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If EPA is prevented from enforcing clean water laws, states must step up

Jacqueline Guild and Evan Isaacson | August 23, 2017



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The moon sets on the Little Blackwater River as an opportunistic heron hunts for breakfast from a fyke net. (Dave Harp)

Why do we have laws? The simplest answer is to ensure order in society, where lines are drawn to govern things one cannot do, for the good of all.

Shoplifting would be rampant if there were no punishments for stealing. In the same way, we cannot expect to keep making progress in cutting pollution without implementing effective pollution control laws. Our environmental and public health safeguards are worth nothing if they are not enforced.

As Abraham Lincoln said, “laws without enforcement are just good advice.”

Even as the states face their own enforcement challenges, the Trump administration is waging an assault on the main federal agency tasked with implementing and enforcing the laws designed to protect the environment and public health. In his budget proposal for the next fiscal year, the president proposed a drastic 31 percent cut to the U.S. Environmental Protection Agency, including the complete elimination of funding for the Chesapeake Bay cleanup.

Many lawmakers have called the president’s budget “dead on arrival,” and the Chesapeake Bay cleanup enjoys broad public and bipartisan support. But we should not take too much comfort in that. The administration has made it abundantly clear that it intends to roll back environmental protections, and funding for programs – including millions for enforcement – is on the chopping block. In the Chesapeake Bay watershed, these actions threaten to undo much of the progress that has been made working together to reduce pollution.

That’s why, now more than ever, states need to shore up environmental protections. Fortunately, Maryland continues to push aggressively to maintain the progress that has been made. As the General Assembly wrapped up last month, lawmakers designated \$400,000 in the state budget to hire inspection and compliance staff at the Maryland Departments of Agriculture and the Environment. This means more funding to enforce the laws we need to restore local waterways and the Bay.

This funding is sorely needed. The MDE’s own reports show that their Water Management Administration lost more than one-third of its overall inspection staff between 2000 and 2016. Personnel resources within the MDA’s Office of Resource Conservation have remained stagnant, despite its growing obligations for making sure its crucial Bay cleanup programs, like the new phosphorus management tool, are working and on track.

The MDA’s nutrient management program had just seven inspectors in 2015 tasked with inspecting more than 5,300 agricultural operations across the state’s 12,400 square miles. It is unreasonable to expect seven people to cover all of that ground while also properly providing all of the required inspection and technical assistance services.

Without sufficient staff, the MDA and the MDE simply do not have the capacity to ensure that programs are working, sites are inspected and those who break the law are held accountable. It's not good policy and it's not fair to the taxpayers who have invested so much in cleaning up the Bay. Enforcing the laws we already have on the books is the most cost-effective way to meet the Bay states' collective goal to reduce pollution. Maryland officials like to point to Pennsylvania and the pollution it sends our way – but if Maryland isn't enforcing its own laws, how can it complain?

The Chesapeake Legal Alliance has provided legal support to groups fighting for clean water since 2009. With so much at risk for the Bay and its lands and waterways, local action empowered with legal support has become more important now than ever. And with the halftime for the Bay cleanup upon us, the Center for Progressive Reform is working to ensure Maryland and the other Bay states maintain their commitments to each other and to the state's waterways. That's why both of our organizations and others pointed out to the Maryland General Assembly the importance of funding inspection and compliance staff. And we'll continue to do so as we track what the MDA and the MDE do with additional funding and press these agencies to meet the mandates of the environmental laws that they are tasked with enforcing.

Thanks to efforts across the watershed, the Bay is starting to show signs of improvement. Now is the time to double down – not wring our hands. If the president will not allow the EPA and other federal agencies to do their jobs and play their essential role as partners in the Bay cleanup, then states must rise to the challenge. We applaud Maryland's lawmakers for beginning to restore funding for clean water enforcement resources and we encourage other Bay states to do the same.

The views expressed by columnists do not necessarily reflect those of the Bay Journal.



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