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September 18, 2001

MEMORANDUM FOR MEMBERS OF THE SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS

FROM:

Doug Ose 

SUBJECT: Briefing Memorandum for September 21, 2001 Hearing – Elevating EPA: Creating
A New Cabinet Level Department

On Thursday, September 21, 2001, at 9:30 a.m., in Room 2247 Rayburn House Office Building, the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs will hold a hearing on elevating the Environmental Protection Agency (EPA) to a cabinet level department. The hearing is entitled, "Creating A New EPA Department."

In 1970, President Nixon created EPA by combining portions of the Department of the Interior; Department of Agriculture; Department of Health, Education, and Welfare; Atomic Energy Commission; Federal Radiation Council; and Council on Environmental Quality.

In organizing the relatively small (4,084 employees) agency, the first Administrator created a relatively simple organizational structure with three assistant administrators, five environmental commissioners and 10 regional offices. All assistant administrators, commissioners and regional administrators reported directly to the Administrator and Deputy Administrator (see chart 1).

In the years following its creation, Congress passed numerous environmental statutes expanding the jurisdiction of EPA. Eleven major statutes now form the basis for most of EPA's actions:

- Clean Air Act
- Clean Water Act
- Comprehensive Environmental Response, Compensation and Liability Act
- Emergency Planning and Community Right-to-Know Act
- Environmental Research, Development and Demonstration Authorization Act
- Federal Insecticide, Fungicide and Rodenticide Act
- National Environmental Education Act
- Pollution Prevention Act

- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- Toxic Substances Control Act

These major environmental laws shaped the activities and performance of the agency. These laws have typically focused on pollutants in particular media (e.g., air, water, solid waste) and from particular sources (e.g., agricultural pesticides, abandoned industrial sites). Moreover, the policy and regulatory tools authorized by each of these laws vary. This creates a highly fractured approach to controlling pollution, which varies from program to program within the agency.

Despite the changes induced by 30 years of environmental legislation and the growth of the agency to more than 18,000 employees, the basic organizational structure has hardly changed. Today, nine assistant administrators, the Chief Financial Officer, Chief Information Officer, Inspector General, General Counsel and all ten regional administrators still report directly to the Administrator and Deputy Administrator (see chart 2).

In addition to changes at the Federal level, there have been dramatic changes in environmental law at the State level as well. In many cases, States have assumed the primary responsibility for certain Federal programs. For example, 48 States have been delegated authority for supervision of public water systems under the Safe Drinking Water Act.

Two bills have been introduced to elevate EPA to a cabinet level department. H.R. 2438 introduced by Rep. Boehlert and H.R. 2694 introduced by Rep. Horn. In addition, Rep. Ehlers has introduced legislation, which would reform science at EPA and create a specific deputy administrator for science. Collectively these three bills suggest the need for an evaluation of the agency's organization and structure to achieve its mission.

Today, the country faces more complex environmental challenges than the cleanup of large industrial and municipal wastes that instigated the creation of EPA 30 years ago. As large industrial and municipal sources of pollution have been controlled, other more intractable problems have emerged as the major sources of environmental concern. Many have argued that to deal with these more complicated environmental issues will require a different approach than that embodied in the environmental laws of the past and requiring changes in EPA as well.

Invited Witnesses:

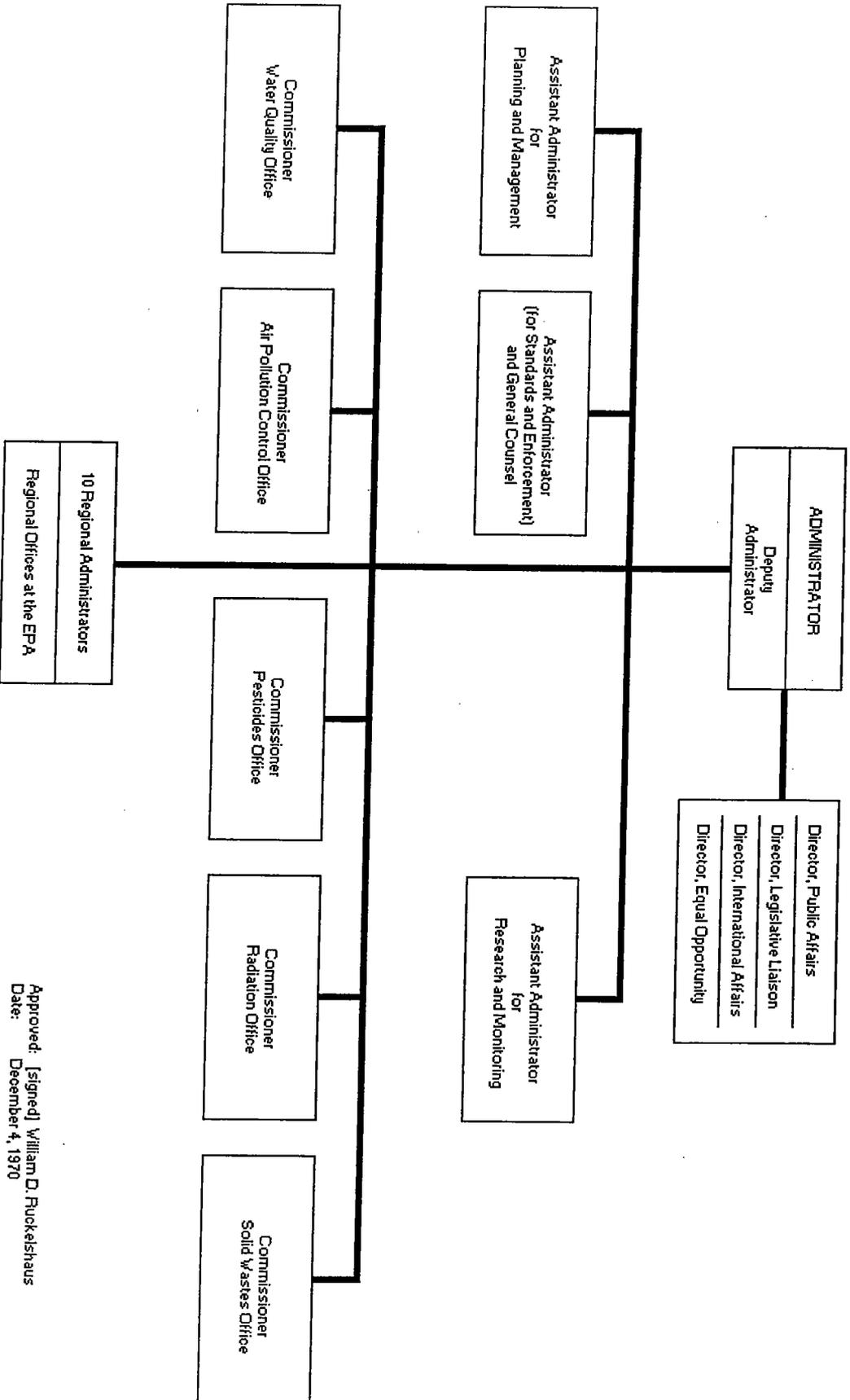
Panel I

- Honorable Sherwood Boehlert, Chairman, Science Committee
- Honorable Stephen Horn, Chairman, Government Reform Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations
- Honorable Vernon Ehlers, Chairman, Science Subcommittee on Environment, Technology and Standards.

Panel II

- J. Clarence Davies, Senior Fellow, Resources For The Future
- Janet L. Norwood, Fellow, National Academy of Public Administration
- Robert W. Hahn, Director, AEI-Brookings Joint Center for Regulatory Studies
- Susan Dudley, Senior Research Fellow, Mercatus Center, George Mason University
- Jan Mazurek, Director, Center for Innovation & the Environment, Progressive Policy Institute

ENVIRONMENTAL PROTECTION AGENCY



Approved: [signed] William D. Ruckelshaus
Date: December 4, 1970

Agency Organization Chart

