

**Statement of  
Rep. Henry A. Waxman  
July 16, 2002**

Today's hearing is on elevation of the U.S. Environmental Protection Agency to a cabinet-level Department.

I have long supported the elevation of EPA to a cabinet level Department because of the great importance of its job and the respect I have for EPA staff. The American people should take pride in the performance of this agency over the last decades.

Most of the staff at the EPA are professionals who care deeply about their work. These government employees have chosen their careers because they want to protect public health and the environment. And over the past decade they have had a long list of successes.

In the nineties, EPA worked with industry, the states, and the environmental groups on initiatives such as updating health-based air pollution standards, attacking power plant emissions, cleaning up automobiles and diesel engines, finally working to clean up the nation's rivers and streams, and starting to address one of the most serious environmental challenges we face -- global warming.

EPA vigorously enforced the law. They caught diesel engine manufacturers redhanded. EPA found that the Caterpillar Corporation and some other companies had sold diesel engines that illegally emitted millions of tons of air pollution. EPA investigations revealed that electric utilities were flagrantly violating the Clean Air Act, spewing some 5 million tons of illegal air pollution each and every year.

Yet with grave disappointment I have to note the sea change that occurred in the last year-and-a-half. Under strong pressure from the White House, EPA appears to be in active retreat from the central purposes of the Agency. Indeed, the progress of the last decade is quickly being undone by the Bush Administration.

For this reason, I question whether this is the right time to be discussing elevating EPA to a cabinet department.

Last month, Administrator Whitman announced that she would weaken the Clean Air Act's new source review provisions, placing EPA's pending enforcement actions in jeopardy. Then, EPA joined the White House Office on Management and Budget in announcing that it would consider weakening the recently upheld rules to clean up diesel engines. These actions, if carried through, will be major rollbacks of our clean air programs and could well leave children throughout the country exposed to unacceptable levels of air pollution.

It seems everyday we learn of a new rollback being pushed by the Bush Administration. Just this weekend, we learned that EPA is considering a plan to jettison efforts to clean up polluted runoff. And yesterday the trade press reported that Administrator Whitman may

backpedal on penalties for not complying with diesel engine emission standards. Without sufficient penalties, companies won't bother to clean up their engines, and the health of the American people will suffer as a result.

Today, I have learned that EPA is considering requiring the states to weaken their air pollution laws. I'd like to introduce a letter into the record from the state air administrators on this issue. It is a terrible thing for the federal government to ignore its duties to protect public health and the environment, but at least you'd expect EPA to let the states do the job if EPA won't. News that EPA would consider preventing the states from more aggressively targeting air pollution is truly an outrage.

With regard to environmental policy, this Administration has acted abysmally.

And EPA's interactions with Congress have been no better. Over the last year-and-a-half, EPA has resisted necessary congressional oversight, apparently at the direction of the White House. In fact, EPA has been stonewalling information requests I have made for months. And this is not a partisan issue. The Constitution provides Congress with oversight authority, yet both Republicans and Democrats alike have been critical of EPA's responsiveness to congressional oversight requests.

Good government requires responsiveness without resorting to subpoenas. EPA must address congressional concerns in a prompt, nonpartisan manner, and I am looking forward to hearing from Administrator Whitman what changes she will make at the agency to ensure that EPA's poor record in communicating with Congress is immediately improved.

Mr. Chairman, for more than ten years, I have supported elevating EPA to a cabinet level position, and I still support this goal. But I don't think it would do much good under this Administration. The whole purpose of elevating EPA is to enhance environmental protection, but this Administration seems bent on undermining – not strengthening – our environmental laws.