

**Subcommittee on Superfund, Waste Management,
and Regulatory Oversight Hearing:**

**“Oversight of U.S. Environmental Protection Agency Enforcement
and Compliance Programs.”**

Wednesday, June 29, 2016, at 2:30 pm.

This very important oversight hearing is long overdue, so thank you to Subcommittee Chairman Rounds for scheduling this to examine the Environmental Protection Agency’s (EPA) enforcement and compliance programs.

I would like to welcome our witness, Cynthia Giles, who is the Assistant Administrator for the Office of Enforcement and Compliance Assurance at EPA, back before the Committee.

Ms. Giles has testified before this Committee only twice before – at her confirmation hearing and at a drinking water oversight hearing – both of which were in 2009.

At Ms. Giles’ confirmation hearing, I raised concerns that too many of President Obama’s top EPA officials were from the northeast and were unfamiliar with issues affecting the vast majority of the country beyond the urban centers of the east coast.

My concerns have been proven correct. The Obama EPA – and in particular, the enforcement program under Ms. Giles’ leadership – has shown itself to be heavy-handed and out of touch with rural communities that grow our food and produce our energy.

Look no further than the statements by Dr. Al Armendariz, the former Region 6 Administrator for EPA based in Dallas, who said in 2010 that

EPA's "general philosophy" for enforcement was to "crucify" a couple of oil and gas companies to make an example of them and incite fear in the rest of the sector. I exposed these remarks on the Senate floor in 2012 and soon thereafter Dr. Armendariz resigned.

Indeed, Dr. Armendariz was behind a 2010 Safe Drinking Water Act emergency administrative order against a Texas oil and gas company, which was counter to findings from state officials and based on dubious reports. According to emails obtained by the Committee, Ms. Giles wrote to Dr. Armendariz and told him that he did a "terrific job" in issuing the order. Never mind that in 2012 EPA withdrew the order after questions were raised about the science on which it was based, vindicating the state's regulators who had urged caution. That is not my definition of a terrific job.

This enforcement-first philosophy is not limited Dr. Armendariz. It seems to be part of the day-to-day operations at EPA.

Just look at EPA's attempts to spy on farms in the Midwest from the air to enforce the Clean Water Act, and the culture of intimidation those tactics create where people cannot feel safe in their own homes from the prying eyes of EPA agents.

Then there was the case EPA brought against a family in Idaho, who had tried to build a house near a lake only to have EPA threaten them with millions in fines under the Clean Water Act. EPA even argued that the land owners could not challenge the enforcement order in court, but a unanimous Supreme Court ruled in their favor in 2012.

That was followed by another questionable Clean Water Act case where EPA went after a farmer in Wyoming and threatened him with millions in fines for building a stock pond. That case was settled just last month, and the farmer will get to keep his pond.

These are just a few examples of an agency quick to throw down the hammer when it advances policy goals of EPA headquarters, without conducting due diligence and listening to partners at state agencies. Yet, when cases arise that truly impact the environment, EPA is slow to take action and it is also clear the Agency does not hold itself to the same high standards it expects farmers and other small businesses to follow.

For instance, just look at what happened at the Gold King mine in Colorado, where EPA staff and contractors caused more than 3 million gallons of contaminated mine water to spill into a local river last August. Almost a year later, and no one has been held to account for this incident. Just imagine if a mining company or other business had caused the spill and ask yourself whether EPA have been as lenient?

I ask that my full statement be entered into the record. Thank you.