

Shrinking Government Bureaucracy Rethinking the Environmental Protection Agency

Free Market Reforms to Increase Transparency and Efficiency and Better Protect our Environment

By *Myron Ebell**

The U.S. Environmental Protection Agency's (EPA) budget is the most impenetrable of all federal department and agency budgets. It is long past time to make the EPA budget at least as transparent and comprehensible as the budgets of other federal domestic agencies. The Office of Management and Budget's (OMB) FY 2018 budget request for the agency¹ is a significant improvement in terms of transparency over previous budget requests,² but there is still a long way to go.

The OMB should work with the EPA to produce an intelligible budget. For years, the EPA has warded off congressional oversight of agency policy making by submitting a budget that fails to identify:

- 1) Who at the EPA is spending the appropriation;
- 2) How they're spending it; and
- 3) Pursuant to what statutory authority they're spending it.

The result is that Congress has no idea how the EPA spends taxpayer money. In particular, lawmakers cannot discern how much the agency spends on nondiscretionary duties, which are assigned by Congress, versus how much it spends on discretionary activities of its own choosing. In submitting its annual budget justification, the EPA should use the same rational format employed by other agencies, which clearly identifies the spender, how much they spend, and the legal basis for the spending. Only when Congress can follow the money can it exercise its power of the purse to effectively oversee agency policy making.

In addition, many of the EPA's functions could be abolished, pared back, or transferred to other agencies without any negative effects on the nation's environmental quality.

Abolish the Office of Enforcement and Compliance Assurance and return its functions to the program offices. The EPA's enforcement and compliance assurance functions can be better handled by officials with the relevant expertise within each program. Returning enforcement and compliance assurance to the program offices will avoid inter-departmental communications problems and delays. For example, compliance and enforcement of the Clean Air Act would be returned to the Office of Air and Radiation.

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Abolish the EPA's 10 regional offices and transfer their emergency response capabilities into the Federal Emergency Management Agency. The EPA's 10 regional offices duplicate much of the work of the agency's headquarters and of state environmental protection agencies. The core essential function of emergency response to environmental threats and disasters can be consolidated with similar capabilities at the Federal Emergency Management Agency.

Eliminate the Integrated Risk Information System program and fold its functions into the Toxic Substances Control Act program. The Integrated Risk Information System (IRIS) program has long proven controversial because of its failure to follow sound scientific principles, garnering wide criticism including from the National Academy of Sciences. In 2016, Congress passed a reform to the Toxic Substances Control Act that includes widely accepted scientific standards for chemical evaluations that would improve EPA risk assessments.³ Moving IRIS functions to the Toxic Substances Control Act program would apply those standards and improve the chemical risk assessments now performed under IRIS.

Eliminate all Healthy Communities and Smart Growth Programs and related grant programs: Deciding what is smart growth or what is a healthy community and how to pursue them are a state and local matter. The federal government should not be involved in these decisions.

Eliminate the Environmental Justice programs and related grant programs: It is unclear how "environmental justice" fits into the EPA's mission to implement public health and safety laws. In addition, funding should not be used to fund activist movements of any kind. Grants funding local activist groups and local programs should remain local and privately funded.

Eliminate the Environmental Education programs and related grant programs: The EPA should stick to its role in implementing regulatory statutes designed to manage pollution, rather than spend taxpayer dollars on such things as a coloring book that teaches second-graders that there are "transportation alternatives to using a car" or that urge kids to go home and "talk to their parents about purchasing products for the home that are both effective and safe for the environment."⁴ These programs are more akin to indoctrination than promoting critical thinking and education; there should be no place for them in the federal government.

Reform EPA science programs: When the EPA was first formed in 1970, scientific knowledge about the environment and the environmental impacts of human activities was in its infancy. Though much has been learned over the past 47 years, EPA science research and regulations have not profited from it. In fact, EPA science has been transformed over the decades into an exercise of adjusting the science to fit predetermined policy decisions. The following reforms will improve the use of science in the regulatory process:

- Apply Information Quality Act guidelines to all information used or disseminated by the EPA, as required by law.
- Bar the EPA from relying on scientific studies for which the underlying raw data are not public and available for independent scrutiny.
- Review and reissue all risk assessment guidance documents with an idea toward updating them with current scientific understanding. Compel EPA staff to operate under them, and make them enforceable.
- Identify and review all major science policy (default assumption) decisions in risk assessment and update or eliminate them based on current knowledge.
- Review and update the application of uncertainty factors in non-cancer risk assessment.
- Develop and implement conflict of interest standards for participation on science advisory boards. People whose programs have received grants or have applied for grants from the EPA should be barred from serving on advisory boards.
- Eliminate the consensus process from science advisory boards to allow for minority opinions.
- Bar the EPA from hiring the National Academy of Sciences/National Research Council for scientific reviews unless directed by Congress.

Notes

¹ White House Budget FY 2018, Environmental Protection Agency, <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/epa.pdf>.

² White House Budget FY 2017, Environmental Protection Agency, <https://obamawhitehouse.archives.gov/sites/default/files/omb/budget/fy2017/assets/epa.pdf>.

³ For section on eliminate IRIs and folding it into TSCA, see page three, third paragraph, of TSCA as enacted, <https://www.epa.gov/sites/production/files/2016-06/documents/bills-114hr2576eah.pdf>.

⁴ Environmental Protection Agency, “Conduct a Chemical Survey,” accessed July 13, 2017, <https://www.epa.gov/sites/production/files/documents/chemicalsafety.pdf>. In the “Wrap Up” section: “Students can talk to their parents about purchasing products for the home that are both effective and safe for the environment.”