

# Obliterating EPA would create chaos, experts say

Joseph Baucum, USA Today, 2-3-17

PENSACOLA, Fla. — After soliciting endorsement from his colleagues earlier this week to eradicate the Environmental Protection Agency, U.S. Rep. Matt Gaetz has garnered support from a trio of congressmen in what he assures would translate to a smooth transition in oversight and regulations from the federal government to individual states.

But legal experts disagree with the Fort Walton Beach Republican, arguing that eliminating the agency would incite statutory chaos and devastating impacts to human health and the environment.

"When it was originally created, states and local communities didn't have the technology or expertise to protect the environment," said Gaetz, who has targeted 2018 for when he hopes to see the agency disappear. "We've come a long way in the last 50 years. Time and again, I've seen constituents unknowingly subject themselves to the oppressive jurisdiction of the EPA by doing simple things."

Gaetz said Reps. Steven Palazzo, R-Mississippi, Thomas Massie, R-Kentucky, and Barry Loudermilk, R-Georgia, have agreed to co-sponsor a bill to the House Committee on Natural Resources to eliminate the agency. At that point, the committee's chairman, Rep. Rob Bishop, R-Utah, would decide if it would be put to a vote.

Many environmental protection laws create legal standing for states to enforce federally administrated regulations. Gaetz contended that without the EPA, authority for those laws would simply shift to states. But multiple professors at the University of Florida Levin College of Law contradicted him.

"A lot of states just don't have resources available to them," said Mary Jane Angelo, professor and director of the Environmental and Land Use Law Program at the university. "Wealthier states would have better protection for their citizens' health than poorer states."

Angelo said the EPA administers most federal and environmental programs through what is termed cooperative federalism. As an example, she said under the Clean Water Act, most states have assumed responsibility for carrying out a portion of regulations such as issuing permits and ensuring compliance. States must meet minimum federal requirements. Certain flexibility exists for states to carry out the law in ways more sensible for them. If the government quashed the agency, Angelo argued "decisions would have to be made on hundreds of programs about what happens to them."

Alyson Flournoy, a law professor at the university and a member scholar at the liberal Center for Progressive Reform, said without federal regulations, states would enter into "a race to the bottom." She explained that as an incentive to attract industry, a portion of states would relax standards in a short-sighted economic strategy that would ultimately sacrifice public health and the environment.

Flournoy criticized Gaetz's effort as an attention-seeking move that ultimately betrays his constituents.

"It seems to be part of a wave from elected officials designed to capture headlines but not do good government," she said. "We don't need less government or more government. We need good government."

Gaetz maintained states could capably regulate themselves if allowed. But in July, Florida's Environmental Regulation Commission approved new state standards that would escalate the acceptable levels of toxins in

state rivers and streams for more than two dozen known carcinogens. The proposal required further approval by the EPA, but an agency spokeswoman said the state never sent it to the agency.

In an email to colleagues this week seeking support for his bill, Gaetz cited a report from the conservative American Action Forum, writing "it would take more than 94,200 employees working full-time to complete one year of EPA paperwork. With the average compliance officer being paid over \$33 per hour, the costs of these regulations accumulate quickly."

But the report's evidence is questionable. Rick Harper, an economist and professor at the University of West Florida, said the report could be relying on other studies to reinforce its premise, but the report struck him as a "broad-brush opinion piece" and he would refrain from defining it as a study. He expects Gaetz's efforts to not result in the destruction of the EPA, but in the government lessening heavy-handed regulations and increasing incentives for companies to innovate and develop methods to curb pollution.

"What I expect to see come of it would be a move to more market- and price-oriented solutions to pollution and that the legislation would evolve from dismantling the EPA to requiring the EPA to reduce the burden of paperwork," Harper said.