



EPA

Senate Dems strategize ahead of Pruitt hearing

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Democrats held a strategy session yesterday ahead of U.S. EPA Administrator Scott Pruitt's planned appearance on Capitol Hill next week.

Led by Massachusetts Sen. Ed Markey, chairman of the Senate Climate Action Task Force, the panel questioned three former EPA employees about what the lawmakers see as willful neglect, staff intimidation and a lack of regulatory enforcement under President Trump's EPA.

They asked witnesses for examples of wrongdoing at the agency that they could use as they question Pruitt on Tuesday before the Senate Environment and Public Works Committee.

Testifying yesterday were **Jeff Ruch, executive director of Public Employees for Environmental Responsibility**; Mustafa Santiago Ali, former EPA assistant associate administrator for environmental justice; and Mike Walker, former director of EPA's National Enforcement Training Institute.

Tom Ripp, EPA employee from 1990 to 2017, submitted written testimony after a summons to jury duty prevented him from attending the meeting.

"We're just trying to make public what is going on at the EPA," Markey told reporters after the meeting.

"They are turning EPA into 'Every Polluter's Ally.' They are systematically undermining generations of support for environmental enforcement, and that's what we're trying to do here heading into next week's big hearing where Scott Pruitt will be testifying."

Lawmakers had been pressing Pruitt to come before Congress for some time, and EPW Chairman John Barrasso (R-Wyo.) announced late last year the EPA chief would testify before his panel this month (E&E News PM, Nov. 16, 2017).

Markey said yesterday's meeting served as "coming attractions" for what Democrats would address at the hearing.

Democratic senators attending the meeting were EPW ranking member Tom Carper of Delaware and Sens. Sheldon Whitehouse of Rhode Island, Brian Schatz of Hawaii, Jeff Merkley of Oregon and Ben Cardin of Maryland.

Lawmakers questioned the witnesses about the lack of enforcement of environmental regulations at EPA. Markey noted the agency has gone from a "watchdog to a lap dog on enforcement."

Ruch said that when Pruitt announced the agency would return to its core mission, he assumed that meant enforcement. But he said he's heard from current employees that enforcement efforts are lacking. The EPA Criminal Investigation Division's staff is at a 30-year low, Ruch said. And the number of enforcement cases has decreased by one-third.

He also criticized Pruitt's long-term strategic plan, which doesn't refer to climate change but endorses "cooperative federalism," setting a broad goal of rebalancing "the power between Washington and the states to create tangible environmental results for the American people."

Ruch said this amounts to the federal government renouncing oversight of state programs. States are not funded well enough to operate with maximum efficacy without federal assistance, he said.

Walker echoed this sentiment, saying oversight is needed — "boots on the ground."

"State boots and federal boots," he said. "The problem at EPA right now is there is a chilling effect on enforcement."

Ali noted that the communities that are likely to be hurt most by the lack of enforcement are the most vulnerable — low-income communities. He said 125 million people live in communities with low air quality and 25 million people in this country have related asthma.

"The administration seems to be disconnected about what's actually happening," he said.

Carper asked the witnesses what they would ask Pruitt if given the chance. Ruch noted that Pruitt often "brags" that he's a tough prosecutor. "So what are his enforcement goals?" he asked.

Ali said he would ask Pruitt how cooperative federalism works for states that have a track record of poorly enforcing environmental regulations.

Walker remarked that even under the banner of "cooperative federalism," EPA is not clearly delineating responsibilities. For example, he said, EPA has a 30-page document outlining the strategy for regulating large-scale commercial ammonia refrigeration systems.

But he said the document does not lay out how many inspections should be conducted or the breakdown between federal versus state inspections.

Whitehouse noted that Pruitt's strategy seems to be one of "procedural delay." With former President Obama's signature climate regulation, the Clean Power Plan, for example, Pruitt is adhering to the motto "kill it with process," Whitehouse said.

The Supreme Court 2007 ruling in Massachusetts v. EPA found that the agency must regulate carbon dioxide and greenhouse gases as pollutants. That plus the endangerment finding would make it very hard for Pruitt to deregulate CO₂, Whitehouse said.

"He's not going to touch it," he said. So how do we combat his "procedural fan dance strategy?"

Pruitt will appear before the EPW Committee at 10 a.m. Tuesday.