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OPENING STATEMENT OF CHAIRMAN BILIRAKIS
Joint Hearing of the Health and Environment Subcommittee
and the Oversight and Investigations Subcommittee
April 17, 1997

I regret that I am unable to deliver this statement in person at the beginning of this hearing today. Unfortunately, a hearing has been scheduled in the Veterans Affairs' Committee for the same time as today's hearing. Since this hearing is being held at my request on the issue of sexual harassment within the VA medical system, I must forego the ability to deliver remarks in person.

I do want to extend my gratitude for the appearance of our two witnesses here today. I believe that their testimony will help the Commerce Committee "get to the bottom" of issues concerning the regulatory review of the proposed standards for ozone and particulate matter.

In specific, it appears that OMB was given barely three weeks to review the actual proposals being advanced by the Environmental Protection Agency (EPA) on ozone and particulate matter (PM). This short time was granted even though the EPA knew over two years prior that a 90 day review period by OMB was required under Executive Order 12866. Moreover, it appears that the scientific work on the standards had largely been completed in late 1995 and early 1996. CASAC issued closure letters on ozone in November of 1995 and on PM in March and June of 1996.

Therefore, I am concerned that a three-week period, in which OMB was to review the complicated and lengthy proposals to "assure that the regulatory option preferred by the agency is fully explained" according to the testimony of Administrator Katzen, was simply not enough time for OMB and other federal agencies to do their job in reviewing the proposals. To me, this looks like disturbingly further evidence of a "rush to judgement" on the new standards. I hope that the testimony we receive today can help clarify matters surrounding the OMB review.

My discomfort with a shortened OMB review period was further buttressed by the

documents from other federal departments and agencies which have been provided to this Committee at our request. In these documents we find that the Department of Defense is concerned that the new proposals could "critically impact its ability to properly train military personnel." We find officials at the Treasury Department commenting that "EPA continues to push for tightening the National Ambient Air Quality Standards for ground level ozone, without a sound scientific basis." We find the Council of Economic Advisors commenting that "Due to an apparent error in the projection of emissions deficits, the validity of EPA's cost estimates is uncertain."

A good debate is probably healthy for any rulemaking process. However, nearly universal condemnation of an Agency's work product and economic analysis at the very least requires this Committee to look deeper into the process by which these rules were created. I intend to keep an open-mind during this process. But I do believe there is a lot of explaining to do.