

## STATEMENT

Senator Joseph Lieberman

**Opening Statement: "Public Health and Natural Resources: A Review of the Implementation of Our Environmental Laws"**

**Senate Governmental Affairs Committee Hearing**

Thursday, March 7, 2002

(as prepared for delivery)

Good morning and welcome. This is the first of a series of hearings on the Bush Administration's environmental record. One of the primary responsibilities of this Governmental Affairs Committee is to make sure that our government is working efficiently and effectively and that its agencies are properly enforcing the laws Congress has passed and the President has signed. In our ongoing investigation of the Enron collapse, we are asking why the watchdogs didn't bark. This Committee is a watchdog, and it is our job to bark when we see trouble.

And I see a lot of trouble in the Bush Administration's environmental record.

I called today's hearing - not lightly, but out of genuine concern. In three decades of public service, I have had the privilege of working to help improve the environment. In the state Senate, we created the Connecticut Department of Environmental Protection, and adopted clean air and clean water laws. And as Attorney General, I was privileged to help enforce these laws. When I came to the U.S. Senate, I was involved in the bipartisan amendments to the Clean Air Act, and as I look back on my service, that's one of the things I'm most proud of.

In my opinion, the Bush Administration has undermined many critical environmental and public health protections and, as a result, has broken the bipartisan consensus for environmental protection that has existed for years. Today we will assess the effects of the Administration's actions—not only to learn what has happened, but to understand what could happen over the next three years if similar behavior goes unchecked and unchanged.

The environmental initiatives of the Administration, have been both disappointing and somewhat deceptive. After avoiding mounting evidence on climate change for too long, a few months a few weeks ago, President Bush acknowledged that global warming is a serious challenge that requires a response.

Unfortunately, the President's proposals fell far short of his rhetoric. His global warming proposal, which EPA Administrator Whitman will discuss with us today, is packaged as a major innovation. But the bottom line is that if the proposal were to become law, the main cause of global warming, carbon dioxide emissions, would rise by 14 percent over the next decade based on current economic projections. Global warming would literally get worse, not better.

On the related challenge of clean air, I see the same false promise of innovation. When he was running for President, then-Governor Bush said without conditions or equivocations that he supported a comprehensive strategy to reduce all four major emissions from power plants, carbon dioxide included. And here in Congress we were working hard on a bi-partisan proposal to do just

that, with every expectation that the Administration would support our attempts to reach compromise. Then, last March, it appears in response to resistance from the power industry, the President suddenly dropped the ball on carbon dioxide, and thereby shifted the bipartisan process in the Environmental and Public Works Committee. Now, the President has proposed a three-pollutant proposal, which the Administration is trying to market as an innovation when, in fact, it looks to me as if it would do a worse job of reducing the emissions of those three pollutants than existing rules. The time-frame is too lax and the targets are too weak.

This administration seems determined to make the existing policies less effective, and then to suggest replacing them with new policies that would achieve even less.

That brings me to the enforcement of our environmental laws. As a former attorney general, I know something about enforcement of environmental laws. So I have grown increasingly troubled by the poor enforcement record of this Administration, which reached a stunning low point last week when Eric Schaeffer, one of EPA's leading environmental enforcers resigned in protest. We are privileged to have Mr. Schaeffer as a witness today.

At its very beginning, the Bush Administration began rolling back important protections that safeguard our environment and public health and safety. As you may remember, it derailed a new rule to require significant efficiency savings in air conditioners that could have offset the need for over 30 new power plants. And most memorably, on arsenic in the water, it put the brakes on the Clinton Administration's standards, asking for another, redundant study, and was finally forced to retain the rule the Administration had said it would withdraw.

Alongside the higher profile of regulatory rollbacks, there has been a subtler undermining of environmental protections through inaction, settlement agreements, changes in guidance documents and funding reductions. I only wish the administration were as tireless and resourceful in trying to solve our common environmental challenges as it seems to be in devising ways to take the teeth out of important environmental rules and regulations.

One particularly area of concern is New Source Review, which governs how power plants comply with the Clean Air Act, and is intended to ensure that when old power plants upgrade their operations, they upgrade their emissions reduction technology as well.

Yesterday, we heard fresh and shocking evidence of the kinds of long-term health consequences that weak New Source Review enforcement and other similarly toothless air quality policies can bring, as researchers - in an article published in the *Journal of the American Medical Association* - for the first time linked long-term exposure to air pollution from coal-fired power plants, factories and diesel trucks to an increased risk of dying from lung cancer.

I quote from a *Washington Post* article on this research: "Previous research by Harvard University and the American Cancer Society strongly linked these fine particles to high mortality rates from cardiopulmonary diseases such as heart attacks, strokes and asthma. Until now, however, scientists lacked sufficient statistical evidence to directly link those emissions to elevated lung cancer death rates.... Nationwide, as many as 30,100 deaths a year are related to power plant emissions, according to a study by Abt Associates, a private research organization that does work for the EPA. By comparison, 16,000 Americans are killed each year in drunken driving accidents and more than 17,000 are victims of homicides.

This is serious business, which, frankly, the Bush Administration is not treating

seriously enough. That's undoubtedly one reason why Eric Schaeffer resigned last week in protest over what he called "a White House that seems determined to weaken the rules." That was a disheartening development, because it was direct confirmation from within the Administration of something many of us have been concerned about—namely, that this Administration is not fulfilling its responsibilities to enforce critical environmental laws, including those that are fundamental to protecting public health.

Mr. Schaeffer's resignation statement is also, to me, powerful evidence that this Administration is not following a balanced environmental policy. It is listening and responding to the views of those who are the source of pollution, without giving the views, voices and values of others the weight they deserve.

I'm grateful to have Administrator Whitman here today. She is the best friend of the environment in the Bush Administration. I personally wish that her advice were heeded more often.

We also welcome our other witnesses, who are here to help us get to the bottom of these important questions. This hearing is intended as a direct challenge to the Bush Administration to defend its environmental record and hopefully to improve it before it gets worse.

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