

**Secretary James M. Seif
Department of Environmental Resources**

**Before the
House Environmental Resources and Energy Committee
April 27, 1995
on
House Bill 1400
The Conservation and Natural Resources Act**

Thank you, Chairman Reber and members of the Committee, for providing me this opportunity to speak in favor of House Bill 1400, the Conservation and Natural Resources Act. This bill will implement Gov. Tom Ridge's proposal to split the Department of Environmental Resources into two departments. I also want to thank Chairman Reber, Rep. George and the 70 other members of the House that co-sponsored this bipartisan measure.

The history of this issue goes back a long way -- not merely before this committee began considering this bill, or before Tom Ridge came to office, and not even before June 1993, when the Governor, as a candidate, proposed this restructuring of DER. This proposal goes back to the final years of the Administration of Gov. Raymond Shafer in 1970, when Pennsylvania leaders were discussing how to respond to the alarm of its citizens over emerging environmental issues and to their continuing responsibility for stewardship of its natural resources.

While this forum is not necessarily the place for history or civics lessons, I think it's interesting that one of the Commonwealth's most respected environmental leaders, Dr. Maurice Goddard, has consistently supported separate agencies for environmental protection and natural resource management since DER was first created 25 years ago.

I know that the Committee and the public is looking forward to hearing from Dr. Goddard this morning, since he is a far more eloquent and venerable proponent of this restructuring proposal than I am, but allow me a few comments on the Ridge Administration's position.

Pennsylvania's state parks, forests, recreational assets and tourism attractions are second to none in this nation. While it was thought at one time that it was possible for two bureaus in a large agency, DER, and a smaller bureau in the Department of Community Affairs to manage these resources, it seems clear now that they can't. They need a secretary who can devote all of his time to protecting these valuable assets. They need a place at the cabinet table, a place before committees like this and in the appropriations process. They need the "bully pulpit" that brings public understanding, input and resources for their missions.

Two years ago, the Key 93 initiative to restore our parks and recreational infrastructure became necessary in part because of the fiscal and managerial neglect of our parks and forests. We can and must do better in giving our resources the attention they deserve, and making our bureaus of parks and forests and recreation into a cabinet department is the best way to start doing so.

Pennsylvania's parks and forests are important to our economy as well. The forest products industry is Pennsylvania's fourth largest industry, employing more than 100,000 people. The recreation and tourism industry contributes more than \$6 billion annually to our state's economy.

We must maintain and enhance the diversity of our natural resources while continuing productive use of those resources. A Department of Conservation and Natural Resources will create that balance and sustain that focus.

Now let me turn to the second part of House Bill 1400 -- the Department of Environmental Protection. As you know, it takes 1,400 employees to run our environmental protection programs, which are tough to run, believe me. In the little more than three months I've been here, I have certainly made that discovery.

The Department now administers over a dozen major environmental protection statutes that affect millions of Pennsylvanians, from household recycling to mine reclamation. We work as well with the federal government's careful -- and occasionally obtrusive -- oversight.

Beyond all this is the pressing need, as all members are aware, to reform the Department, to simply make it work better. Pennsylvanians support our mission -- protecting the environment -- but after 25 years, DER has become stagnant and set in its ways.

With the help of this committee and many others, I hope to implement a comprehensive series of statutory, regulatory and administrative changes to restructure the Department, not only administratively but in terms of attitude. The Department of Environmental Protection will not simply be the same old DER, minus parks and forests.

Besides our efforts to split DER in House Bill 1400, our other immediate legislative priority is the set of bipartisan proposals for land recycling in Senate Bills 1, 11 and 12 that your committee has just this week considered. We believe a giant step to restoring public confidence in and bringing common sense to DER will be accomplished with the successful implementation of the cleanup and reuse of industrial sites that have remained inactive, unattended and unproductive for too many years. I want to thank the Committee for your efforts to improve this legislation.

Other steps we plan to take are now in process. They include:

- Promoting effective public input to decision-making and access to information in the agency. We have taken a step in this direction in our first "reg-neg" or regulation negotiating effort in revising our special protection waters program. A public hearing was held April 20 where over 50 individuals representing government, the regulated community, land users,

environmental groups and the general public testified. From these participants and other interested parties submitting comments, a balanced panel will be selected to work with an independent mediating firm to seek a consensus on changes. This process will front-load comment and criticism into the development of the regulations, instead of after the regulations are already drafted, when they are much harder to change.

- Reevaluating the 11,000 pages of policies we have to make sure they have a regulatory parent and achieve a real environmental result. If they don't, we will dump them. We are not simply environmental cops -- we are environmental regulators who have knowledge to share with those we regulate to show how they can best comply. Further, we are undertaking a review of policies and regulations to determine if they are more stringent than federal standards and eliminating those that do not have a specific state statutory requirement. We will ensure our regulations and policies are current, considerate of economic impact and based on sound technical and scientific basis using risk management concepts.
- Promoting pollution prevention and compliance assistance through the development of a new office devoted to "green" technology and market-based solutions to environmental problems. This office will not be a new bureaucracy -- rather it will be a few people with a lot of ideas whose charge will be to integrate those ideas into the day-to-day policies of our people in the field who deal with the public.
- Improving the timeliness of agency actions. Time and again, permit applicants and our citizens complain they don't know when DER will make a decision. We will work to establish real deadlines that people can count on. We will make responses on permit applications a top priority, eliminating unnecessary paperwork, but not at the expense of public comment.
- Strengthening problem solving and personal communication skills with the public and making these factors in job performance.
- Promoting statewide consistency in implementing DEP policies and regulations and making management accountable for consistency.
- Identifying opportunities for privatizing or reassigning functions now performed by DER.

The Environmental Quality Board's responsibilities would be modified under this proposed act. The power to adopt rules and regulations would go to the Departments of Environmental Protection and Conservation and Natural Resources. It would continue to be the agencies' responsibility to ensure opportunities for significant public comment and involvement in the rulemaking process, whether by reg-neg where applicable, public hearings, advisory groups or comment periods, just as it is now under other laws. We foresee these changes as improving public input into environmental rulemaking, as well as shortening a protracted process that now often takes years instead of months. We are not proposing any changes in your Committee's opportunities to review proposed and final regulations.

The emergence of the Independent Regulatory Review Commission in the 1980s provided all agencies, including DER, with a check-and-balance system on rulemaking. As a result, the EQB has become an extra, time-consuming step in regulatory development.

To conclude on a personal note, I should tell you I would certainly enjoy working on the important issues our state parks and forests face, and to be able to tell my grandchildren someday that I helped preserve them. But the reality is I can't -- the Environmental Protection plate is too full.

I want to make DEP the national leader in progressive and efficient environmental protection that Gov. Ridge pledged we will be. I want a Department of Conservation and Natural Resources secretary as a cabinet colleague who can concentrate on those important responsibilities for our parks and forests.

I realize that a number of people continue to contend that the holistic approach to environmental matters is somehow more effective. I respect their point of view, and specifically, I respect the view of the one former DER Secretary, Arthur Davis, who feels that way.

In fact, government itself should be treated holistically, but there is a practical need for separate branches, separate departments and separate committees in the legislative process to grapple more effectively with the issues and clusters of problems. Thirty-five states, as well as the federal government, have already decided that the two- agency approach of House Bill 1400 makes sense, and Gov. Ridge and I feel it makes sense for Pennsylvania as well.

Thank you.

#