



OFFICE OF MANAGEMENT AND BUDGET PLAYS CRITICAL PART IN ENVIRONMENTAL POLICYMAKING, FACES LITTLE EXTERNAL REVIEW

The Office of Management and Budget plays an influential part in shaping federal environmental policies. Frequently with little public awareness or understanding of its role.

OMB prepares and oversees the annual federal budget. It also clears legislation submitted to Congress by Executive Branch agencies such as the Environmental Protection Agency. And it reviews regulations before they are proposed and again before they are adopted.

Its purely budgetary responsibilities are seen by many as the source of OMB's substantial clout over other federal agencies because OMB, in effect, "controls the purse strings." Illustrating OMB's impact on other federal agencies, one EPA official says, "Never underestimate the power of the OMB budget examiner."

While OMB's role in establishing and influencing federal policies applies to all areas and not just to those dealing with environmental issues, some persons familiar with OMB's part in environmental policies say its role there is particularly pervasive.

'Quality of Life' Review

Through OMB's "quality of life" review, environmental regulations are subject to a detailed — and, EPA officials complain, time-consuming — evaluation by OMB and other federal agencies.

The quality of life review was established by then-OMB Director George P. Shultz, who wrote in an October 5, 1971, memorandum that the policy was designed to "establish a procedure for improving the inter-agency coordination of proposed agency regulations, standards, guidelines, and similar materials pertaining to environmental quality, consumer protection, and occupational and public health and safety."

That policy ostensibly could apply to EPA, the Consumer Product Safety Commission, and the Occupational Safety and Health Administration, among others. The quality of life review in fact, however, has been applied primarily, and some would say almost exclusively, to EPA. This concentration on EPA occurs, according to OMB officials, because of the considerable impact many EPA regulations have on the economy, on specific sectors of the economy, and on other federal agencies.

In his 1971 memorandum, Shultz said the review would apply to actions expected to:

- ▶ Have a significant impact on the policies, programs, and procedures of other agencies; or
- ▶ "Impose significant costs on, or negative benefits to, nonfederal sectors; or
- ▶ "Increase the demand for federal funds for programs of federal agencies which are beyond the funding levels provided for in the most recent budget requests submitted to the Congress."

Those criteria make EPA regulations particularly ripe for the quality of life review, according to Donald E. Craybill, OMB deputy associate director for natural resources. "It turns out that EPA's regulations have a lot of impact on other federal agencies," Craybill has told Environment Reporter.

OMB Role on Regulations

EPA officials interviewed by Environment Reporter generally feel their agency should not be "singled out" for more extensive review than other agencies — and generally feel also that EPA indeed has been singled out. The quality of life review nevertheless has its proponents and detractors both within EPA and outside the agency.

The biggest problem resulting from the quality of life review, EPA officials say, is the lengthy delays resulting from it. OMB Associate Director for Natural Resources, Energy, and Science James L. Mitchell says OMB has a "working rule" of completing the review in no more than one month. EPA officials, however, protest that regulations sometimes are delayed months while OMB and other federal agencies review and attempt to revise them. At times, EPA officials say, the delays threaten to cause violations of statutory deadlines.

Most comments "environmentally inconsequential," but rules nonetheless are "less environmentally aggressive."

—EPA official

According to one EPA official responsible for the agency's standards and regulations, the great majority of the comments received by EPA as a result of the quality of life review are "environmentally inconsequential." Because of the review, and because of pressures from other federal agencies, EPA regulations are "more reserved, more scientifically aggressive, less environmentally aggressive," this EPA official says. "Fairly substantial delays" are the major problem resulting from the reviews, he says.

Commenting on the review process, the EPA official says EPA regulations face "an obviously unsympathetic set of federal agencies. By and large, we don't have a lot of friends out there."

Aside from occasional supportive comments from the Council on Environmental Quality and from parts of the Department of the Interior, federal agencies generally seek to weaken EPA regulations, he says. To the Commerce Department, he says, EPA regulations are always "too stringent. It costs too much for what we're getting."

Asked if environmental regulations are either stronger or weaker as a result of the quality of life reviews, an EPA assistant administrator says the answer cannot be "black and white." The agency's regulations are "generally better" as a result of the additional scrutiny, he says. Changes to EPA regulations resulting from the reviews "tend to be fairly small," he says. "I know of no case where a regulation has been gutted."

According to this assistant administrator, the serious question in the interagency review process concerns the extent to which OMB should seek to influence a particular regulation. He feels the OMB role should be adjudicating disputes between federal agencies rather than promoting a particular position.

Another EPA assistant administrator interviewed by Environment Reporter agrees that the quality of life process is "basically a very good one, a very healthy one."

Problems resulting from the process occur not because OMB is "sinister" in reviewing environmental policies, but rather because of the "very substantial delays" involved in the review, he says. "Delays and fairly marginal changes are the usual result" of the review, he says.

Delays Within EPA Also

In a memorandum February 26 to EPA assistant administrators and office directors, Alvin L. Alm, EPA assistant administrator for planning and management, commented on the delays in having EPA regulations reviewed and put into effect, saying the median time between transmitting the regulations to agencies for comment and having the EPA administrator sign them and send them to the Federal Register for publication is 104 days. Of that total, 56 days is for OMB review after the regulation was initially sent to the agencies, and the remaining 54 days is spent on final review prior to signature of the EPA administrator.

"With regard to the inter-agency review process, we have had some success by proceeding to OMB with our response to comments immediately after the end of the three-week comment period," Alm wrote in the February memorandum. "While this has not been effective in every case, I think that we should continue the practice and shift the burden of dealing with late comments to OMB wherever possible. The median time for completion of OMB review has been 18 days."

The long delay between the end of the OMB review and the EPA administrator's final approval results from internal EPA procedures Alm said. He suggested a policy of "presumed concurrence" unless EPA officials opposed to the particular policy voice their objections within 14 calendar days after receiving the policy for review.

'Perceived Threat' A Factor

In addition to actual changes made to EPA regulations as a result of the reviews, EPA officials point to another effect: The regulations are put to a thorough screening within the agency itself — including clearance by all EPA assistant administrators, regardless of whether the regulation deals with something in their jurisdiction — before going to inter-agency review.

This intra-agency review leads to a thorough analysis of the regulations both within and without EPA, agency officials say. It leads also to a "tendency," according to one EPA assistant administrator, to "compromise" the regulations from the standpoint of environmental protection.

There is a "perceived threat" hanging over all EPA regulations, one EPA official says, concerning reactions to those regulations by both OMB and other federal agencies. The result, he says, is that EPA attempts to anticipate other agencies' reactions to regulations before EPA completes the draft proposal.

The whole process, according to EPA Administrator Russell E. Train, makes EPA regulations the most thoroughly reviewed and analyzed of all federal regulations. Confronted with complaints about its regulations, Train says, EPA can point out that they have gone through an extensive federal agency review. That review, Train says, makes EPA's regulations the most scientifically sound regulations in the Federal Government.

The OMB official who deals day in-day out with EPA, Jim J. Tozzi, chief of OMB's environmental branch, says EPA's record on regulations is "excellent," and he characterizes the quality of EPA regulations as "very unusual" in the Federal Government.

Some of the credit for that high quality, Tozzi says, inevitably must go to the extensive inter-agency review process. He suggests that many of EPA's effluent guidelines regulations have ended up in court precisely because they have *not* undergone the extensive reviews given other EPA regulations. Because of their great volume, Tozzi says, EPA effluent guidelines regulations get only "pro forma" review by OMB and other federal agencies.

Craybill agrees that the interagency review process affords EPA an additional — and a demanding — sounding board for testing its regulations. EPA officials use the review to "sharpen their own thinking," he says, and to "test the validity" of their regulatory approaches.

OMB 'Interference' Hit

Other observers of the OMB role on environmental regulations are considerably less sanguine.

John E. Moss (D-Calif), who chairs the House Commerce Subcommittee on Oversight and Investigations, frequently has complained that OMB "interferes" with EPA program and policy decisions.

Moss has indicated also that he is concerned that OMB and other Executive agencies and departments try to get EPA to change its regulations and standards in ways contrary to law. He feels EPA has been singled out for special attention by OMB and the White House.

House staffer sees "an attempt on the part of OMB to interfere in the regulatory functions of EPA and, thereby, interfere in EPA's statutory responsibilities."

Responding to a questionnaire sent out by Moss in July 1975, (Current Developments, Sept. 5, 1975, p. 767) EPA said its coordination with other federal agencies on development of standards and regulations "is generally called for by statute and reflects the policy of the Administration to fully coordinate regulations to avoid potential program conflicts."

EPA told Moss that OMB "makes recommendations to EPA on regulations which have direct federal budgetary or legislative policy significance," and it said "there have not been many instances where OMB has initiated objections to regulatory provisions."

The "most significant" examples of OMB's objecting to an EPA regulatory approach concerned the EPA staff's desire to differentiate between the 1977 and 1983 requirements for municipal sewage treatment works under the Federal Water Pollution Control Act. The EPA staff would have made the 1983 secondary treatment requirement more stringent than the 1977 requirement.

"The proposal would have increased the demand for federal funds by several billion dollars at a time when unfunded demand exceeded available appropriations by many billions of dollars," EPA told Moss. "As a result of OMB's observations, the EPA staff recommended that the agency retain the prior level of required treatment."

Moss is known to feel that the quality of life review contributes little to EPA's standards, regulations, and guidelines beyond delaying their proposal or promulgation. He feels the delay can unduly lengthen the normal time required for adopting a regulation, and he feels OMB has tended to favor some agencies, particularly the Commerce Department, by giving them additional time to comment on EPA policies. Some questions about the legality of an EPA policy need to be referred to the Justice Department for an opinion, Moss feels, further delaying the regulation.

Is OMB attempting to direct EPA programming through massive budget cuts? Moss has asked. Is it up to OMB to set EPA priorities? he has asked.

According to Lester Brown, a research assistant on Moss's Commerce Subcommittee on Oversight and Investigations, a preliminary look at the EPA-OMB relationship "clearly demonstrates an attempt on the part of OMB to interfere in the regulatory functions of EPA and, thereby, interfere in EPA's statutory responsibilities."

Writing April 26 to subcommittee chief counsel Michael R. Lemov, Brown said the quality of life review "has hampered EPA's attempts to take swift action to protect the public health and welfare through guidelines." Through that review process, he said, OMB has "provided industry with an opportunity to review, comment on, delay, and change EPA actions behind closed doors. The public has not been afforded this opportunity and consequently faces industry-influenced and weakened guidelines, regulations, and standards difficult to modify."

Saying OMB's actions "may well have a direct influence on agency independence," Brown asked: "Does OMB interfere in other regulatory agencies; which ones and to what extent?"

Despite its influential role in affecting EPA regulations, Brown said, OMB "has remained an untouchable. Its decisions are usually final and unquestionable. The Congress has not probed into the effect OMB action has on statutorily mandated programs except in a few specific instances." Brown suggested "an in-depth probe of OMB's influence on, and possible interference in, agency regulatory actions."

EPA/Congress Relationship

The OMB relationship with EPA is particularly subject to criticism when it is seen as interfering, or appearing to interfere, with EPA's relationship with Congress.

Like other Executive agencies, EPA must clear through OMB all testimony to be delivered before congressional committees. Under OMB Circular A-19 of July 31, 1972, which one EPA official calls the "holy writ," the agencies must submit to OMB their proposed legislative programs for the coming session of Congress. "Agencies should submit proposed legislation, reports, and testimony to OMB well in advance of the desired date of transmission to the Congress," OMB said in that circular.

Our legislative proposals "go through a heck of a lot more rigorous scrutiny than those of other agencies."

—EPA official

According to one EPA legislative official, EPA has been singled out by OMB for particularly tough scrutiny. "Our proposals, our legislative proposals, go through a heck of a lot more rigorous scrutiny than those of other agencies," this official has told Environment Reporter. "The process seems to work for us, but it is avoided, ignored, or disregarded for other agencies."

As an example, the official said EPA was prohibited by OMB from transmitting to Congress at the start of the current session an Administration proposal for toxic substances control legislation.

While the Manufacturing Chemists Association was lobbying for its own bill, he said, EPA was "shut out" because, he said, an agency needs pending legislation if it is to be "part of the action." Unable to get OMB approval on an Administration position on toxic substances, he said, EPA could not testify on the issue in the winter and spring of 1975.

In contrast, the EPA official said, the Small Business Administration has been able to send comments to Congress opposing pending toxic substances control legislation without prior OMB review. "They take pen in hand and send it up," he complained.

The question of OMB's injecting itself into the EPA-Congress relationship arose also when Senator Frank E. Moss (D-Utah) recently asked EPA for its position on Clean Air Act nondegradation amendments. While OMB was delaying EPA's response because it could not establish an Administration position on nondegradation, the EPA official said, Moss was complaining that EPA had not responded to his questions.

Intentional Delays — A Strategy

At times, the official said, OMB intentionally has delayed EPA submissions to Congress in order to deprive EPA of the potential advantages of a timely submission.

During House Public Works and Transportation Committee consideration of Water Act amendments, for instance, Committee Chairman Robert E. Jones (D-Ala) asked EPA for its position on amendments to the Section 404 dredge or fill provision.

EPA officials said at the time that they wanted Train's response to reach Jones prior to the committee's consideration of the amendments (April 9, p. 2082). In this case, delay resulted from OMB's desire to have the EPA response detail agency positions on various Water Act amendments, rather than just on Section 404.

Train's response to Jones reached the congressman only after the committee had concluded one day of its two-day markup of the bill (HR 9560). Although his response included no new agency positions on the amendments, EPA officials said at the time that OMB accomplished its goal of delaying the response; they said OMB sometimes uses delay as an intentional strategy.

Although the EPA legislative official said he sees some merit in the OMB quality of life review and the inter-agency review of legislation, he said he resents OMB officials' attitude as "the ultimate arbiters of virtue." He said that although OMB frequently plays a major or decisive role in shaping policies, it seldom has to defend those policies before Congress or the public.

Technical Information

The OMB impact on the EPA-Congress relationship becomes particularly touchy in cases when Congress seeks EPA responses to technical questions and—in EPA's opinion or in the opinion of the particular congressman involved—OMB attempts to politicize or delay EPA's response.

It was concern over the potential for tampering with technical data that apparently prompted EPA Administrator Train to assure two senators in October 1975 that EPA would provide timely replies to requests for technical information and assistance.

Train assured Senators Edmund S. Muskie (D-Maine) and James L. Buckley (R-C-NY), both members of the Senate Subcommittee on Environmental Pollution, that the agency in the past had responded appropriately to requests for technical information.

But Train and other EPA officials at times have complained that the inter-agency and quality of life reviews have led to delays in providing Congress with timely responses to inquiries. Without specifically mentioning OMB in that October 30 letter to Muskie and Buckley, Train said he agrees that EPA should assist Congress "as a technical arm and as a source of needed information. In addition, since technical data and assistance is often needed on a minute's notice . . . we have made and will make every possible effort to aid your subcommittee in a timely fashion."

Train in that letter drew a distinction between technical materials and "policy matters." As part of the Administration, he said, "naturally I represent and will continue to represent the views of the Administration when formal positions have been arrived at on particular issues. Our policy positions will continue to be communicated in testimony and other formal transmittals to the Congress after the usual clearance procedures required by this or any Administration."

This clearance presents "no conflict," Train assured Muskie and Buckley. "There is no question in my mind that the Congress has a right to expect the plain, unvarnished facts or data in the possession of this agency and has a right to expect truthful, candid, and timely responses to all inquiries requesting such information. My immediate staff and the management of the agency know of my strong feelings on this subject, and I think our record in this regard speaks for itself."

Asked August 10 what specifics might have prompted the senators' inquiry to him and his reassurances to them, Train said he could not remember details of what prompted the letter. After rereading it, however, he said he thought the OMB reviews must have been at least partly behind his response.

Case Study: OMB and Toxic Substances

As an example of the OMB role on legislation, one might consider the toxic substances bill (HR 14032) passed by the House.

Following a compromise between House Commerce Committee Republicans and Democrats, the legislation appeared to gain the general support of the majority and minority parties in both the Senate and the House. The measure appeared also to have gained the support of key agencies and departments within the Ford Administration, including EPA.

In addition, the bill was endorsed by the major industry trade group, the Manufacturing Chemists Association, although Dow Chemical Company continued to oppose it. Furthermore, the legislation was backed by labor and environmental groups.

With that kind of general support — and in an election year — the legislation was given excellent chances for enactment in the current Congress.

On August 6, however, the apparently unanimous support for the toxic substances control bill developed a gaping hole, as OMB unofficially announced it was opposed to the legislation after all.

The OMB announcement (August 13, p. 595) came in a statement to the House Environmental Study Conference, a coalition of House members particularly interested in environmental legislation. "The Administration opposes this bill," OMB said concerning HR 14032. OMB said it opposes "the requirement for premarket notification of all new chemical substances, reporting requirements on substances prior to manufacture, and the bill's unnecessarily broad definition for requiring testing of chemical substances."

According to OMB Associate Director Mitchell, the term "the Administration" in that statement applies to President Ford and EPA. As part of the Executive Branch and the White House, OMB can use that term, "the Administration," to apply to the Executive Branch or to particular parts of the Executive Branch.

Yet EPA officials consistently have disavowed OMB's opposition to HR 14032. Top EPA officials — the same officials who OMB says were included in deliberations on opposing the bill — deny they were part of the decision-making process on the toxic substances bill.

In fact, EPA officials say, they never have received written notification from OMB on the Administration's decision to oppose HR 14032. They say they first learned of that decision informally from the Environmental Study Conference.

After learning of the OMB statement, EPA is known to have telephoned James T. Broyhill (R-NC), a chief Republican member of the House Commerce Committee, to tell him it still supports the bill.

Whether the OMB opposition to the bill represented an Administration "reversal" is unclear. Several EPA officials say they had felt that OMB and the Administration generally were supporting the compromise reached by Congressmen Broyhill and Bob Eckhardt (D-Tex). These officials say the OMB opposition — which they insist was reached without their concurrence or participation — was a reversal.

Mitchell, on the other hand, told Environment Reporter that the Administration consistently has opposed the points mentioned in the August 6 OMB position statement, and he said the Administration's position on toxic substances legislation therefore has been consistent.

In the full House's vote on the bill, the coalition developed by the Eckhardt-Broyhill compromise appeared to hold firm, with Republican House members voting for the bill despite "the Administration" opposition to it.

Case Study: OMB and Assembly Line Testing

When it comes right down to it, who has final say on whether an environmental regulation should be adopted or retained, EPA or OMB?

That question never has been finally resolved, EPA Administrator Russell E. Train recently told Environment Reporter, because, he said, no regulation has ever been so vigorously opposed by OMB, and so strongly backed by EPA, that the issue has been raised. In such a case, Train said,

EPA Administrator Train sees need to protect "regulatory integrity" of the agency.

EPA would insist on having final say, in part to protect what he sees as the "regulatory integrity" of the agency in the eyes of the public, the Congress, and other federal agencies.

Train said he always has assumed that in such a case, EPA would have final say. OMB's Mitchell has told Environment Reporter that he agrees EPA would have final say on whether to adopt a specific regulation. He says that belief was borne out by EPA's adoption of the selective enforcement audit (SEA) regulations for the automobile industry, regulations which OMB has delayed and generally had opposed.

(EPA and OMB officials agree that the delay imposed by OMB resulted at least partly from concerns expressed about the SEA program in EPA's own February 13 draft Mobile Source Strategy Paper, which was provided to OMB by EPA officials without official sanction of the agency.)

The problem is that Train's assumption, and Mitchell's, never has been really tested. Perhaps the SEA regulations came closest to challenging the assumption that EPA — and not OMB — has final say on whether to proceed with a particular regulatory approach. But, as explained below, the future of that regulation itself remains in question.

On the SEA regulations, EPA felt that OMB for months had sat on the regulations without indicating to EPA whether they should be adopted. After waiting for months, Train on July 19 told the White House he was going to sign the regulations (July 23, p. 491).

Train did not ask OMB for permission to put the regulations into effect, but rather he told the Administration

that he was doing so. Train earlier had indicated that he feared the SEA regulations might be the ones to present the major test over whether EPA or OMB has final say over agency regulations. He had indicated also that he hoped to put the regulations into effect without having to cross that hurdle.

Who has final say on environmental regulations — EPA or OMB?

Although Train signed the regulations into effect, their future still appears uncertain. On August 13, OMB wrote Train advising him that the President wants a thorough test of the SEA regulations within one year after their start-up. OMB, saying it was passing along the directions of President Ford, directed EPA to phase out either the SEA regulations or the certification program, based on the outcome of the study of the SEA regulations.

Responding to OMB, EPA said it does not assume, as "the Administration" apparently does, that either the SEA or the certification program necessarily should be phased out. It does not assume that the programs are redundant rather than complementary, EPA said (August 27, p. 652), and it cannot draw that conclusion until after studying its motor vehicle emissions control program generally.

So the SEA regulation still may become the vehicle which resolves the question of who has final say: EPA or OMB? But since a new Administration and new EPA and OMB officials may be in office when that decision is made, the SEA regulations too may not resolve that question. With the possibility that new persons will be making the major decisions at OMB, EPA and other federal agencies, the question of whether EPA or OMB has final say may remain unresolved for some time.

OMB Stays Out of Some Areas

EPA and OMB officials agree that in some areas the OMB studiously — and, the officials say, properly — avoids any interference with EPA activities.

In enforcement matters, they say, OMB does not and should not attempt to influence EPA activities aimed at individual parties. They distinguish clearly between enforcement regulatory activities such as the selective enforcement audit regulations and enforcement actions against individual companies, such as enforcement measures against a discharger under the Federal Water Pollution Control Act. In these latter cases, OMB and EPA officials say, OMB has no role.

OMB is inactive also on adjudicatory proceedings, they say, as well as on relatively minor or recurring regulatory actions, such as revisions to state implementation plans under the Clean Air Act.

Following his February 5 public blast at U.S. Steel Corporation for having a "record of environmental recalcitrance which is second to none," EPA Deputy Administrator John R. Quarles thought he might hear from OMB criticizing his comments and criticizing his failure to "clear" the comments through OMB. Quarles subsequently told Environment Reporter that he "waited for the phone to ring" to see if OMB would criticize his talk.

The call never came. And according to OMB officials Mitchell, Craybill, and Tozzi, no call would come in that instance because of the adjudicatory or enforcement nature of Quarles' comments. Quarles is known to feel that that outlook might not have applied under President Nixon's OMB. Under an OMB headed by Roy Ash, James Lynn's

predecessor, such a speech indeed may have prompted reaction from OMB, Quarles feels.

Getting Around OMB

Finally there is the question of the ability of EPA or any other federal agency to get around OMB in particular cases — to get a particular message to Congress regardless of whether OMB wants that message gotten there.

If OMB wants a particular letter delayed or revised, for instance, there is nothing to stop EPA from transmitting to Congress an unsigned, undated facsimile of that letter. It happens.

An EPA employee working on the matter can, by telephone or by short taxi ride, get the message to Congress without its having cleared OMB. Or the employee can leak the letter to the press, thereby also getting it made public. That happens too.

Those routes are circuitous, they involve some risk of incurring the wrath of OMB, and they are "pirative," an EPA official has told Environment Reporter. But when all else fails and when the agency badly enough wants *its* message known to Congress, it can find ways of getting it there. OMB or no OMB. The practice is well enough understood in Washington that some congressional staffers ask for EPA's position prior to OMB clearance as well as its position following that clearance.

On the Section 404 letter above, for instance, Leon G. Billings, of the Senate Subcommittee on Environmental Pollution, asked Tozzi not for a copy of the letter that OMB was delaying but rather for a copy of the letter EPA had submitted for OMB clearance in the first place.

Nonetheless, that route does not have the full effect of final Administration clearance of an agency position. OMB Associate Director Mitchell has told Environment Reporter that Congress generally wants to know "the Administration's position" on a particular matter, and not just an agency's position.

Once cleared by OMB, for instance, letters on legislation will carry, as a last sentence, notice that the position is consistent with Administration policies. Without that assurance, Mitchell feels, an agency's letter to Congress lacks the authority of one that has been cleared by OMB and can carry the imprimatur of "the Administration."

Another route open to EPA when it wants to avoid the problems and delays of the inter-agency review is to adopt policy by using guidelines rather than traditional regulations. Guidelines do not have to go through the lengthy inter-agency review, but they are of course subject to the same agency and public scrutiny that regulations face.

Also, guidelines and guidance papers, although they are used by the agency, do not have the force or effect of regulations, and agencies cannot choose the guidelines approach casually.

Several persons point to EPA's January 6 "legal interpretation and guideline" on use of tall stacks as an example of the agency's using the guidelines approach at least partly to avoid the inter-agency review. In that guideline, the agency said unrestricted use of "tall stacks" or other forms of supplementary control systems would be permitted only if a source also employs best available control technology (January 23, p. 1653).

The OMB role on environmental matters has both its critics and its defenders, with environmental groups frequently critical of OMB for in their opinion, impeding environmental programs. Although OMB's two top officials are subject to Senate confirmation under legislation adopted in February 1975, OMB exerts its influence generally with little public knowledge of its role. On that point, OMB critics and supporters seem to agree.