

Chairman Doug Ose
Opening Statement
Elevation of the EPA to Departmental Level Status: Federal and State Views
September 9, 2003

Today, the Subcommittee will hold its 5th hearing on the topic of elevating the Environmental Protection Agency (EPA) to a cabinet level department. President Nixon created EPA in 1970. Since that time, several landmark environmental laws, such as the Clean Water Act, the Clean Air Act, and Safe Drinking Water Act have been enacted. Each time, EPA's jurisdiction increased significantly but its structure remained the same. As Congress considers elevating EPA to the cabinet, we should also consider whether an organizational structure created in 1970 is best suited for a Department charged with one of government's most important roles: protecting the health of our nation's citizens and environment.

During the last Congress, this Subcommittee held three hearings addressing EPA elevation bills introduced by Congressman Sherwood Boehlert and former Congressman Steve Horn. Experts and public officials testified to the merits of elevation, and current organizational problems at EPA that hinder effective environmental protection. On June 6, 2003 this Subcommittee heard testimony from think tank and academic experts regarding the merits of the two EPA elevation bills before the current Congress. The first bill, H.R. 37, was introduced by Congressman Sherwood Boehlert and is identical to H.R. 2438, as introduced in the 107th Congress. H.R. 37 elevates EPA to department level status but makes no reforms.

I believe that EPA's structure, as it currently exists, lacks adequate oversight and coordination of its offices to ensure that science, policy and implementation are integrated throughout EPA. I also believe that science at EPA must be improved. Based on the expert testimony from our previous hearings in the last Congress, I introduced H.R. 2138 on May 15th. Currently, each EPA Regional office, program office and division reports directly to EPA's Administrator and Deputy Administrator (see the first chart on display). My bill would make important organizational and institutional changes to EPA in order to eliminate the stovepipe structure. It reorganizes EPA into three Under Secretaries: (1) Policy, Planning, and Innovation; (2) Science and Information; and, (3) Compliance, Implementation, and Enforcement. The Under Secretary for Policy, Planning, and Innovation would have authority over all program offices, regulations and policy development. The Under Secretary for Implementation, Compliance, and Enforcement would supervise the Regional offices, assist States in coordinating with program offices, and head EPA's enforcement effort (see the second chart on display).

My bill responds to the overwhelming feedback about the lack of sound science at EPA by creating an Under Secretary for Science and Information. This section mirrors legislative language from H.R. 64, "Strengthening Science at the EPA Act," introduced by Congressman Vernon Ehlers, which passed the House in the 107th Congress. Witnesses at June's hearing supported this provision, stating that EPA's science should be consolidated into one centralized division. At a minimum, this organization will advance environmental

protection by conducting peer-reviewed scientific studies of the highest caliber and provide a level of separation between regulators and scientists.

Finally, at June's hearing, witnesses testified that EPA needs an independent statistical agency to report on meaningful environmental and human health performance indicators. My bill creates an independent Bureau of Environmental Statistics, modeled after the successful Energy Information Administration (EIA), to collect, analyze, and report on environmental and human health conditions (see the third chart on display). Under the leadership of former Administrator Whitman, EPA published a draft State of the Environment Report in an effort to move towards outcome measurements. While EPA's report is a step in the right direction, only a statutorily-required, peer reviewed, and independent Bureau of Environmental Statistics will move EPA towards the goal of implementing meaningful outcome measurements.

It is important to note my intention that EPA elevation will not alter the agency's jurisdiction or the substantive environmental laws that guide EPA's action. Instead, my bill will elevate the agency to a department, and provide the Department of Environmental Protection with the structure and tools to most effectively address the environmental challenges of the 21st Century. However, I am open to improvements to this bill that meet this goal. Congress must not pass up this opportunity to make important reforms.

I look forward to the testimony of our distinguished witnesses here today. They include: Marianne L. Horinko, Acting Administrator, EPA; James L. Connaughton, Chairman, Council on Environmental Quality; State Representative Warren Chisum, Texas House of Representatives; Howard Roitman, Director of Environmental Programs, Colorado Department of Public Health and Environment; Dr. Ron Hammerschmidt, Director, Division of Environment, Kansas Department of Health and Environment; E. Donald Elliott, former EPA General Counsel and partner at the law firm of Willkie, Farr & Gallagher; Dr. A. Alan Moghissi, President, Institute for Regulatory Science; and Gary S. Guzy, former EPA General Counsel and partner at the law firm of Foley Hoag LLP.