

## **Testimony by**

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### **At Congressional Hearing on IRS Abuse and EPA Overreach**

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Mr. Chairman and members of the committee, my name is Basilio F. Aja (Bas) and I stand before you representing the Arizona Cattlemen's Association (ACA). In my role with the Association I have worked for over 24 years with the Environmental Protection Agency on a multitude of air and water quality regulations. The members of our Association always say, "We want to do the right thing. We want to be a good neighbor. We just want regulations that are understandable and whose costs fit with the solution desired. Tell us what we have to do and what are the benefits." To use a football analogy – just tell us where the goalposts are and we will try to kick it there. Here lies the main problem – the EPA continually moves the goalposts. The regulations are not clear and the EPA has broad discretion over every word in our pollution prevention plans and they maintain discretion to say, "...yes – that is what the rule says...however, we want this considered." How can any individual deal with a bureaucracy that operates in such a fashion.

For the purposes of this presentation we have three primary transgressions conducted by the EPA and an overall statement regarding the regulatory tsunami that has overwhelmed us. This tsunami has grown and grown over the past three decades to the point that a threshold has been crossed – the regulatory monster is now eating portions of our economy.

These are:

**EPA Released Personal Information on Farms and Ranches** – This past February the EPA released personal and confidential information to include names, addresses, GPS coordinates and in some cases telephone numbers of farmers and ranchers in 30 different states to activist groups like the Earth Justice, Pew Charitable Trust and Natural Resources Defense Council under the Freedom of Information Act (FOIA). This information was released on many Arizona farmers and ranchers. The amount of detail released by the EPA was alarming. Given that our food supply and production areas have been known to be targeted by those that would like to disrupt the US economy – this is unconceivable. The release of this information is the first and

primary breach of our bio-security efforts to protect food production and food supplies – and it was breached by none other than our own – the Environmental Protection Agency. Each year these farms and ranches are subject to government inspection and regulation requiring that we are protecting and properly keeping records on these food production areas – to make sure the food is safe for Americans – and then another government agency gives the information to anyone who may want to target these areas. This is not good government. This is not protecting consumers. This is not something one of our own – the EPA – should do.

**EPA waives Freedom of Information Act (FOIA) Fees for “Favored” Parties** – Recently the Competitive Enterprise Institute (CEI) obtained documents showing that since January of 2012, the EPA granted fee waivers for 75 out of 82 FOIA requests from major environmental groups and only denied the “fee waiver” on seven of their requests. This gave these activist groups a 92% rate on “free” information from the EPA. At the same time, the EPA rejected or ignored 21 of 26 fee waiver requests from conservative groups seeking information. This startling disparity in treatment strongly suggests that the EPA’s actions are favoring certain citizens over others and are possibly part of a broader effort to collude with groups that share their agenda. How does an agency of our government have an agenda? How do they pursue it and shouldn’t it be illegal? This is a clear abuse of discretion. Congress needs to remove their discretion in order to stop this abuse.

**EPA Administrator Lisa P. Jackson Testified Before Congress that the EPA is Not Expanding the Regulation of Dust from Farms** – On March 10, 2011, EPA Administrator Lisa Jackson testified before the United States House Agriculture Committee stating, *“Another mischaracterization is the claim that EPA is attempting to expand regulation of dust from farms. We have no plans to do so, but let me be clear, the Clean Air Act passed by Congress mandates that the Agency routinely review the science of various pollutants, including Particulate Matter, which is directly responsible for heart attacks and premature deaths. EPA’s independent science panel is currently reviewing that science, and at my direction EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we even propose any rule.”* On May 31, 2012 the EPA published in the Federal Register a proposal to designate the primarily agriculture region of Pinal County as a Non-Attainment Area for PM10. That’s dust. It’s dust from farms and cattle in feed yards. We have now spent several months developing a “State Implementation Plan” (SIP) for Pinal County – and it includes further regulation of agricultural dust. What happened to the truth? When did our regulatory agencies get so out of control and jaded that they do not even have to tell citizens and members of the US Congress the truth?

**Over-Regulation is Strangling Our Economy** – The Competitive Enterprise Institute recently reported in its annual survey of the federal regulatory state that the Federal Register – the official directory of regulation – today runs 78,981 pages. In 1986 it was 44,812 pages and in

1936 it was just 2,620. Now, it is true our economy is 12 times larger today than in 1936, when you allow for inflation – but the Federal Register has grown by a factor of 30 during this same time period. Since 1993 – 81,883 new rules have been issued. That is 4,094 new rules each year for 20 years. That is 11 new rules every day, every year for the past 20 years. That amount of bureaucracy and over-regulation will strangle anything – and our economy and cattle producers see it firsthand. Over the past 10 years, the “final rules” issued by 63 federal departments, agencies and commissions have outnumbered laws passed by Congress by 223 to one. Congress is losing and we are losing with you. The cost of these rules are estimated at \$1.8 trillion annually – and that’s on top of the \$3.5 trillion federal government outlay, so the cost of regulation is equivalent to a 65% surcharge on our federal taxes – or nearly 12% of GDP. This becomes even more insidious when you look at the fact that the cost of regulations for small businesses, those with less than 20 employees, is 36% higher per employee than they are for larger firms. None of these numbers include the forthcoming cost of the Affordable Care Act.

Mr. Chairman and members of the Committee we are being choked by over-regulation, subjected to the “agenda” of federal regulatory agencies and we are not being told the truth. It saddens me tremendously that I have to stand before you and state such things. May God Bless America – because we need it badly!