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My name is Chris Sellers and I am a professor of environmental history and politics and director of the Center for the Study of Inequalities, Social Justice, and Policy at Stony Brook University in New York. I am here today as member of the Environmental Data and Governance Initiative (EDGI) a network of more than 170 academics and other professionals and volunteers that has been monitoring change at the U.S. Environmental Protection Agency (EPA) since the beginning of the Trump administration. I head up an EDGI research team interviewing recently retired and current EPA employees, whose early findings have already been published in major scholarly outlets such as the *American Journal of Public Health*. Over the last year, I have joined with EDGI colleagues Leif Fredrickson and Marianne Sullivan to study a most critical function of this agency which we learned to be threatened--enforcement.

Our research into EPA's own public data and records, supplemented by internal documents and testimony provided by our interviewees, has all pointed to the same conclusion: over the past two years EPA enforcement has declined significantly. The only question has been-- just how badly has enforcement nosedived? Fortunately, EPA's release of its FY2018 data has provided us and everyone else with clear answers--the decline in enforcement is dramatic and alarming, and by important measures, has brought the agency's performance to historic lows.

I'm enclosing with my testimony a set of charts and other analysis of EPA's enforcement data. They confirm the most troubling trends we reported in our November 2018, report *A Sheep in the Closet*. To summarize some highlights: among the worst measures are those for what's called civil judicial referrals. When environmental violations are bad enough, EPA sends cases to the justice department to prosecute in the courts. In both 2017 and 18, the Trump EPA referred fewer of these most egregious cases to the DOJ than in any the past forty years of the agency's history. To find a lower number you have to go back to 1976, not long after the EPA's birth. The overall total of civil cases EPA initiated in 2018 is only a little better; it is still lower than any year since the first Reagan administration in the early 1980s, back when the enforcement wing of the agency was actually broken up. Other measures by which EPA assesses its own enforcement don't run as far back, yet 2017 and 2018 still vie with the lowest years ever recorded. In 2017, EPA brought its second-lowest number of civil cases to a close, and in 2018 its lowest, since 1994. Similarly with the civil fines levied: when you adjust for inflation, FY 2018's total was the lowest since 1987. Criminal cases opened and defendants charged are the lowest in twenty-five years, and I could go on. By almost any measure, EPA is backing off from its long-standing role as the nation's top environmental cop.

What's even more troubling is that the current EPA has been curbing its ability not just to punish but to find violators. Ever since the agency's founding, inspections have been the front end of the enforcement pipeline, providing unfiltered, firsthand information about whether or not facilities are violating our environmental laws. In 2017, EPA conducted its second-lowest number of inspections, and in 2018 the lowest, in the last 25 years. Drops in inspections over the past two years strongly suggest that the decline in EPA enforcement has not yet hit bottom, and that FY2019 will bring another round of historic lows.

What EPA employees have told us in the course of our interviewing project confirms the picture suggested by EPA's enforcement numbers. Of the hundred confidential interviews we've conducted with recently retired and current EPA staff, a quarter of these have been with eighteen people with direct experience in enforcement, both in headquarters and in several of the regions. Strikingly, not just those working in the enforcement division but many other interviewees spoke of problems with enforcement —only six of our 24 most recent interviews did not mention it. They report on the many pressures applied by the agency's political leadership that they see as contributing to the downturn, among other ways by explicitly urging EPA employees to go easier on industry. Administrator Pruitt, for example, when shepherding around trade association representatives, publicly chided some career staff for "not listening" to them. Reportedly, EPA's routine inspection initiatives as well as judicial referrals now have to be approved by political leadership before they can proceed. The Trump administration has proposed massive budget and staff cuts, which would harm enforcement efforts still further. The challenges faced by these wings of the agency have driven an exodus of staff, seventy-three of them from OECA alone. Taking institutional and expert knowledge with them, their unfilled posts have made enforcement still more difficult.

At the same time, interviewees report that under the Trump administration, more of the regulated community has become emboldened to challenge EPA enforcement and compliance efforts. We've heard stories about members of the regulated community threatening inspectors about reaching out to their bosses. An EPA housing inspector for lead paint, known to damage children's brains, found landlords turning more aggressive on phone calls, vocally complaining about EPA intrusiveness or just hanging up.

EPA staff also remain deeply skeptical of the "cooperative federalism," touted by the political leadership as justifying less federal enforcement, though curiously not when defending its FY2018 enforcement data. In their view what it means on the ground is simply abandoning long-established ways EPA has backed up as well as overseen state environmental enforcement. For instance, state agencies have long relied on EPA for expertise in overseeing large, complex facilities like oil refineries and chemical plants and for expensive monitoring tools like infrared cameras. Moreover, with so many state environmental agencies reeling from state-level budget crises, and with the Trump administration proposing to slash hundreds of millions of cuts in state environmental funding, they wonder whether the current leadership really wants the states to take up the enforcement that EPA is progressively abandoning. EPA's effective retreat from its oversight and back-up role for state regulators is likely to make our nation's environmental protection increasingly unequal.

Despite all that is stake, EPA's own publicity seek to whitewash the story its data tells. With such dismal tallies for its enforcement actions, it seeks to emphasize environmental benefits, while side-stepping comparisons with earlier years that make even these tallies look less rosy. At best, as with the millions of pounds of waste it has handled, the results for FY2017 and FY2018 are historically mediocre. But comparing its record of commitments to pollution

reduction with years back to 2002 yields a more troubling, if familiar pattern: EPA's totals for 2017 and 2018 were the lowest and third lowest in the last sixteen years. Agency publicity also ignores data showing benefits that have fallen off dramatically, such as the number of people protected by EPA enforcement of the Safe Drinking Water Act. In 2005, for instance, enforcement actions by the Bush EPA protected the drinking water of over eight million people, sixteen times more than in this past year under Trump.

All the evidence we've gathered about EPA enforcement from the agency's own data and employees adds up to a convincing picture of where it has been headed: downward. This is not just a bureaucratic re-shuffle; less enforcement will have real consequences for many Americans, especially those nearest to potential environmental threats. Dwindling enforcement of the SDWA could mean another Flint. Less enforcement under the Clean Air Act means that Americans may breathe less healthy air putting them at increased risk of respiratory illness and premature mortality. Less enforcement under our hazardous waste laws could mean more exposure to toxic substances such as arsenic or mercury in our communities.

We are confronted with a sad truth: EPA is extracting its own teeth. Thereby, it is corroding the federal commitment to protecting human health and the environment and weakening the ability of states to do the same. Unless it faces up to its growing inadequacies soon, the most vulnerable of Americans will pay the steepest price. Indeed, the declines already registering in enforcement, which show little sign of stopping, have all but ensured significant deterioration of our nation's public health and environment in the years ahead.