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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Opening Statement of
Chairman Doc Hastings
On Tuesday, May 3, 2011, at 10:00 a.m.
1324 Longworth House Office Building

Before the Full Natural Resources Committee and Full Agriculture Committee
Oversight Hearing on: "At Risk, American Jobs, Agriculture, Health and Species - the Costs
of Federal Regulatory Dysfunction"

Earlier this year, President Obama signed Executive Order 12866, seeking to reform federal regulations to ensure that they "protect public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation."

The executive order further notes regulations "must be based on the best available science," "must allow for public participation and an open exchange of ideas," and "must promote predictability and reduce uncertainty."

I couldn't agree more with these goals. Regrettably, the executive order is completely disconnected from the Administration's own actions arising out of its dual regulatory responsibilities of federal pest control registration and safety and the Endangered Species Act.

Farmers, forest managers and other resource industries that provide food, water, fiber and energy are caught in the middle of federal bureaucratic dysfunction. This situation discourages economic growth and jobs, and encourages lawsuits.

For the past 20 years, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service have received hundreds of millions of dollars annually to implement and enforce federal regulatory activity involving ESA-listed species.

Today's oversight hearing will focus on ESA section 7 consultations, and more specifically, NMFS and the FWS' biological opinions for federally-registered crop protection and other pest control products.

Over the past 20 years, NMFS has listed 28 populations of salmon as endangered in the Pacific Northwest and California. These salmon have thrived amidst one of the most productive agricultural areas of the nation. Washington produces nearly \$10 billion annually in fruit, wheat, grain, potatoes, and other exported commodities, which fuels thousands of jobs.

NMFS' own 2010 Report to Congress touted stable or increasing trends for two-thirds of the listed salmon populations. Washington experienced record runs, with salmon fisheries opening in some areas for the first time in years.

Yet, NMFS, concluded in biological opinions beginning in 2008 that all 28 populations of salmon would be jeopardized by continued use of pesticides long registered and labeled by the Environmental Protection Agency. NMFS' questionable requirements included nearly a quarter mile buffer around water bodies that would affect as much as 60 percent of agricultural lands in Washington state alone.

Implementation of these measures as written would literally force farmers out of business, devastate rural communities and cripple the food production capacity of the Northwest and potentially the rest of the nation.

Ironically, the head of the EPA office with authority and responsibility for scientific review of hundreds of pesticides -- certainly no lightweight on environmental regulation -- found over 14 significant flaws in NMFS' biological opinions.

State agriculture agencies have raised concerns that NMFS not only failed to utilize their available data and information, but refused to allow any transparent process to receive, review and revise draft opinions to ensure the best available science.

FWS, the agency with jurisdiction over the most endangered species, is not immune from concerns. Correspondence between EPA and FWS reveals a lack of cooperation between the two agencies on a process involving nearly four dozen incomplete pesticide consultations—*two years* after they initially were submitted to FWS for review.

The Administration responded recently by sending a vaguely-worded request for the National Academy of Sciences to review NMFS and EPA's confusing and conflicting regulations—perhaps the most candid acknowledgment of the agencies' flawed science.

Instead, unless they are stopped, the interim, uncertain policy will result in even more lawsuits and threats to economic growth and jobs nationwide. A recent suit filed by the Center for Biological Diversity seeks to eliminate 380 pesticides used in 49 states. Americans expect – and deserve – better from their government.

I look forward to hearing from representatives of the federal agencies, the State of Washington, and Northwest growers, and I appreciate Chairman Lucas and the House Agriculture Committee's joining in this hearing to provide needed oversight on this important topic.