

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

December 5, 2017

To: Subcommittee on Environment Democratic Members and Staff

Fr: Committee on Energy and Commerce Democratic Staff

Re: Hearing on “The Mission of the U.S. Environmental Protection Agency”

On **Thursday, December 7, 2017, at 10:00 a.m. in room 2123 of the Rayburn House Office Building**, the Subcommittee on Environment will hold a hearing on “The Mission of the U.S. Environmental Protection Agency.” The sole witness will be Administrator Scott Pruitt. This will be his first appearance before a House authorizing committee since his Senate confirmation on February 17, 2017.

I. ADMINISTRATOR PRUITT AND THE MISSION OF THE ENVIRONMENTAL PROTECTION AGENCY

The mission of the Environmental Protection Agency (EPA), according to the agency itself, is to protect human health and the environment.¹ The agency also defines its purpose as ensuring that:

- all Americans are protected from significant risks to human health and the environment where they live, learn and work;
- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;
- environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture,

¹ Environmental Protection Agency, *Our Mission and What We Do* (www.epa.gov/aboutepa/our-mission-and-what-we-do) (accessed Dec. 5, 2017).

industry, and international trade, and these factors are similarly considered in establishing environmental policy;

- all parts of society – communities, individuals, businesses, and state, local and tribal governments – have access to accurate information sufficient to effectively participate in managing human health and environmental risks;
- environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and
- the United States plays a leadership role in working with other nations to protect the global environment.²

These mission and purpose statements have remained consistent since before the beginning of the Trump Administration and they currently appear on the agency's website.

In contrast, Administrator Pruitt has outlined his own agenda for the EPA, with a focus on what he has referred to as the three E's:

- **Environment:** Protecting the environment
- **Economy:** Sensible regulations that allow economic growth
- **Engagement:** Engaging with state and local partners.³

Only one of these three items is part of EPA's published mission, and none reflect the need to protect public health. As described below, costs to regulated industry have been clearly identified as leading factors in high profile EPA decisions since Administrator Pruitt was confirmed, including many decisions that reversed prior EPA decisions based on public health concerns.

II. PUBLIC HEALTH PROTECTION BENEFITS AND INDUSTRY COSTS

The following are several examples of public health protections that have been delayed, undermined, or repealed since Administrator Pruitt was confirmed to lead the EPA. In each of these examples, EPA cited costs to regulated industry as an important factor in weakening protections.

- **Withdrawal from the Paris Agreement.** In 2016, EPA stated, "Every American is vulnerable to climate change impacts on their health."⁴ That same year, the U.S. Global Change Research Program published a report calling climate change "a

² *Id.*

³ Environmental Protection Agency, *Back-to-Basics Agenda*, (www.epa.gov/home/back-basics-agenda) (accessed Dec. 5, 2017).

⁴ Environmental Protection Agency (Web Snapshot), *Climate Impacts on Human Health* (19january2017snapshot.epa.gov/climate-impacts/climate-impacts-human-health_.html) (archived Jan. 19, 2017).

significant threat to the health of the American people.”⁵ On June 1, 2017, Administrator Pruitt praised President Trump’s decision to exit the Paris Agreement for restoring “American Economic Independence.”⁶

- **Repeal of the Clean Power Plan.** In August 2015, EPA announced the Clean Power Plan, citing “public health and climate benefits worth an estimated \$34 billion to \$54 billion,” including avoiding a projected 1,500 to 3,600 premature deaths and 90,000 asthma attacks in children.⁷ On October 9, Administrator Pruitt announced the repeal of the Clean Power Plan before an audience of coal miners citing the compliance costs of the rule. An EPA spokesperson explained the decision to announce the repeal in Kentucky, saying that coal workers have an economic stake in the rule.⁸
- **Reversal of decision to ban chlorpyrifos.** In October 2015, EPA proposed to revoke all Federal Food, Drug, and Cosmetic Act tolerances for chlorpyrifos which would effectively end agricultural uses of this product, because “expected residues of chlorpyrifos on food crops exceed the safety standard” and drinking water exposures “continue to exceed safe levels.”⁹ On March 29, Administrator Pruitt reversed EPA’s prior decision to ban chlorpyrifos, citing a need for “regulatory certainty” for “one of the most widely used pesticides.”¹⁰
- **Reversal of decision to require financial assurance for hardrock mining operations.** In 2009, EPA identified hardrock mining as the first industry for which it would develop financial assurance requirements under Superfund because the industry “releases enormous quantities of toxic chemicals” with “subsequent exposure of humans, organisms, and ecosystems to hazardous substances on a

⁵ U.S. Global Change Research Program, *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment* (health2016.globalchange.gov/) (accessed Dec. 5, 2017).

⁶ Environmental Protection Agency, *Administrator Scott Pruitt Speech on Paris Accord, As Prepared* (Jun. 1, 2017).

⁷ Environmental Protection Agency (Web Snapshot), *FACT SHEET: Clean Power Plan by the Numbers* (19january2017snapshot.epa.gov/cleanpowerplan/fact-sheet-clean-power-plan-numbers_.html) (archived Jan. 19, 2017).

⁸ *EPA Chief Scott Pruitt tells coal miners he will repeal power plant rule Tuesday: “The war against coal is over,”* The Washington Post (Oct. 9, 2017).

⁹ Environmental Protection Agency, *Updated Human Health Risk Analyses: Chlorpyrifos* (Nov. 10, 2016) (www.epa.gov/pesticides/updated-human-health-risk-analyses-chlorpyrifos).

¹⁰ Environmental Protection Agency, *EPA Administrator Pruitt denies petition to Ban Widely Used Pesticide* (Mar. 29, 2017) (www.epa.gov/newsreleases/epa-administrator-pruitt-denies-petition-ban-widely-used-pesticide-0).

similarly large scale.”¹¹ On December 1, EPA reversed this decision, and announced that it would not require financial assurance from the hardrock mining industry because of the “burden on this important sector of the American economy.”¹²

III. SECRECY, MISUSE OF TAXPAYER FUNDS, AND ATTACKS ON SCIENCE

Since being sworn in, Administrator Pruitt has run EPA under a veil of extreme secrecy. He has spent almost \$25,000 of public funds on a customized soundproof phone booth installed in his office, to conduct his business out-of-earshot of EPA employees.¹³ He has also instituted a 24-hour security detail, doubling the security costs of his predecessors and further isolating himself from EPA staff.¹⁴ He temporarily waived the agency-wide hiring freeze to hire additional security personnel for his personal detail, while 350 career positions, including 100 scientist positions, remain empty due to the hiring freeze.¹⁵

EPA career employees are locked out of important decisions and access to necessary information. Almost 2000 EPA webpages, concerning topics such as climate change, have been removed, and emission data collection from oil and gas companies has been halted.¹⁶ EPA has also halted its long-standing practice of posting the calendars of the agency’s leadership online.¹⁷ When employees do have meetings with the Administrator, they are commonly escorted through locked doors and restricted floors; phones and even pens and paper are barred from the meetings.¹⁸

¹¹ Environmental Protection Agency, *Identification of Priority Classes of Facilities for Development of CERCLA Section 108(b) Financial Responsibility Requirements*, 74 Fed. Reg. 37213 (Jul. 28, 2009) (priority notice of action).

¹² Environmental Protection Agency, *EPA Determines Risks from hardrock Mining Industry Minimal and No Need for Additional Federal Requirements* (Dec. 1, 2017) (www.epa.gov/newsreleases/epa-determines-risks-hardrock-mining-industry-minimal-and-no-need-additional-federal).

¹³ *EPA spending almost \$25,000 to install a secure phone booth for Scott Pruitt*, The Washington Post (Sept. 26, 2017).

¹⁴ *First on CNN: Security Costs Skyrocket at ‘Lightning Rod’ EPA*, CNN (Oct. 23, 2017).

¹⁵ *More Than 350 Jobs at EPA Unfilled During Trump Hiring Freeze*, CNN (April 13, 2017).

¹⁶ Environmental Defense Fund, *Environmental Defense Fund Obtains Information on Over 1,900 Climate-Related Items Removed from or Modified on EPA Website* (Aug. 11, 2017) (www.edf.org/media/environmental-defense-fund-obtains-information-over-1900-climate-related-items-removed-or); Environmental Protection Agency (Website Removed) (www.epa.gov/ingredients-used-pesticide-products/proposalrevoke-chlorpyrifos-food-residue-tolerances); *How Rollbacks at Scott Pruitt’s E.P.A. Are a Boon to Oil and Gas*, New York Times (May 20, 2017).

¹⁷ See note 1

¹⁸ *Id.*

Administrator Pruitt has also potentially misused taxpayer funds on travel.¹⁹ The EPA Inspector General is currently investigating Administrator Pruitt's flights, many of which took him to Oklahoma on weekends.²⁰ He has reportedly traveled to Oklahoma for 43 of his first 92 days, frequently flying at the taxpayers' expense.²¹ Many of these Oklahoma visits involve speeches to industry groups.

During his tenure, Administrator Pruitt has made significant changes to EPA's independent scientific advisory panels. The Board of Scientific Counselors (BOSC), which "provides advice, information, and recommendations to EPA's Office of Research and Development (ORD) on technical and management issues of its research programs," has been largely remade.²² EPA did not renew 39 of the 49 sitting BOSC members in place prior to August.²³ This is a significant departure from the norm.²⁴ An EPA spokesperson justified these dismissals by saying "the administrator believes we should have people on this board who understand the impact of regulations on the regulated community."²⁵

These dismissals were not an isolated incident. In a move claiming to enhance peer review and EPA's independence, the agency released the "*Strengthening and Improving Membership on EPA Federal Advisory Committees*" directive.²⁶ This directive bars EPA grant recipients from serving on any scientific advisory panel, thereby removing qualified scientific experts from the committees. The change was not justified by potential conflicts of interest, and scientists who work for regulated industries or state and local governments subject to EPA regulation have remained or been added to the boards.²⁷

¹⁹ *E.P.A. Chief's Calendar: A Stream of Industry Meetings and Trips Home*, New York Times (Oct. 3, 2017).

²⁰ Letter from John Trefry, Director of EPA Forensic Audits, to David Bloom, EPA Acting Chief Financial Officer (Aug. 28, 2017).

²¹ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, to Arthur Elkins, Jr. Inspector General EPA (July 28, 2017).

²² Environmental Protection Agency, *About the Board of Scientific Counselors (BOSC)* (www.epa.gov/bosc/about-board-scientific-counselors-bosc) (accessed Nov. 29, 2017).

²³ *38 Science Advisers Get Pink Slips — Internal Email*, E&E News (June 20, 2017).

²⁴ *Pruitt Is Paving the Way for an Industry-Led EPA*, Slate (June 23, 2017); *EPA dismisses half of key board's scientific advisers; Interior suspends more than 200 advisory panels*, Washington Post (May 8, 2017).

²⁵ *E.P.A. Dismisses Members of Major Scientific Review Board*, New York Times (May 7, 2017).

²⁶ Environmental Protection Agency, *Strengthening and Improving Membership on EPA Federal Advisory Committees — Directive and memo issued by Administrator E. Scott Pruitt* (Oct. 31, 2017) (www.epa.gov/faca/strengthening-and-improving-membership-epa-federal-advisory-committees).

²⁷ *Who's in, who's out on advisory panels*, E&E News, (Oct. 31, 2017).

IV. WITNESS

The Honorable E. Scott Pruitt
Administrator
Environmental Protection Agency