

Written Statement for Senate Climate Task Force Meeting - January 23, 2018

Mustafa Santiago Ali

Former Senior Advisor and Assistant Associate Administrator for Environmental Justice and Community Revitalization

My name is Mustafa Santiago Ali and I am the former EPA Senior Advisor and Assistant Associate Administrator for Environmental Justice and Community Revitalization. I would like to thank the members of the Senate Climate Task Force for inviting me here today to share some information about our environment, climate, and the Trump Environmental Protection Agency's impacts on vulnerable communities.

On March 8th, 2017, I resigned from the Environmental Protection Agency (EPA) due to the proposed actions to weaken and eliminate programs and policies that are critical for protecting our most vulnerable communities, including in communities of color, low-income communities, and indigenous populations. These communities have played a significant role in creating many successful programs at EPA by providing advice on how activities and regulations of the Agency could be enhanced to better protect their health.

Over the past 48 years under both Republican and Democratic administrations, EPA has made great strides in protecting the air, water, and land for most of America's citizens through industry regulation. However, there are still many disproportionate environmental impacts occurring in our most vulnerable communities due to lack of equal coverage and enforcement of regulations.

Our most vulnerable communities in both rural and urban settings often live in areas with toxic levels of air pollution, crumbling or non-existent water and sewer infrastructure, lead in their drinking water, brownfields from vacant industrial and commercial sites, Superfund and other hazardous waste sites, as well as other sources of exposures to pollutants.

The current EPA Administration actions are weakening the infrastructure and capacity of the Agency to do its job properly, which will have disproportionate environmental and public health impacts on our most vulnerable communities in the following ways:

- Currently, over 770 employees have left the Agency. Many have left due to the fact that they cannot do their jobs in a manner that supports the mission of the EPA, which is protecting public health and the environment. With the lack of staff comes the reality of fewer opportunities for engagement on the ground and less access for communities with professionals to answer questions and provide information

- In our most vulnerable communities, a strong enforcement program is critical and needed to ensure that their communities are being fully protected from polluting facilities.
- In 2016 there were 13,500 compliance and evaluations conducted. Under the current administration there has been a slowdown in compliance and enforcement actions. Lack of enforcement actions can place vulnerable communities at greater risk from exposures.
- The Agency has stalled and sidelined Science Advisory Committees that provide critical information that can assist decision making impacting vulnerable communities.

There are currently 125 million Americans live in counties with unhealthy air quality and 25 million people in the US who have Asthma. The greatest rise in asthma rates is among black children. The current Administration is placing our children lives in danger by their actions to overturn and roll back basic air protections. A few examples are:

- Clean Power Plan
 - o Will prevent 90,000 asthma attacks and 300,000 missed work and school days by 2030.
 - o Cut other power plant pollution that triggers asthma attacks and worsens respiratory illnesses, providing total health and climate benefits of up to \$54 billion.
 - o Repealing the Clean Power Plan would mean more sick kids across the country but especially in economically challenged communities, more expensive hospital visits that many low-income communities cannot afford, and thousands of premature deaths that could have been prevented.
- Car and truck fuel-efficiency standards
 - o These standards are important to communities with environmental justice concerns due to the fact that their communities are often over burdened by car and diesel truck traffic there by placing their health in greater jeopardy.
- Emissions rules for power plant start-up and shutdown
 - o Our most vulnerable communities are often the sacrifice zones where industry is located. Flaring and fugitive emissions are all too common in vulnerable communities. By rolling back these protections we are ensuring that their air quality will continue to be impacted.

Our most vulnerable communities have often been the recipients of poor water infrastructure and have a lack of access to clean drinking water. Currently over 10 million homes across the country are still getting their drinking water through lead pipes – in places like Flint Michigan. The current EPA administrations is placing additional harms through:

- Decision on Keystone XL pipeline
- Decision on Dakota Access pipeline
- Offshore drilling ban in the Atlantic and Arctic
- Sewage treatment pollution regulations
- Coal Ash discharge regulations

Despite the many challenges that communities of color, low-income and indigenous communities face regarding the impacts of pollution and a changing climate, the Agency has had just as many effective tools and programs, with long track records of assisting vulnerable communities in meeting their goals of improving public health and enhancing the environmental quality of their local communities. That is why the Agency must fully fund its grant programs like the Environmental Justice small grants and Collaborative Problem Solving (CPS) which have played a critical role in helping move over 1500 communities from “Surviving to Thriving.” These programs came from the innovative ideas and experiences of communities and could easily disappear as budget cuts are done without consultation or transparency with the communities the Agency is supposed to protect.

We often forget that the choices we make on regulations affecting clean air, clean water and enforcement are interconnected with the lives of our vulnerable communities and tribal populations. Communities have shared with me over the past two decades how important the enforcement work at the Agency is in protecting their often forgotten and overlooked communities. They feel that when done properly, enforcement plays a critical role in ensuring that all communities, especially those with environmental justice concerns are being protected from serious threats from chemical hazards and ensuring that their air, water, and land are safe.

By ensuring that there is equal protection and enforcement in these communities, EPA plays a significant role in addressing unintended impacts and improving some of the public health disparities that often exist from exposure to pollution. A weakened and disconnected EPA places all residents at greater risk.

We should remember the words of Dr. Martin Luther King Jr., “The time is always right, to do what is right” let’s do what is right for our country and our most vulnerable, by keeping the programs and protections that are critical for the public health and environment of our country.

Blessings,

Mustafa Santiago Ali



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Statement of Jeff Ruch PEER Executive Director January 23, 2018

Evaporation of Environmental Enforcement at EPA

Over the past several years, the U.S. Environmental Protection Agency has disinvested in the criminal enforcement of anti-pollution laws. This retreat appears to be accelerating under Administrator Scott Pruitt.

The decline in EPA has been across the board, reflected in steady cutbacks of personnel, funding, and – as a result – prosecutorial production.

Personnel

Today, EPA has fewer than half of the criminal special agents on the job than it had a dozen years ago. The number of special agents inside the EPA Criminal Investigation Division (CID) is down by more than half since 2003, with only 147 agents through August, before the buyout.

This number does not count Administrator Pruitt's 24/7 security escort and is well below the minimum of 200 agents required by Congress in the U.S. Pollution Prosecution Act of 1990.

Funding

EPA funding for compliance and enforcement has decreased from \$359.5 million in FY2011 to \$341.7 million in FY2017 (5% decrease in seven years). The Presidents proposed FY2018 budget cuts that funding to \$280.7 million (nearly an 18% decrease in one year).

Output

Department of Justice figures compiled by Syracuse University's Transactional Records Access Clearinghouse (displayed in Appendix) show EPA referring only 206 cases of all kinds for federal prosecution during the first 11 months of 2017. Thus, EPA new criminal cases are on a trajectory plummeting to levels not seen since 1990, approaching a nearly 30-year low.

EPA figures obtained by PEER through the Freedom of Information Act indicate that enforcement against criminal violators of the Clean Water and the Clean Air Acts – EPA's two most active dockets – has been especially hard hit. The number of new clean water cases opened this year is more than two-thirds below those opened in 2012, with clean air cases plunging by more than three-quarters annually from those opened five years ago.

These factors reinforce each other: thinning ranks of white collar investigators are opening fewer anti-pollution cases, leading to fewer prosecutions, and ultimately fewer convictions.

Nor does the Pruitt plan of greater reliance on state enforcement through a “cooperative federalism” approach hold out much hope because states do not have the resources to meet current EPA inspection quotas and EPA has largely ceased ensuring that states follow up on violations found by taking appropriate enforcement action.

These declines are taking place in the face of increasing noncompliance – a situation that may be aggravated by evaporating enforcement. For example, the latest EPA figures indicate that more than half of the rivers and streams assessed (52.7%) are impaired, that is they are not drinkable, swimmable or fishable.

https://ofmpub.epa.gov/waters10/attains_nation_cy.control#STREAM/CREEK/RIVER

With the continuing enforcement abdication by EPA, citizens, states, and localities will have to take public health protection into their own hands.

Appendix

Federal Criminal Enforcement

Agency = Environmental Protection Agency

Fiscal Year	Referrals Received	Percent Prosecuted
1986	141	59
1987	140	63
1988	151	40
1989	168	31
1990	184	37
1991	300	31
1992	267	53
1993	299	44
1994	359	24
1995	462	31

<u>1996</u>	492	32
<u>1997</u>	469	42
<u>1998</u>	592	44
<u>1999</u>	564	37
<u>2000</u>	481	36
<u>2001</u>	405	39
<u>2002</u>	341	38
<u>2003</u>	402	33
<u>2004</u>	458	41
<u>2005</u>	323	42
<u>2006</u>	322	44
<u>2007</u>	314	45
<u>2008</u>	355	41
<u>2009</u>	339	46
<u>2010</u>	376	46
<u>2011</u>	413	50
<u>2012</u>	380	42
<u>2013</u>	318	42
<u>2014</u>	262	38
<u>2015</u>	251	42
<u>2016</u>	228	34
<u>2017</u>	206	43

Statement of Tom Ripp

EPA Employee from 1990-2017

Offsite releases of chemicals and other waste to the air, water and land from operations at a facility can and does adversely impact those not associated with those operations. Air, water and land should not be considered to be free resources. Without any regulations facilities could be operating to earn a profit or to minimize treatment costs while their chemical releases may decrease the value of surrounding property, disrupt or decrease the productivity of nearby operations, add to the cost of others' operations, and/or harming human health and the environment.

Environmental regulations are necessary to protect others from what is essentially chemical trespassing. In general, these regulations are designed to allow continued operation of facilities while reducing the release of harmful chemicals to the point of being protective of human health and the environment. In other words, they are meant to protect the general welfare of the public.

However, the benefits of the regulations are diminished when regulated entities fail to comply with the requirements. Facility owners and/or operators may gain an economic benefit over their competitors if they fail to comply with the environmental requirements. EPA and the states need to have strong compliance assurance and enforcement programs to ensure human health and the environment are protected as envisioned by the regulations and to ensure a level playing field among businesses and states.

Congress required EPA to develop the regulations and in many cases, it was expected that the states would primarily implement the programs with oversight and guidance and support from EPA. The states are the front line of protection while EPA ensures the integrity of the national programs are maintained and tries to ensure a minimum equal protection of people and the environment from regardless of which state they are in. States may have programs that are more stringent and/or broader in scope but may not be less stringent than what the Federal regulations require. So in theory President Trump's and EPA Administrator Pruitt's "cooperative federalism"¹ would seem to be a reasonable implementation of the programs. But for a number of reasons, this theory will fail to be efficient or effective when put into practice.

I want to cover several issues that will potentially hamper EPA's and states' ability to carry out their missions to protect the public and environment from the harm caused by uncontrolled releases of pollutants.

- 1) EPA's budget for the compliance and enforcement programs has been in decline in recent years. This decline is likely to accelerate under President Trump and Administrator Pruitt, putting human health and the environment at greater risk.
- EPA's budget especially for compliance and enforcement has not been adequate. The same is generally true for the states' budgets. Based on EPA's "Budget in Brief" documents, the Environmental Program & Management funding for compliance and enforcement has decreased

¹ From EPA's 2018 Budget in Brief - Cooperative federalism: Recognizing the states and tribes, as applicable, as the primary implementers and enforcers of our environmental laws and programs, and partnering with them to engender trust and maximize environmental results to protect human health and environment.

from \$359.5 million in FY2011 to \$341.7 million in FY2017 (less than a 5% decrease). The President's proposed FY2018 budget cuts that funding to \$280.7 million (nearly an 18% decrease in one year). It is easy to envision how this will harm EPA's ability to help support and oversee state programs.

- The Hazardous Waste (RCRA Subtitle C) program provides a good example. In 2007 the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) published a report² estimating the total cost for state implementation of the RCRA program in the 50 states to be \$255 million³. EPA's State and Tribal Assistance Grants (STAG) program required states to provide a minimum of 25% of the total program costs. That means EPA would need to provide \$191 million and the states would provide \$64 million for the implementation of the states' RCRA programs
- In FY2006, EPA provided only \$101.9 million⁴ in STAG funds for the states' implementation of the RCRA program while the states provided approximately \$87 million (over 34% of the estimated total program cost). Combined, this still left an estimated shortfall of over \$66 million.
- By 2017 EPA's STAG funding had decreased to \$99.5 million, and Trump's proposed budget if enacted would cut that amount to \$69.7⁵ (a nearly 30% cut in one year). This would represent only slightly more than 27% of the total program costs, and less than what the states were funding in 2006.
- With decreased funding for EPA's compliance assurance and enforcement program, EPA struggles to provide timely and appropriate support to and oversight of the states' implementation of the national statutory programs. EPA's FY2010 compliance and enforcement environmental program and management (EPM) budget was \$326 million. By FY2017 that budget had decreased to \$323 million. The President's proposed FY2018 budget cuts that to \$267 million (a 17% cut in one year). EPA's compliance budget dropped from \$130 million in FY2010 to \$101 million in FY2017. The President's proposed budget would provide only \$86 million for compliance. This represents an additional cut of over 14% in just one year.
- There is a backlog of RCRA inspector training (online courses that are available to EPA and the states) that EPA has been working on since 2010.
- Training states to address issues that EPA is finding in its national enforcement initiative (NEIs), including the RCRA NEI will lag and EPA will not have the resources to inspect facilities in the states that do not implement that portion of the RCRA program.

² ASTSWMO's 2007 report entitled "State RCRA Subtitle C Core Hazardous Waste Management Program Implementation Costs" can be found at:

http://www.astswmo.org/files/policies/Hazardous_Waste/Final%20Report%20-%20RCRA%20Subtitle%20C%20Core%20Project.pdf

³ Compliance monitoring and enforcement is estimated to be 35% of the total or roughly \$89 million

⁴ In FY 2011, EPA provided a high of \$111.2 million

⁵ From EPA's 2018 Budget in Brief, pg 43

Action needed: Congress needs to protect EPA's budget especially for the compliance and enforcement programs so protection of human health and the environment come before profits.

2) EPA's (and the Office of Compliance's) decreasing capabilities:

- In the last few years, OC has not been able to fill all of the positions that have opened through retirements and other attrition. New people that come in to OC generally lack the experience of those who have left the Agency. As the budget decreases the situation will only get worse. Without sufficient numbers of experienced staff at headquarters, OC cannot provide adequate support to and oversight of the EPA regions and states making it more difficult to maintain the consistency and integrity of the programs, and provide equal protection to the public and the environment across the country.
- EPA will not be able to conduct as many:
 - training inspections for state capacity building;
 - oversight inspections of the state programs;
 - supplemental inspections for coverage of the states' regulated universes.
- Additionally, OC has not been able to adequately participate in rulemaking workgroups to help ensure that the regulations the program offices write are understandable and enforceable. With the President's proposed FY2018 budget, OC will have to make serious decisions as to which programs will be cut. This means citizens living in state where EPA runs the program may not get the same level of protection of those living in states where the state implements the program.
- The branch I recently worked in had RCRA, TSCA, FIFRA and Good Laboratory Practices (GLP, which supports TSCA and FIFRA) compliance program responsibilities. In the last few years, that branch has lost four staff that worked mostly on RCRA, TSCA and asbestos NESHAP issues. The branch only hired two staff, and only one of those works part time on the RCRA and TSCA programs among other duties.

3) Trump and Pruitt's "cooperative federalism" while it sounds good in practice, will fail in reality for a number of reasons

- The states are hard pressed to meet EPA's commitments and inspect other portions of their regulated universes. This puts a pressure on them to value the quantity of inspections over the quality of inspections.
- Some EPA Regions have become reluctant to move forward to correct violations found during EPA inspections and may pass off the enforcement to a state or local agency who may not be in the best position to ensure the facility owner/operator correct their violations since they were not capable of finding the violations in the first place. An LA Times article⁶ goes into the issue and mentions Torrance refinery (formerly Exxon Mobil) where Region 9 did an inspection and found significant violations but appropriate enforcement follow-up is lacking.
- Examples of state program weaknesses needed EPA oversight and/or capacity building:

⁶ Link to LA Times article <http://beta.latimes.com/politics/la-na-pol-trump-environment-20180118-story.html>

- EPA's National Enforcement Investigation Center (NEIC) inspected 16 treatment, storage and disposal facilities (TSDFs) in several Regions and states and in 14 out of 16 of those cases NEIC found significant noncompliance and/or permit issues despite the fact that the RCRA statute requires those facilities to be "thoroughly inspected" at least every two years if it is a commercial operation and at least every year if it is a federal, state or local TSDF.
 - In another example, an inspector allegedly conducted a "thorough" inspection of a facility that is roughly ½ mile wide by 1 mile long in 90 minutes. EPA needs to provide adequate oversight to address issues like this and find out how this could be considered to be appropriate.
- States have a hard time keeping quality staff with the knowledge and experience needed to inspect all of the facilities regulated by their program.
 - California relies on local programs to conduct most of the inspection in the RCRA program. These local Agencies may be fire departments and yet they may be required to inspect petroleum refineries. In EPA Region 9, EPA recently conducted inspections at 6 petroleum refineries (five of them in California) and found significant noncompliance and/or permit issues at 5 out of 6 of those facilities.
 - States/locals may not be able to take appropriate enforcement (such as the case at the refinery identified in the LA Times article).
- 4) EPA's proposed strategic plan has many flaws and will adversely impact permitting and compliance/enforcement programs as written. This overall multi-year strategic plan:
- Relies too much on a perfect world, such as all of the states having adequate resources for their program implementations and adequate political willpower to properly implement the programs;
 - Doesn't properly discuss the impact of cuts on the integrity of the programs EPA must implement;
 - Seems to pay lip service to human health and environmental protection while suggesting that EPA should be more concerned about economic development; and
 - Has too many measures that focus on numbers of actions or activities or reducing the time it takes to complete certain actions or activities (i.e., permitting) without any corresponding measures for the quality of the Agency's work. EPA and particularly OECA has already experienced these types of measures and they lead to quantity over quality which does not maximize customer value and return on taxpayer investment (language used in the strategic plan). It is better to do it right the first time even if it takes a little longer to get it done.
 - It runs the risk of allowing releases of pollutants from the regulated community in violation of the regulations and/or permits or in amounts that are not protective of human health and the environment. Too many places in the strategic plan seem to say it is ok for industry to discharge

wastes (pollution) as long as the economy is good and the facility can make a profit. In other words, chemical trespassing (dumping of uncontrolled wastes off the facility's property onto someone else's property or air) is ok as long as you make a profit or contribute to the economy.

- The strategic plan does provide some good ideas such as greater transparency or relying more on states with authorized programs to properly implement those programs but provides little substance as to how this will happen especially with decreasing resources. It also does not recognize the fact that many state programs lack the proper resources to implement the programs as designed. For example, states conducting "thorough" inspections at large complicated TSDFs in 90 minutes hardly meets the requirements for proper implementation of the program and likely misses violations that exists. Another particular example is a case in EPA Region 4 where the facility has contaminated private drinking water wells and yet no compliance inspections indicated there was an issue.
- The strategic plan seems to forget that the authorized state programs are part of a national program and must be at least as stringent and may be greater in scope. It is EPA's responsibility to ensure that is the case and that assurance can only happen through rigorous oversight and capacity building.
- The Agency should essentially conduct a pareto analysis to identify all of its responsibilities, the problems that exist in carrying out its responsibilities, the resources available to carry out its responsibilities and then develop a transparent plan based on that analysis. The strategic plan in its current form does not allow the public to see the major cuts required to realign EPA's investments to "rebalance the power and focus on what Pruitt deems to be EPA's core responsibilities.

My full summary comment and my more than 120 detailed comments on EPAs Draft FY 2018 – 2022 Strategic Plan can be found at: <https://www.regulations.gov/document?D=EPA-HQ-OA-2017-0533-3245>

Tom Ripp Background

- Education - BS in Chemical Engineering and an MBA, both from Virginia Tech.
- I worked at a manufacturing facility for almost four years prior to working at the EPA
- EPA from August 1990 to September 2017

With the exception of two details, one to the Acid Rain Division and the other to the Office of Regulatory Enforcement, I spent my career working in the compliance program. I started with the Stationary Source Compliance Division within the Office of Air Quality Planning and Standards, then moved to the Office of Compliance (OC) when it was formed in 1994. For over 8 years, I was a branch chief in OC. During my time in OC, I worked with the following statutory programs:

- Clean Air Act;
- Clean Water Act;
- Safe Drinking Water Act;
- Toxic Substances Control Act
- Resource Conservation and Recovery Act.

Some of my significant work included:

- the OC staff lead for the petroleum refining enforcement initiative in the 1990s;
- the primary developer of the tool used to prioritize drinking water systems for federal enforcement;
- one of the primary authors of the TSCA compliance monitoring strategy (CMS);
- the primary author of the RCRA CMS;
- Involved in negotiating annual inspection commitments for the EPA Regions, for RCRA, SDWA and TSCA.

Statement of Michael J. Walker

Retired; Director, National Enforcement Training Institute, US EPA

January 23, 2018

What Is Wrong at EPA?

1. EPA is filled with well-meaning civil servants. Without strong and positive leadership at every level, many of the rank and file seem to lack the authority, resources or entrepreneurial energy to “keep working.” Example: for enforcement staff, lawyers and case developers, without inspection reports documenting violations, enforcement cases cannot be generated.
2. It is not true to assert that “everything changed” for the worse when President Trump took office. While many EPA staff vocalized shock and dismay when President Trump was elected, knowledgeable insiders, like me, were witness to the acceleration of a number of disturbing trends that started more than ten years ago and continue to erode public health and environmental protections.
3. I served as an enforcement attorney in the EPA Chicago office and a manager of the civil law enforcement program for toxic chemicals and illegal pesticide use in Washington, D.C. I was appointed to the Senior Executive Service in 1991. I litigated many significant and first impression enforcement cases and developed a number of nationally significant innovative settlement strategies, including Supplemental Environmental Projects and compliance audit credits. I saw firsthand the many institutional obstacles to establishing a sustainable enforcement program and advocated for improvements whenever I could. Eventually I was relocated to the training office where my budget and resources were systematically decimated and my authority diminished.

A. EPA does not invest in or prioritize enforcement. EPA is a decentralized civilian organization, with little regard for “chain of command” from the Washington leadership to the ten regional offices that hold with the bulk of the 3,500 enforcement staff and resources. Unless strong signals, strategies for who to inspect, prioritization and clear direction come from Headquarters, regional offices operate as independently as practicable and may avoid the tougher issues, the time consuming violators or sensitive issues. About 50% of cases result from “tips or complaints.” Where there is little or no proactive field presence, violators go unchallenged. Imagine if you knew a highway that never had anyone from the Highway Patrol on it.

B. The focus on a few big judicial cases means no attention to many program areas. Since the time EPA was formed, the Department of Justice Land & Natural Resources Division was given exclusive authority over EPA’s judicial enforcement program. EPA, unlike other federal agencies, cannot go directly to a U.S. Attorney’s Office to seek an injunction or initiate an enforcement case. All cases must be sent to Main Justice, through OECA, adding delay and potential political or

bureaucratic interference. Justice staff can delay cases, demand more information or decline to take a case.

C. Many managers at every level are uncertain leaders and “risk adverse.” You can’t get in trouble if you stay quiet and do not raise your profile. EPA has a rich budget for cash awards and bonus payments, particularly for the Senior Executive Service. Bonus payouts for many SES members averaged \$12,000 over the last few years. Denial of bonuses is used to punish managers who are not part of the inner circle or who complain.

D. EPA has abandoned one of its most effective and cost effective enforcement tools. There has been a steady erosion of EPA administrative enforcement authority in exchange for a greater reliance of work by the Department of Justice: Over the past ten years, EPA recruited a number of DOJ attorneys into senior leadership and management positions in OECA, transforming, over time, the ratio of enforcement cases from administrative to civil judicial. Historically the Clean Air Act and Clean Water Act did not have any administrative penalty authority. Following successful examples in TSCA, FIFRA and RCRA, Congress added administrative authorities to the CAA and CWA but the Justice Department lobbied successfully for significant limits on the administrative authorities (i.e. \$1 million dollar cap in CAA) to protect their case load. Administrative cases offer real time efficiencies; inspect-develop-file-litigate or settle, without resort to time delays in referring cases to the Department of Justice.

E. At the present time, there are fewer than 20 administrative cases pending with the EPA Office of Administrative Law Judges, which is established under the federal Administrative Procedure Act to conduct hearings on contested matters. Administrative penalty actions offer lower transaction costs for EPA and lower costs the respondent-violator. No DOJ is involved. These cases are appropriate whenever an injunction in federal court is not required.

4. Democrat Assistant Administrator Cynthia Giles (2008-2017) to explain the steady overall decline in enforcement cases, liked to claim that EPA was bringing “larger” and more significant cases, citing VW and BP. However it is evident to anyone on the inside that the number of staff assigned to work on these cases was very limited. OECA controls nearly 3,500 FTE in OECA and the regional offices. What are the rest of the staff working on?

5. In the 39 years I served at EPA, I saw many great leaders under Presidents of either party. I was not particularly dismayed with the election of President Trump, though his overt hostility to climate change science was concerning. EPA – as all federal agencies – needs to be respectful of science, scientific principles and the scientific method. We did not get to the moon by ignoring the laws of gravity or physics. However, there are many examples of “scientific thought” or certainty that have been disproved as more information comes out and “science” agencies, like academia, need to be open to vigorous debate and analysis. (Even Aldo Leopold, the great father of modern ecologic science, was involved in the extermination of predators in New Mexico as part of his work for the Forest Service. He came to realize his mistake when the deer population destroyed the fragile desert ecosystem.)

6. EPA needs to rethink its priorities. Much time, money and effort is given to Superfund remedial cleanups but only 1 in 4 Americans lives within a few miles of a Superfund site. All American's drink water, consume food, and reside indoors at some point. Funds dedicated to safe water are limited (and do not generally cover unregulated well water or ground water); efforts to address pesticide residues in food and indoor air quality are very limited. A frequent explanation for why enforcement can't be done in a specific area, like chemical safety, is that there are no "resources." OECA, not counting the regional office legal staff, has 200 attorneys. 100 are GS-15 or above. What are they doing from their Washington office?

7. Enforcement training funds are negligible and not coordinated. I was the Director of the National Enforcement Training Institute, which was established by an Act of Congress – The Pollution Prosecution Act. Despite Congressional authorization of the enforcement institute, I did not have organizational control over training taking place in other areas of the "national" Office of Enforcement & Compliance Assurance. On more than one occasions, I sought a line item budget allocation of \$50 per enforcement FTE or about \$1.5 million. This was routinely dismissed by my superiors. Between 2009 and 2017, my training budget declined to 4 FTE, less than \$10,000 in travel funds. At one time the National Enforcement Training Institute had 24 FTE, contractor support of \$700,000, and a state of the art training facility outside Denver, Colorado. The lack of staff and training funds has created a situation where EPA now lacks the ability to properly train its inspector corps and professional staff. The same is true for any efforts to provide training to state law enforcement partners.

8. Strong, informed leadership at the helm of EPA is needed. Risk-adverse managers and staff require strong signals from the top. Administrator Pruitt's broad "anti-science" statements on climate change have had a demoralizing impact on the staff, regardless of the programs they work in. That is not to say that there is clearly one solution or one direction to go in in addressing climate issues. It is incontrovertible that CO2 levels in the atmosphere have increased demonstrably in the past 35 years. Science discovers new findings all the time and EPA should encourage vigorous debate and exploration, not try to kill debate. We did not get to the moon by ignoring the laws of gravity and physics. EPA and its leadership – to properly address public health and environmental safety must renew efforts to look at science and alternatives; to enforce fairly those laws and regulations that address public health and safety and renew the Agency's position as the guardian of clean air, water and soil.