TESTIMONY OF
MARIANNE LAMONT HORINKO, ACTING ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS
OF THE
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2003

Mr. Chairman and Members of the Subcommittee, I want to thank you for the opportunity to be here this afternoon to discuss legislation to elevate the Environmental Protection Agency to the level of Department. I am pleased to share this panel with my colleague, James L. Connaughton, Chairman of the White House Council on Environmental Quality.

It was over 30 years ago that President Nixon affirmed America's commitment to the environment by creating the Environmental Protection Agency. Since that time, the EPA has effectively fulfilled its mission -- protecting human health and safeguarding the natural environment, and its organization has changed and adapted with each major new environmental law passed by Congress. The time has come to establish EPA as a permanent member of the Cabinet, modernizing its structure in a straightforward way to ensure it can respond effectively to future environmental challenges.

Establishing EPA as a Cabinet level Department is not a new idea. The first bill to elevate the EPA was introduced in the Senate in 1988. Since then, a dozen similar proposals have been introduced. Similarly, former President Bush became the first President to support elevating EPA to Cabinet level by including then Administrator Reilly in Cabinet meetings and according him Cabinet level status. President Clinton

and President George W. Bush continued this practice, and have supported legislation to elevate the Agency to the level of Department. And we are here today because our current leaders in Congress, Chairman Ose and Chairman Boehlert, also recognize the increasing significance of permanently elevating the Environmental Protection Agency to a Cabinet Department. I thank Chairman Ose and Chairman Boehlert for introducing their respective legislation and for their continued support of the EPA.

These actions emphasize the importance that past administrations and our current administration have placed on the role of government in environmental protection. This responsibility is as critical to our nation's public health and economic vitality as the responsibilities under the jurisdiction of other Federal level departments. Elevating EPA to Cabinet status will ensure that this type of cooperation and integral working relationship will continue into the future.

Of course, the environment is not just a domestic issue. Environmental issues continue to play a central role in international relations as well. The U.S. EPA is looked upon as an international leader and a tremendously important resource in environmental stewardship. As we work with other nations, with the concurrence of the Secretary of State, it is important to bring the head of the primary Federal domestic environmental organization in the U.S. on par with the majority of the G8 countries and more than 60 others by establishing a Secretary of the Environment.

Today, I would like to specifically address the major provisions of H.R. 2138, the Department of Environmental Protection Act.

Several studies and reports issued by organizations such as the National Academy of Public Administration and the General Accounting Office have recommended a restructuring of EPA so that it might better achieve its mission. In addition, the Human Capital component of the

President Bush's Management Agenda includes a provision to ensure that the Agency is restructured as appropriate to provide optimal service at lowest cost and respond to changing business needs.

H.R. 2138 addresses a key structural challenge to the optimal operation of EPA – the establishment of "stovepipes" where existing programs reflect the individual environmental statutes passed by Congress over the past 30 years. Each regional EPA office, and all the Assistant Administrators - in all, over 20 senior organizational leaders - currently report directly to the Administrator and Deputy Administrator of the Agency.

While this structure served us well in our statutory duties under environmental laws in the early years, today's complex environmental challenges require greater integration and a more comprehensive approach to protecting the air, water, and land. For example, sectors such as agriculture may face separate regulations under the Clean Air Act, Clean Water Act and Federal Insecticide, Fungicide, and Rodenticide Act, but EPA's current structure does not easily facilitate integration of these requirements.

EPA's structure should facilitate close coordination of policy throughout the organization – from formulation to regulatory development to compliance assistance to enforcement. For instance, when EPA is writing a new rule, all stages of implementation are covered, so that the rule reflects the general direction of EPA leadership, the best available science, and incorporates the perspectives of program experts and those responsible for enforcement.

H.R. 2138 creates Under Secretaries to consolidate certain functions and reduce the number of direct reports to the Secretary. Although the legislation as currently written may be too prescriptive with regard to writing detailed structural requirements into law, this general structure could help EPA overcome organizational challenges consistent with the Agency's overall direction as embodied in its Draft Strategic Plan for fiscal years 2005 and beyond.

The consolidation of science activities under one office would support the principle of elevating the stature of science in Departmental decision-making. Establishing an Under Secretary for Science, who would also be the Secretary's Science Advisor, would help achieve this goal. However, the information management function should be separated from the science organization. The legislation should establish a Chief Information Officer who would report directly to the Secretary, and follow the Clinger-Cohen Act of 1996 which created the position of Chief Information Officer with primary duties for information resources management as a direct report to the Department head.

We also support the creation of a Bureau of Environmental Statistics (BES), to recognize the importance of independent and expert monitoring and reporting of environmental conditions, which would provide better indicators and better data. EPA's BES should be consistent with the structure and authority of other Federal statistical bureaus. The Bureau Director should report directly to the Secretary to promote independence and credibility.

H.R. 2138 includes a statutory requirement that each of the ten Regional Administrators report to a newly-created Under Secretary for Implementation, Compliance and Enforcement. It is important for EPA's Regional offices to have close coordination and communication with the leadership of the Agency. While the regional offices need to implement goals and policies that are set nationally, they also need sufficient flexibility to implement these goals to reflect local conditions. I would urge the Congress to allow the Executive Branch to have sufficient flexibility in establishing a management structure that will enable the Department to manage the enforcement and regional office functions as effectively and efficiently as possible.

We support Cabinet elevation legislation that is free of provisions that would make significant policy changes to the Agency and its programs. We believe that your bill, with some

modification, can provide the basis for better integrating existing policy with the Agency's components, and provide us the opportunity to better organize in order to provide better environmental protection.

I would like to discuss in greater detail two important areas highlighted in the bill: strengthening science, and the creation of a Bureau of Environmental Statistics.

Strengthening Science

Reorganizing the Agency would provide an opportunity to further elevate science in Department decision-making. EPA has already been undertaking many activities to strengthen science in the Agency. Since the National Research Council (NRC) published its report in June 2000, the Agency has made significant progress to achieve relevant, peer-reviewed, sound science.

This summer, we published an accomplishment report, "The State of Sound Science at the EPA" which addresses the recommendations in the NRC Report, and highlights the progress that the Agency has made in strengthening EPA science in five areas: scientific leadership and talent; research continuity and balance; research partnerships and outreach; research accountability; and scientific peer review.

In particular, EPA has taken several steps to support and strengthen the peer review policy since its issuance in 1993, and will continue to improve the application of peer review across the Agency. Consolidating science activities under one Under Secretary will better enable us to apply the policy rigorously, ensuring that EPA's scientific and technical information is strong and consistently informs the Agency's policies and regulatory decisions. I believe that the proposed structure would help us to achieve this goal, and I look forward to further discussion with you and your colleagues in the House. I particularly want to acknowledge Representative Ehlers for his leadership on this subject.

Strengthening science at EPA is an ongoing effort of continuous improvement, always with an eye toward improving the scientific bases for the environmental policy decisions that impact our nation. We all share the goal of a cleaner and healthier environment, and strong science is increasingly critical to informing the actions EPA takes to achieve this goal on behalf of the American public.

Bureau of Environmental Statistics

EPA supports creation of a Bureau of Environmental Statistics (BES) to collect, compile, process, and analyze information for statistical purposes only. A strong, independent, and respected Bureau will produce the measures that will allow EPA and other Federal agencies with environment-related missions to move closer to the goal of quantitatively measuring environmental program outcomes to better evaluate the effectiveness of EPA's programs.

For the BES to be most effective, we believe it is important to have language in enabling legislation that assures protection of confidential information and prohibits release of such information in any form identifiable by individual or corporate entities. In addition, legislation should promote the efficient use of resources in collecting and sharing that information with other federal statistical agencies. The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) addresses the need for efficiency in both collecting information and sharing statistical information across federal agencies, as well as clearly defining protections for confidentiality of information. I recommend that the legislation include language from the CIPSEA to provide needed protections.

We believe that the Director of the Bureau should report to the Secretary to ensure that statistical information is communicated directly to the Secretary, independent from any assessment of potential regulatory or enforcement program interests. A direct reporting

relationship would enhance the independence and credibility of the Bureau's Director, and would be consistent with the reporting arrangement for several other Federal statistical agencies.

We support a strong Bureau with a significant level of independence commensurate with its purpose of collecting and publishing objective statistical information on the environment. The Bureau's statistical activities, including the data it collects, should be kept clearly separate from any regulatory or enforcement purposes elsewhere in the Department.

The creation of a BES is a significant and vital undertaking both for EPA and other Federal agencies. A strong, independent, and respected Bureau that is a full member of the community of Federal statistical agencies will advance our ability to achieve our shared goal of protecting human health and the environment. Development of statistical measures will be invaluable to continued progress on our Environmental Indicators Initiative to fill identified gaps and create information needed to allow the remainder of the Agency to measure progress against environmental results.

Conclusion

The time has come to establish EPA as a permanent member of the Cabinet. Doing so would be consistent with more than 30 years of environmental work and accomplishments and with the status of our international partners. H.R. 2138 accomplishes this goal of elevating EPA to Cabinet status and also limits its focus to modernizing the organizational structure. We look forward to continuing to work with the Subcommittee and other Members of Congress to address the organizational and personnel issues in this important legislation, and to ensure coordination and consideration of activities across the Federal government.

Again, thank you for this opportunity to testify. I would be happy to answer any questions you may have.

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