

## **Ohio EPA confronts possible death sentence**

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COLUMBUS — The Ohio Environmental Protection Agency may be facing extinction.

The chairman of a new Ohio House subcommittee charged with tracking regulatory reform as part of the Committee on Energy and Environment said the agency might need to be dismantled in order to save it.

“There is nothing sacred about any department in the state,” said Rep. Jim McGregor, R-Gahanna. “We need to look at whether to abolish the EPA.”

At the minimum, some regulatory responsibilities of the Ohio EPA will be transferred to other agencies, including the Department of Natural Resources, where McGregor worked for 12 years.

“It will be a leaner EPA and more focused,” McGregor said.

House Speaker Larry Householder, R-Glenford, said the subcommittee will be looking to duplicate a December 2000 law that moved the regulation of large livestock farms from the Ohio EPA to the Department of Agriculture. Householder said shifting regulatory responsibility “will be more efficient, protect the environment, be more user-friendly and will provide better results.”

The Ohio EPA changes are part of Householder’s effort to reshape state government. The new subcommittee was the result of the work of the Select Committee on Ohio’s Energy Policy, which Householder created last summer. Both he and McGregor said they hope to have the reshaping done in the current two-year term of the General Assembly.

McGregor said the changes likely would come gradually in multiple bills rather than one all-encompassing legislation, which could prove more difficult to move.

While he complimented agency employees, McGregor said they are handicapped by out-of-date policies and laws dating to the 1960s.

“Many staff are extremely frustrated,” he said. “Conservationists are frustrated.”

“The last thing we need to do is send the Ohio EPA on a prolonged death march,” said Jack Shaner, spokesman for the Ohio Environmental Council. “It needs more resources and reform, not a death sentence.”

The council is a coalition of more than 100 environmental and conservation groups from across the state.

McGregor said one alternative to the Ohio EPA would be to create an Office of Chief Science Officer who would answer to the governor, but not be handicapped by bureaucratic red tape in making recommendations on public policy. He said such a person would have freedom to deal with a host of science issues, not just those coming from the Ohio EPA. McGregor said agency Director Christopher Jones would be “very qualified” for such a position.

No thank you, said Jones.

“I would not be looking to transfer duties out of the EPA,” Jones said. “I’m not sure what it would accomplish. It’s not something I’m advocating.”

Jones said he heard rumors that the Legislature wants to make changes to his agency, but he was not aware of specifics.

“The governor clearly wants strong regulations,” Jones said. “When you transfer authority, that’s hard to happen.”

Shaner questioned the value of a science officer. “No matter what you call it, Ohio still has to comply with all federal laws. We have to meet minimum standards for clean air, clean water.”

In addition to the Department of Natural Resources, McGregor wants to move some regulation to the Department of Commerce and to Soil and Water Conservation Districts across the state.

McGregor said he will meet informally with various interests groups to hear their suggestions. He and Shaner already have met. McGregor drafted an invitation this week to the Ohio Manufacturers' Association.

In it, he wrote the subcommittee wants to "improve health and safety protections for Ohioans, reduce the burden of the voluminous EPA paperwork and regulations that injure Ohio farmers, manufacturers, merchants and other businesses, and ensure that Ohio preserves a clean, green future for our children, replete with job opportunity and business growth."

Randy Leffler, a spokesman for the association, said his organization "would be very interested in learning" more about McGregor's plan. He said the "cost of the regulatory side and the compliance side" has a direct impact on competitiveness of Ohio companies.

Leffler said, however, that manufacturers have been working with the Ohio EPA over the past couple of years to streamline regulations, and the agency "has been cooperative. An efficient system is important to Ohio manufacturers."

Joseph Hadley Jr., executive director of the Northeast Ohio Four County Regional Planning and Development Organization, said he is "concerned about the effectiveness of reassignment of duties." The Akron-based organization has a good relationship with the Ohio EPA and acts as a liaison between it and local governments, he said.

"Regulators have to take tough positions that don't make them popular," Hadley said. "The bigger problem is the federal government not reauthorizing the Clean Water Act and (passing along) unfunded mandates."

Greg Coleridge, who is with the Akron office of the American Friends Service Committee, also said it's hard to know what impact moving regulatory authority will have. The committee is active in environmental issues.

"Regardless, the regulation is inadequate," he said. "The real issue is: Are we going to better control and prohibit harmful substances, harmful policies and harmful behaviors?"

He said current regulations do not, but they do protect businesses and industries.

"(The state) ends up regulating harms when they should be defining and prohibiting certain things," Coleridge said. "They are not getting at the root of the problem — fundamental control of what these companies do. By shifting agency oversight from the EPA, maybe they're changing the kind of perfume, but the substance is still pretty dangerous."

Shaner agreed. "Ohio is a timid follower in many, many areas of clean air, clean water and open space," he said. "It should not be looking to big business to set the bar. The General Assembly is just as guilty as the governor."

McGregor said the EPA does not safeguard the environment nor help Ohio businesses.

"It exists to exist," he said. "It's extremely frustrating to go through."

McGregor cites his own experience with the agency in trying to cope with an open and abandoned landfill when he was mayor of Gahanna in central Ohio for 18 years. He said he worked with three different EPA directors, all to no avail in trying to get the landfill cleaned up.

"I'd like to do this as fast as possible," McGregor said.

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