

Statement of Senator James M. Inhofe

U.S. Senate Committee on Environment and Public Works Hearing:

“Cooperative Federalism: State Perspectives on EPA Regulatory Actions and the Role of States as Co-Regulators.”

Wednesday, March 9, 2016, at 9:30 a.m.

Today’s hearing is critical to our understanding of the success of environmental programs across the country. Indeed, in appreciation for our unique system of federalism, Congress, and in particular this Committee, must check in with states to ensure this system is fully functioning when it comes to actions initiated by the U.S. Environmental Protection Agency (EPA). For this reason, I want to thank our state regulators for being here today to share your feedback on whether the current regulatory framework between states and the EPA is working and upholding the principle of cooperative federalism.

Cooperative federalism is a core principle of environmental statutes, including the Clean Air Act, the Clean Water Act, Safe Drinking Water Act, the Resources Conservation and Recovery Act to mention a few, where EPA and the states work together to meet environmental goals.

Unfortunately, under the Obama Administration, we have observed a flood of new regulations breaking down this system, in what seems to be uncooperative federalism. The Obama-EPA has embarked on an unprecedented regulatory agenda that simply runs over states by imposing an increasing number of federal regulatory actions on states while requesting even less funds to help states carry out these actions. As some state regulators have explained, EPA is requiring them

to “do more, with less.” Many of these actions are driven from EPA headquarters to fulfill a political agenda that often results in years of litigation and inefficiencies that cost citizens more taxpayer dollars and reap little to no environmental benefits.

Today, we have a diverse panel of witnesses from states across the country, working with different EPA regions, and experiencing unique environmental issues who will expand on this breakdown. While state feedback varies, there are several troubling themes that have consistently emerged:

- EPA has neglected their responsibility to consult with states at the beginning stages of regulatory actions;
- EPA gives states little time to digest complex regulations and provide meaningful analysis during short comment periods;
- EPA has allowed environmental activists to set regulatory deadlines imposed on states through sue-and-settle agreements, without state input;
- EPA has increasingly used regulatory guidance to circumvent the regulatory process;
- EPA has a severe backlog of approving state implementation plans, yet has issued an unprecedented number of federal implementation plans over state air programs;
- EPA budget requests have called for decreased levels of state funding while requesting increased funds for EPA bureaucrats; and
- EPA is deviating from its core functions and duty to uphold cooperative federalism.

These concerns are not limited to our witnesses today. Last month, I sent letters to all Committee Member's state environmental agencies asking for feedback on EPA actions and the level of cooperative federalism. I appreciate the many responses the Committee has already received, which echo these concerns.

I look forward to receiving additional state responses and to hear more from our witnesses today as we take a hard look at what works and does not, and identify ways we can ensure consistency and enhance the role states play in environmental policy.