

**Testimony before the House Committee on Government Reform  
Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs  
by Texas State Representative Warren Chisum**

Tuesday, September 9, 2003

Mr. Chairman and members of the Committee,

Thank you for inviting me to testify before you today on the issue of elevating the Environmental Protection Agency to Cabinet-level status. I understand that we are addressing our remarks today specifically to: H.R. 37 by Congressman Boehlert and H.R. 2138 by Chairman Ose.

Allow me to begin by sharing some of my background. I have been a Texas State Representative since 1989 and served as Chair of the House Committee on Environmental Regulation from 1993 to 2003. I am a former Chair of the American Legislative Exchange Council's Task Force on Energy, Environment, Natural Resources and Agriculture and currently chair the Task Force Subcommittee on Air Quality. I chair the Committee on Energy and the Environment of the Southern Legislative Conference and am the Vice Chair of the National Conference of State Legislators Environment and Natural Resources Committee. I also serve on the Executive Committee of the Energy Council and am the Immediate Past Chair of the Energy Council's Center for Legislative Energy and Environmental Research.

Needless to say, I have a lot of experience dealing with environmental issues not only within the state of Texas, but on a national basis as well. I have also had some experience dealing with environmental issues along the border as we have worked with Mexico to address common problems. My commitment to the environment includes promoting and supporting environmental education through service with the Texas Environmental Education Partnership.

I applaud your intent to elevate the Environmental Protection Agency to Cabinet-level status. The importance of our environmental work, and the fact that the EPA administrator has been participating in cabinet meetings for years under the direction of three Presidents speaks to the need that this be made a Cabinet-level position.

Having the EPA as a Cabinet-level position will enhance our ability to interact with other countries to address environmental concerns on an international basis. We are one of the few countries that has not placed our environmental agency at that level; doing so would place our administrator at the same level as those from most other countries. This is an opportunity to work more closely and effectively with not just other countries outside our borders but also with states and communities within our borders.

With this change the American public in general, as well as business and industry specifically, will see the EPA in a whole new light. Currently too many see EPA as the regulatory ruler existing only to play "gotcha." It's time that we created a Department of Environmental Protection that would work with the public and with industry on preventive measures and

creative solutions. We need to encourage the ingenuity that has so often contributed to a better America and say, "Yes!" to creative alternative strategies as long as the bottom line is a cleaner and better protected environment.

Creative alternate strategies and technology will allow us to protect the environment, while at the same time maintaining a strong economy. It is, after all, a strong economy that can best afford a cleaner environment.

I am heartened by the mandate to use science and statistical trends throughout the Department's operations and policy. Policy and compliance can no longer stand aside from science and appropriate statistical data.. They must be intertwined. Mandating peer review for these will give heightened credibility to policy and compliance decisions that are made. In turn, this will increase the confidence level of Americans in their government's ability to appropriately address environmental issues through sound decisions that are based on solid facts.

The Department should continue their efforts to protect the American people from violators who would harm our environment. However, at the same time we need to be able to have electricity, clean and abundant water, and safe clean burning fuel to heat our homes and power our automobiles. We also have to work carefully to address pollution resulting from agricultural operations, while at the same time recognizing that our food production must continue to come from American farmers, lest we become as dependent on foreign nations for food as we are for oil.

Before I close, I would like to encourage you to be cautious about over doing the reorganization of the Department. While it is possible that inconsistencies in the application of environmental regulation can occur between the Regions, the centralization of all policy making in Washington may reduce the amount of innovation between the Regional offices and the State environmental agencies.

One example is the creation of the Texas Environmental Reduction Plan ("TERP") in Texas. In order to address air pollution from diesel vehicles in Texas, the Texas Legislature passed an incentive-based plan instead of traditional regulation. The Regional Administrator of Region VI championed the plan within EPA and was able to secure approval by the EPA for the substitution of the incentive plan within Texas' State Implementation Plan (SIP).

If the Regional Administrator, who is a political appointee, had not been granted the freedom to approve such a plan in consultation with headquarters EPA, but instead was required to wait for all policy matters to be decided in Washington, it is unlikely that the EPA could have timely supported the State of Texas in this innovative program.

In short, what you gain in consistency between regions of EPA may be offset by the creation of an even larger headquarters EPA in Washington that is less concerned about local and state issues. In many cases only the state environmental agencies know what will and what will not work within their jurisdiction. For this reason, the regional offices need to work closely with

state regulators.

With that one caution, I support this legislation and would be happy to answer any questions.

Thank you.