

Testimony before the House Committee on Agriculture and Natural Resources

March 10, 2011

Good morning Mr. Chairman, members of the committee. I am Joshua Svaty, and I serve as the Senior Adviser to the Regional Administrator for Region 7, Karl Brooks. Karl is able to be here with us this morning, and will speak to you about several of the issues you might be specifically interested in. I am here because as a former member of this committee, I thought it would be helpful to walk the committee through the Environmental Protection Agency – both where we interact with agriculture and where we do not.

I don't have to explain the timeliness of this visit – you are all well aware of the conversation going on in agriculture about the EPA. Much of what you hear comes from other elected officials or agricultural groups. We are not here today in an effort to confront those talking points head on. Instead, it is my hope that I am able to bring to you a better understanding of the processes within the EPA, so when you hear criticism of the agency, you are better able to discern what is warranted and what is grandstanding.

The EPA is actually a rather young federal agency. We were formed in 1970 by the Nixon Administration in an effort to give support to the states and reduce the patchwork of environmental regulation throughout the country. That mission gives us the chance to truly develop great partnerships. Most of the actual work of regulation is conducted by the states. Here in Kansas, we work most closely with the Kansas Department of Health and Environment, but we also work with the Kansas Department of Agriculture.

We also have a lean structure. Rather than state offices, we have ten regional offices throughout the country. Kansas is a part of Region 7, and you may or may not be aware that the Region 7 office is actually located in Kansas City, Kansas. As you can see, Region 7 covers the heart of agriculture in the Midwest, which is the heart of agriculture for our nation. You might be interested to know that the Regions are allocated resources based on the population size within their area and the amount of work the EPA is conducting in that region. Region 7 actually has the least number of employees of any region and the smallest budget.

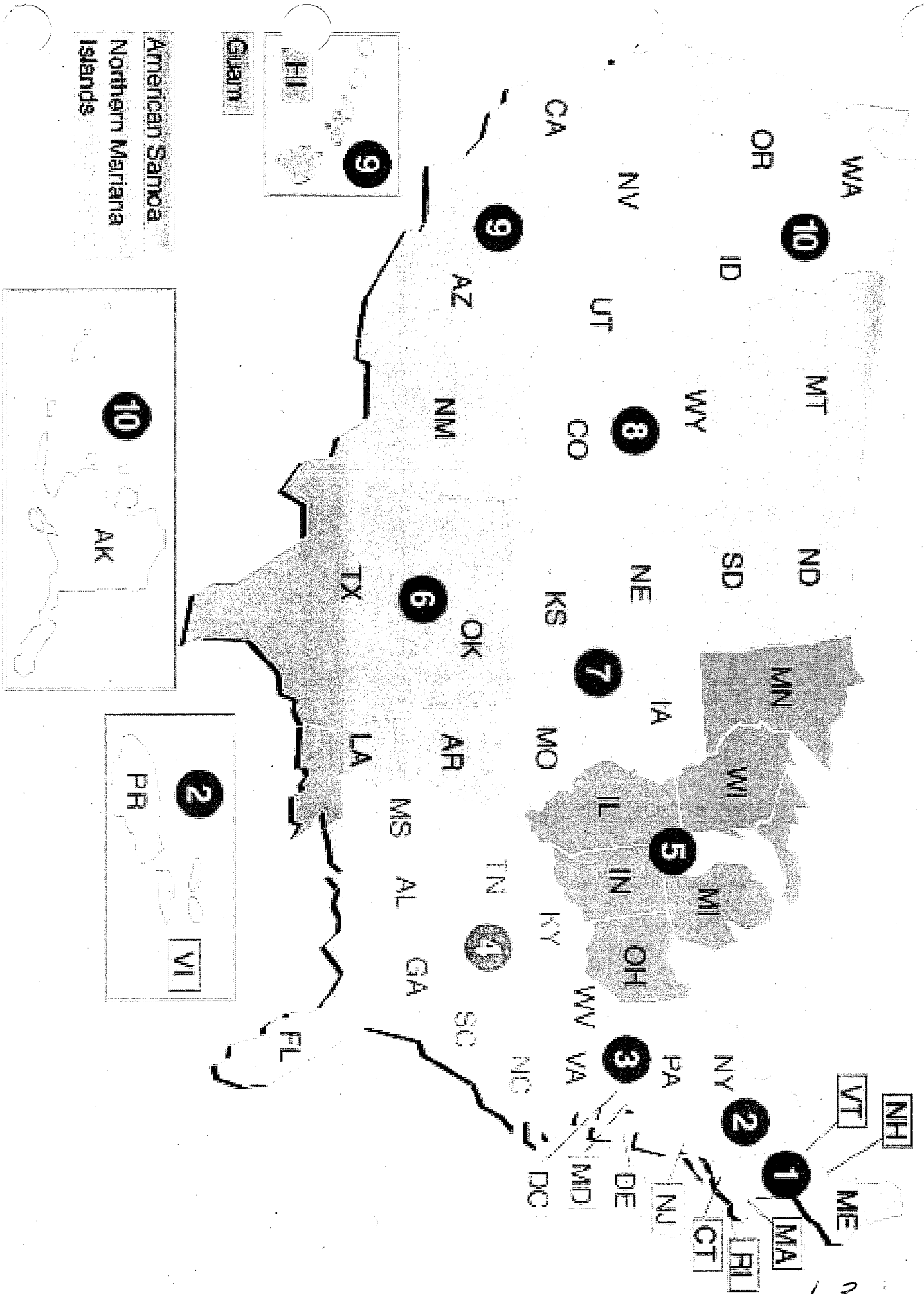
Even though we are younger and have a different structure from many federal agencies, we are fundamentally the same as any other agency within the executive branch of the federal government. We are subject to Congress and the President, and we cannot act without statutory authority. Our regulations all follow the similar path of promulgated regulations here in Kansas – before they become law, they must undergo a vigorous approval process that includes public hearings. Also, we conduct many periodic reviews. These periodic reviews are usually required by Congress. For example, we are currently undergoing a review of our Particulate Matter standards. This is a National Ambient Air Quality Standard review that is required by Congress every five years.

Within the Agency, we are organized in a fairly predictable fashion. We have our Headquarters in Washington, DC, and then we have the Regional offices that have the specific knowledge and handle day-to-day action within their respective parts of our nation. Here in Region 7, we have several programs worth noting to this committee – Air and Waste Management, Environmental Services, Superfund, and Water, Wetlands, and Pesticides. As you might imagine, Water, Wetlands and Pesticides has the most interaction with the agriculture community.

We do not have a specific division designated for “Agriculture”, either here in Region 7 or at Headquarters. There is no one program focused on regulating agriculture. Agriculture will meet environmental regulation through one or a combination of several of our statutes. Again, it is important to remember that although we have the purview of these statutes within our agency, most of this work is actually done by the states, and we are a partner with those states to make sure the regulation is carried out. Many of these are broad federal statutes – the Clean Water Act and the Clean Air Act are our most prominent examples. As a practical guide for agriculture, consider the National Pollution Discharge Elimination Service (NPDES). This is a permit program under the Clean Water Act, but it is carried out by the Kansas Department of Health and Environment. We also work extensively with the states on other statutes – the Resource Conservation and Recovery Act is a good example. This statute deals with monitoring hazardous waste “from cradle to grave.”

I think it is important to realize that the Environmental Protection Agency isn't just the Clean Air and Clean Water Acts. We handle many things – often statutes that have little or no nexus with agriculture. Our superfund program handles issues like the Tri-State mining region, which includes the buyout of Treece, Kansas due to a century of lead mining there. We also handle the Community Right to Know Act, as well as the Safe Water Drinking Act, just to name a few.

Our legislative liaison, Sarah Hatch, is here today with us and she is a wonderful resource for you if you have questions in the future. As with any federal agency, our primary purpose is to fulfill our statutory responsibility of maintaining the public health of all Americans and the environmental health of our natural resources. However, we recognize that we have an important function in state partnership, and so we are pleased that you would invite us here today. At this point I am going to turn things over to our Regional Administrator to give some remarks and answer any questions.



American Samoa
 Northern Mariana
 Islands

1-3