

ZOE LOFGREN, California RANKING MEMBER

Congress of the United States House of Representatives COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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May 27th, 2025

The Honorable Lee Zeldin Administrator Environmental Protection Agency 1200 Pennsylvania Avenue NW Washington, D.C. 20004

Dear Administrator Zeldin,

The Environmental Protection Agency (EPA) is tasked with protecting human health and the environment using the best available science. While you, as Administrator, should need no reminder of that basic mission, the news surrounding EPA's ongoing "reorganization" calls into question whether you have any intention of fulfilling it. You have refused to offer any clarity on EPA's plan, despite mounting evidence that EPA will imminently eliminate its independent research arm and close its statutorily required research laboratories. We demand answers. It is imperative that you follow the law, protect EPA's mission, and stop putting the wish lists of polluters over the health of Americans.

In March, Science Committee staff reviewed an excerpt of the Agency Reduction in Force (RIF) and Reorganization Plan (ARRP) that EPA submitted to the Office of Management and Budget (OMB).¹ The excerpt was blunt and brutal: it stated that EPA intends to fire between 50-75% of the Office of Research and Development (ORD) workforce and eliminate ORD entirely, moving the few remaining staff to other EPA program offices. EPA has spent the past two months publicly denying the plain truth of that document. Meanwhile, behind the scenes, the agency has done precisely what it would do if it intended to shutter ORD. A few hundred postings were added to its internal job board, and political leadership encouraged the 1,500 current ORD employees to apply.² Funding for ORD operations has been cut off, with one ORD research lab

¹ Lisa Friedman, "Trump Administration Aims to Eliminate E.P.A.'s Scientific Research Arm," *New York Times*, March 17, accessed here: <u>https://www.nytimes.com/2025/03/17/climate/trump-eliminates-epa-science.html</u>. ² Ellie Borst, "EPA lists new jobs as research staffers brace for layoffs," *E&E News*, May 5, 2025, accessed here: <u>https://subscriber.politicopro.com/article/eenews/2025/05/05/epa-lists-new-jobs-as-research-staffers-brace-for-layoffs-00327239</u>. director informing his employees that "ORD is shutting down their laboratory activities."³ The agency has announced the creation of a new "Office of Applied Science and Environmental Solutions" (OASES) within the Office of the Administrator, with no explanation for why this office would not be redundant to the existing ORD.⁴ The subtext for ORD and its workforce is clear as day: your office will soon be eliminated, and your jobs will soon be gone; apply to these new jobs, or you'll likely be fired; if you don't want these new jobs, take early retirement or deferred resignation, or you'll likely be fired.

The viciousness and cruelty of this scheme is almost as breathtaking as its illegality. EPA's elimination of ORD will surely be litigated on many fronts. Here, we will highlight one of the most flagrant violations of the law that you plan to commit in furtherance of your anti-science agenda – the closing of ORD research laboratories. 33 U.S.C. 1254(e) reads, in part:

"The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training related to the prevention, reduction and elimination of pollution."⁵

This is the legal, statutory basis for EPA's research laboratories. Congress wanted these labs; Congress ordered EPA to "establish, equip, and maintain" these labs; Congress told EPA where to put these labs; and Congress described the kinds of activities that should be done in these labs. This is the law. It is not voluntary, it has nothing to do with any "presidential priority," and it cannot be disposed of for the sake of so-called "efficiency." ORD, as the independent scientific research arm of EPA, manages the 10 field laboratory and research facilities across the United States in accordance with this statute.⁶ The preservation of these facilities is required by law. It is truly as simple as that.

And yet, we have every reason to believe it will not be so simple. On May 7, 2025, EPA provided a briefing to Congressional Committees of jurisdiction to outline its so-called "reorganization

³ Jeff Tollefson, "US environmental agency halts funding for its main science division," *Nature*, May 9, 2025, accessed here: <u>https://www.nature.com/articles/d41586-025-01487-0</u>.

⁴ Environmental Protection Agency, "EPA Announces Next Phase of Organizational Improvements to Better Integrate Science into Agency Offices, Deliver Clean Air, Land, and Water to All Americans," May 2, 2025, accessed here <u>https://www.epa.gov/newsreleases/epa-announces-next-phase-organizational-improvements-better-integrate-science-agency</u>.

⁵ 33 U.S.C. 1254(e), accessed here: <u>https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title33-section1254&num=0&edition=prelim</u>.

⁶ Environmental Protection Agency, "About the Office of Research and Development (ORD)," updated April 21, 2025, accessed here: <u>https://www.epa.gov/aboutepa/about-office-research-and-development-ord</u>.

plan" for the Office of the Administrator (OA), Office of Air and Radiation, Office of Chemical Safety and Pollution Prevention, and Office of Water. While the briefers took great care to never utter the words "Office of Research and Development," they described a number of ORD activities and capabilities that would be moved to the other offices, primarily the new OASES office under OA. Science Committee staff asked explicitly whether the management of ORD laboratories would be moved to OASES. Assistant Deputy Administrator Travis Voyles responded: "I do not foresee a monumental change at all there." The commonsense interpretation of that answer is that despite whatever changes may occur on the organizational chart for the agency, EPA's research laboratories would more or less continue to conduct their regular research activities and would possess the resources necessary to do so. Anything else would, in fact, be a "monumental change." Mere hours later, this statement was contradicted by the agency's own internal communications, including the aforementioned email from an ORD director to his staff informing them that "ORD is shutting down their laboratory activities."⁷ What could be a more monumental change for EPA's statutorily mandated research laboratories than to be shut down altogether?

The doublespeak coming from this Administration is jaw-dropping in its boldness and its flagrant disregard for Congressional oversight. While EPA spokeswoman Molly Vaseliou claims to the media that the email is "incorrect," EPA fails to offer greater transparency about its plans for ORD.⁸ If the rapidly accumulating evidence of ORD's fate were truly incorrect, it would be very easy for the agency to correct the record. EPA can announce at any moment that ORD will remain a National Program Office, that its employees will not be fired, and that its laboratories will remain open and will continue to conduct their important work. Yet, EPA refuses to provide its employees, Congress, and the American people any such reassurance. The agency's silence says it all.

It seems clear that you do not want to own up to your plan to shutter ORD because you fear a public backlash and prefer to delay accountability for this disastrous decision as long as possible. Your spokespeople lie to the media, Mr. Voyles lies to Committee staff, and all the while, behind closed doors, you work to effectuate the scheme that was laid out in the ARRP you transmitted to OMB. It is time to tell the truth. We demand answers to the following questions no later than 5:00 PM on Tuesday, June 3rd, 2025:

1. Is EPA planning to close any of the 10 ORD field laboratory and research facilities? If so, which facilities?

⁷ Jeff Tollefson, "US environmental agency halts funding for its main science division," *Nature*, May 9, 2025, accessed here: <u>https://www.nature.com/articles/d41586-025-01487-0</u>.

⁸ Ellie Borst, "EPA research center shutters lab activities," *E&E News*, May 8, 2025, accessed here: <u>https://www.eenews.net/articles/epa-research-center-shutters-lab-activities/</u>.

- 2. If any field laboratory and research facilities will remain operational, which National Program Office will manage them?
- 3. If any field laboratory and research facilities will remain operational, will their staffing level and budgets increase to absorb the work of the laboratories that will close? Please share the projected post-reorganization budget and staffing levels for each of the facilities that will remain open.

Pursuant to Rule X of the House of Representatives, the Committee on Science, Space, and Technology "shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development."⁹ The Committee possesses jurisdiction over environmental research and development.¹⁰ If you have any questions regarding this letter, please contact Sara Palasits or Josh Schneider with the Committee's Minority staff at (202) 225-6375. Thank you for your attention to this important matter.

Sincerely,

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Zoe Lofgren Ranking Member Committee on Science, Space, and Technology

Gabe Amo Ranking Member Subcommittee on Environment

CC: Chairman Brian Babin Committee on Science, Space, and Technology

> Chairman Scott Franklin Subcommittee on Environment

⁹ <u>119 First Session House Rules</u>.