impact of proposed actions on human health, the environment, and the economy, and a clear path and timeline to achieve that compliance. Policies and rules will reflect common sense, consistent with EPA’s statutory authorities, and the public will benefit from greater regulatory and economic certainty. EPA will enforce the rule of law in a timely manner and take action against those that violate environmental laws to the detriment of human health or the environment.

An important aspect of how EPA must now look at the rule of law is with respect to its own authorities under the law. We are reversing an attitude and approach under the previous administration that one can simply reimagine authority under statutes. For far too long, the EPA pursued initiatives which exceeded the authority granted to it by Congress, or circumvented the will of Congress completely. As an Agency, we must ensure that we are acting within the parameters which Congress has laid out for us. For too long, EPA has failed to provide the regulatory consistency and certainty the regulated community needs.

Any action by the EPA that exceeds the authority granted to us by Congress cannot be consistent with the Agency’s mission.

Conclusion

We are committed to performing the work that is necessary to meet our mission of protecting human health and the environment. With support from our state and local partners- and by working with each of you, and the rest of your colleagues in Congress, we can make a real difference to communities across America.

I look forward to answering your questions.