

COMMITTEE ON
**SCIENCE, SPACE, AND
TECHNOLOGY**
CHAIRMAN LAMAR SMITH



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Statement of Chairman Lamar Smith (R-Texas)
Holding EPA Accountable for Polluting Western Waters

Chairman Smith: Over the last year, the Environmental Protection Agency (EPA) has proposed some of the most expensive and burdensome regulations in its history.

These rules will cost American families billions of dollars, all for little impact on climate change. These rules also will diminish the competitiveness of American workers around the world.

The same government agency that has proposed these rules recently caused an environmental disaster that has adversely impacted three states in the Mountain West.

On August 5, near Silverton, Colorado, the negligent actions of the EPA caused over three million gallons of toxic water to cascade out of a mine that had been closed for almost a hundred years. This event turned the Animas River orange and polluted a 300 mile stretch of water.

Today, we will examine how this disaster, which negatively affected thousands of people, occurred and why the warning signs that should have prevented it from happening were negligently dismissed. Had the EPA exercised the same care in making their decisions as an ordinary prudent person, this whole incident could have been avoided.

The EPA should be held accountable. The same standards that the EPA applies to private companies should also apply to the EPA itself.

Unfortunately, EPA Administrator Gina McCarthy has declined to appear before this Committee and answer questions about the role her Agency played in causing this preventable spill. Perhaps she doesn't have any good answers.

Given the EPA's consistent failure to provide information to this Committee and the American people, the EPA can be assured that our oversight efforts will continue.

The public deserves to know why the EPA continues to spend so much of their hard earned dollars on costly and ineffective regulations, especially when the agency has been unable to achieve its core mission of protecting the environment.

The story of the mine disaster would be much different if this spill had been caused by a private company.

I suspect there would be calls from this administration and others for the executives of the company to resign. There would be demands that all documents be posted immediately online. Massive fines would be imposed.

And, no doubt, some individuals might be prosecuted as happened in the 2014 West Virginia chemical spill where 7,500 gallons of chemicals were dumped into the Elk River (this is about one four hundredth of the amount of toxic water dumped into the Animas River). Six former officials from the company responsible for the leak were indicted for violations of the Clean Water Act.

The EPA's negligence is especially inexcusable since there were known procedures that could have prevented the river's pollution.

Unfortunately, we have seen a pattern of the EPA's lack of transparency. This Committee asked for information from the EPA almost a month ago and we have yet to receive all the documents that were requested.

According to news reports, it took the EPA over 24 hours to inform the public about the seriousness of the spill and their initial claim of one million gallons of toxic waste was later revised when it was learned that it was actually three million gallons.

Then, after the incident, all we heard from the EPA was that the toxic water in the river was dissipating, and that the river was returning to pre-spill levels. The EPA neither took responsibility nor were they forthright with the American people.

So it's not surprising to learn that just this past spring the EPA received a grade of "D" for its lack of openness and transparency, according to the non-partisan Center for Effective Government.

It is my hope that the EPA will finally come clean with the American people about their involvement in this tragic incident.

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