

TESTIMONY



Senator Barbara Boxer
Testimony Before the Senate Committee on Governmental Affairs
on the Boxer-Collins Bill: Elevation of the Environmental Protection Agency to a Cabinet-Level Department
July 24, 2001

Thank you, Mr. Chairman, Senator Thompson, Senator Collins, and Members of the Committee. It is my pleasure to have the opportunity to testify before you today in support of S.159, the Boxer-Collins bill to make the Environmental Protection Agency (EPA) a permanent part of the President's cabinet.

Before I get into my testimony, I want to let you know that the bill before you today is modeled after a bill introduced by Senator Glenn in 1993, in the 103rd Congress, to elevate the Environmental Protection Agency to cabinet status. That bill passed the Senate, but unfortunately was weighed down by numerous provisions that kept it from becoming law. I have pared back my bill significantly from the Glenn bill, even as introduced, in order to stream-line the bill, while retaining its essential elements.

Mr. Chairman, on the first working day of the new Congress, I introduced a bill to address the energy crisis in California. On the second day, I introduced the Department of Environmental Protection Affairs Act. I believe that shows the importance I place in putting the EPA on equal footing with the rest of the Cabinet. I particularly want to thank Senator Collins, the lead co-sponsor of this bill, for her support in this bipartisan effort.

As most of you know, the EPA was created over 30 years ago by President Nixon in response, in part, to waters too polluted to drink and air too dirty to breathe. It had become clear that waste, and air and water pollution, did not respect state boundaries, and that public health and environmental protections varied widely from state to state.

In the more than 30 years since its founding, the EPA has played a critical role in ensuring that all Americans enjoy the same basic level of public health and environmental protection. At the same time, the world has changed a great deal since the

EPA was founded in 1970. EPA's responsibilities have greatly expanded from its original mandate.

Mr. Chairman, it is now time for the EPA to be a permanent part of the cabinet. Protection of public health and the environment must have a seat at the President's table, along side those cabinet members who are fighting for education, commerce, transportation, agriculture, energy, and defense. The EPA must no longer be an agency on the outside looking in. It must be on the inside with a permanent seat at the table.

This bill is more than just a symbolic gesture. Let me take a few minutes to summarize the reasons for elevating the EPA to a cabinet-level Department.

First, by elevating the EPA to the cabinet, the Boxer-Collins bill would ensure that the President is directly involved and responsible for setting environmental policies. While some past Presidents, as well as the current President, have invited the EPA Administrator to cabinet level discussions, this bill assures that environmental protection has a place among the national issues occupying the attention of the President and his cabinet.

Second, the Boxer-Collins bill would ensure that the head of the EPA is on an equal footing with her colleagues in the rest of the Administration.

Third, the Boxer-Collins bill recognizes the growing role of global environmental issues.

Most nations in the world already afford top status to their environmental officials. In fact, according to the Congressional Research Service, of 198 countries surveyed, only 10 do not afford cabinet or ministerial status to their highest environmental official. The United States is joined by nations such as Libya, Yemen, Qatar, and Uzbekistan in failing to grant permanent cabinet status to its environmental agency.

We now have a chance to fix this. And we are presented with a unique opportunity at this moment in our history -- with a bipartisan bill in the Senate and the support of a Republican Administration -- to get it done.

Past efforts have failed. This time, we must succeed.

As you know, serious legislative attempts to elevate the EPA to a cabinet-level Department were made in the late 1980s and the

early 1990s. Each time, however, controversial policy issues were injected into the debate. Despite substantial bipartisan agreement on the core issue -- that the EPA deserved a permanent seat at the cabinet table -- too much baggage killed the effort.

The Boxer-Collins bill provides a chance to do it right this time. Our bill sticks to the basics. It would codify the broad parameters of what would be the Department of Environmental Protection Affairs, but does so in a way that ensures that the new Department maintains the mission, tradition and history of the existing EPA: that of a leader in environmental protection.

EPA has an unusual history, it was created in 1970 by President Nixon, through a reorganization plan. There has never been a stand alone statute that spells out the structure of EPA. The Boxer-Collins bill takes care of that by providing a broad outline of the Department of Environmental Protection Affairs.

Specifically, S. 159 provides for a Secretary, a Deputy Secretary, Assistant Secretaries, a General Counsel, and an Inspector General. It lists general areas of responsibility that must be addressed by the Assistant Secretaries, such as enforcement, clean air, clean water, toxic substances, and hazardous waste. It encourages EPA to participate with the Secretary of State in negotiating international agreements. It also includes a number of technical and conforming amendments.

Mr. Chairman, I am not here to tell you my bill is perfect. But, it is intended to be a clean bill. I have tried to stick to the basics while still providing enough detail so that we have a reasonable idea at the end of the day of what the new Department of Environmental Protection Affairs will look like.

To achieve this result, Members of the Committee may have suggestions that make the bill better. I am open to those suggestions and look forward to working with you on the best bill possible. The most important thing to remember is the lesson of the past. Keep it clean.

It will be hard to stick to this approach -- from both sides. I, for example, would like to see the EPA's Office of Children's Health and the Office of Environmental Justice written into law. But when I wrote this bill in January, I resisted the attempt to use this bill as a vehicle.

Elevating the EPA to a cabinet-level Department is too important to become bogged down once again in bickering over pet issues and petty grievances. This could be the year --should be the year -- when the ribbon is finally cut on the new Department of Environmental Protection Affairs.

Once again, thank you, Mr. Chairman for holding this important hearing and for allowing me to testify on a subject of great importance to me. And thank you again to Senator Collins for joining me in this effort.

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