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THURSDAY, DECEMBER 7, 2017

House of Representatives

Subcommittee on Environment

Committee on Energy and Commerce

Washington, D.C.

The subcommittee met, pursuant to call, at 10:00 a.m., in
Room 2123 Rayburn House Office Building, Hon. John Shimkus
[chairman of the subcommittee] presiding.

Members present: Representatives Shimkus, McKinley, Barton,
Blackburn, Harper, Olson, Johnson, Flores, Hudson, Cramer,
Walberg, Carter, Duncan, Walden (ex officio), Tonko, Ruiz,
Peters, Green, DeGette, McNerney, Cardenas, Dingell, Matsui, and
Pallone (ex officio).

Staff present: Ray Baum, Staff Director; Mike Bloomquist,

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52 Assistant; Caitlin Haberman, Minority Professional Staff Member;
53 Rick Kessler, Minority Senior Advisor and Staff Director, Energy
54 and Environment; John Marshall, Minority Policy Coordinator; Jon
55 Monger, Minority Counsel; Alexander Ratner, Minority Policy
56 Analyst; Andrew Souvall, Minority Director of Communications,
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58 Environment Policy Advisor; C.J. Young, Minority Press Secretary;
59 and Catherine Zander, Minority Environment Fellow.

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60 Mr. Shimkus. The subcommittee will now come to order.
61 Before I begin my opening statement, I want to make a general
62 announcement to members about the process today. After months
63 of trying to find a mutually acceptable date for a hearing, the
64 committee was able to finally get agreement with the administrator
65 to join us and we announced it. At the end of last week, however,
66 the committee learned Mr. Pruitt was being summoned to meet with
67 his boss, the President, for 90 minutes around lunch.

68 Rather than agreeing to start the whole process over and/or
69 the hearing earlier and to have a defined end time, or push the
70 entire hearing to a late afternoon start time, or try to find
71 another mutually acceptable date, we have come to an agreement
72 which we understand is not ideal, but gives members maximum
73 flexibility to personally question the administrator about the
74 Agency's missions.

75 Therefore, we will proceed with opening statements, the
76 administrator's testimony, and members' questions until 11:00
77 a.m. We will recess at that time and reconvene at 2:00 p.m. in
78 2322 which is upstairs. We expect the administrator will stay
79 with us until committee members who are present or want to ask
80 questions have been given their turn to ask questions. I
81 will also note that there is going to be a voting period in this
82 last block and we are going to try with the help of my colleagues
83 to keep the hearing going through that vote series. I have done
84 it before years ago. It is a juggling, but we are going to try

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85 to get that done. Administrator Pruitt, I want to thank you
86 for joining us today and discussing issues the Environment
87 Subcommittee has jurisdiction over. Notably, the Clean Air Act,
88 CERCLA, which is a Superfund act, the Solid Waste Disposal Act,
89 the Safe Drinking Water Act, and Toxic Substances Control Act,
90 one that this committee is very proud of passing in the last
91 Congress.

92 A few years ago, we began an effort to tackle updating and
93 authorizing a number of these laws and have been waiting for the
94 opportunity for you and someone from your agency to be here so
95 that we can discuss the Administration's position on these
96 important changes to the laws and how EPA implements them. We
97 are also tasked with the oversight of these EPA programs and we
98 look forward to being able to start conducting oversight hearings
99 soon.

100 Today, we would like to start dialogue with you about your
101 vision and priorities for the EPA. You noted at the outset of
102 your tenure at the EPA that your goal was to refocus EPA on its
103 intended mission, return power to the states and create an
104 environment where jobs can grow. And your agenda focused on the
105 three Es: environment and protecting the environment; economy,
106 sensible regulations that allow economic growth; and engagement,
107 engaging with state and local partners. You also stated that
108 EPA would, and I quote, operate with the statutes that Congress
109 passes and not reimagining authority to pick winners and losers.

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110 That sounds like you are headed in the right direction.

111 We support analyzing regulatory barriers to determine
112 whether they create unnecessary burdens or impede job creation
113 and we want to work with you to make sure that the EPA develops
114 and implements regulations that protect the environment while
115 promoting growth and creating jobs. You said it best in a
116 statement you made when you kicked off your back to the basics
117 agenda earlier this year. We can and we will achieve a clean
118 air and a clean water and we will also have strong economic growth
119 and job creation at the same time.

120 We have some specific areas of focus that we would like to
121 discuss today and continue to work on with you and your staff
122 as we go forward. The first is Superfund cleanup. You have
123 indicated that Superfund cleanup is a priority of the Agency and
124 that several clean up efforts have been, and I quote, restored
125 to the rightful place at the center of the Agency's core mission,
126 close quote.

127 You have also noted that you intend to figure out ways to
128 cut through bureaucratic red tape that has slowed the cleanup
129 of Superfund sites and that EPA is creating a list of the top
130 ten sites that the Agency can aggressively address. We want to
131 work with you on these efforts and work together to figure out
132 what Congress can do to help make Superfund cleanups more
133 efficient.

134 The next issues are the Toxic Substances Control Act and

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135 the Safe Drinking Water Act. Last year, this committee was
136 responsible for overhauling TSCA and we are interested in the
137 appropriate and the timely implementation of the rules that are
138 the outgrowth of the new law. We also look forward to work with
139 the Agency as we have reauthorized funding and make improvements
140 in the law to improve compliance with the Safe Drinking Water
141 Act.

142 Last but not least, the Clean Air Act. Our members are
143 actively engaged on several air issues like the Clean Power Plan,
144 the EPA's recent ozone standard which has created obstacles to
145 new infrastructure development and manufacturing. We also want
146 to look into addressing the challenges relating to obtaining air
147 permits required for new construction and expansions of the
148 existing facilities under EPA's New Source Review program.

149 Administrator Pruitt, the long and the short of it is that
150 we have an agenda packed with legislative and oversight activities
151 and we need the EPA to be engaged participants that work with
152 us as we move forward. We need to be assured that the Agency
153 will send us witnesses for legislative and oversight hearings
154 and in turn we will work with you to figure out where Congress
155 needs to act to help you accomplish your mission, the Agency's
156 goals of providing regulatory certainty, balancing environmental
157 benefits and economic practicalities, and restoring confidence
158 to regulated entities across the country.

159 Thank you for coming up here and we look forward to continuing

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160 this conversation in the new year. And with that I will yield
161 back my time and turn to my friend from New York, Mr. Tonko, for
162 5 minutes.

163 [The prepared statement of Mr. Shimkus follows:]

164

165 *****INSERT 1*****

166 Mr. Tonko. Thank you, Mr. Chair. And thank you,
167 Administrator Pruitt. Thank you for being here this morning.

168 However, I fully expected that you, Mr. Administrator, as a proud
169 Oklahoman, would have been here Sooner.

170 [Laughter.]

171 Mr. Tonko. All right. In all seriousness, Mr.
172 Administrator, I hope this is the first of many appearances,
173 regular appearances before our Energy and Commerce Committee.

174 Your predecessors came before this committee frequently and I
175 can tell you it wasn't because they liked being berated every
176 other 5 minutes for a few hours, it was because they understood
177 that they had a responsibility to be accountable to Congress.

178 So I expect moving forward you will provide administration
179 witnesses, responses to letters, and technical assistance quickly
180 when we ask. I know many members have serious concerns about
181 the direction of EPA in the past year which is why there is so
182 much interest in today's hearing. Members will raise questions
183 about how you have chosen to be a steward of taxpayer funds, who
184 has had access to you, and the growing influence of industry at
185 the Agency.

186 Members will also question the rollback of a number of
187 safeguards that were put into place to protect human health.
188 In July, the New York Times published an article, and I quote,
189 Counseled by Industry, Not Staff, EPA Chief Is Off to a Blazing
190 Start, which reported more than 30 environmental rules being

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191 delayed or undone. And often these public health safeguards are
192 being undone with little or no legal or scientific justification.

193 I think it is worthy noting that, historically, the majority
194 of EPA rules have withstood legal challenges, including
195 challenges led by you in your capacity as Oklahoma's attorney
196 general. EPA's decisions should be guided by sound science, not
197 corporate interests and these concerns touch every office under
198 your charge -- clean water, air quality, contaminated lands,
199 chemical safety, pesticides to name a few.

200 From my view, rules across the Agency are being undone
201 capriciously with little regard to the human impacts or the
202 science that went into developing them. In fact, many states
203 and industries were partners during the process when these rules
204 were developed. Frankly, I believe EPA has all the signs of an
205 agency captured by industry. You shouldn't need to be traded
206 on the New York Stock Exchange or need an invite to a private
207 steak dinner at a Trump hotel in order to get an audience with
208 the EPA administrator.

209 I am particularly concerned about Agency actions on climate
210 change. The Fourth National Climate Assessment Climate Science
211 Special Report, a thorough, comprehensive report by the federal
212 government has reaffirmed what the scientific community has long
213 known, climate change is real, primarily caused by human activity,
214 and a serious threat to our people and our economy.

215 Despite this scientific consensus, EPA has begun to roll

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back rules at the behest of special interests to address greenhouse gas emissions which have been developed over many years, backed by science, and include economic impact studies.

This is just one example in a trend of dismissing the role of science at EPA.

Scientific integrity of the Agency must be protected. Instead, we have witnessed the proposed elimination of research funding and eroding of technical and scientific capacity. The dismissal of qualified members of the Scientific Advisory Board the removal of information from EPA's website and the censorship of Agency scientists from participating in public events are incredibly troubling. Finally, I want to take a minute to recognize the work done by EPA's career employees. I know these dedicated public servants joined the Agency to protect human health and the environment and are to be commended for their hard work in this difficult environment.

But as the workforce is reduced, as the advice of the experts is ignored, and as morale at the Agency decreases, I know there will be an inclination to pursue other career opportunities. Our country cannot afford to lose the institutional knowledge at an agency as important as EPA or fail to attract the next generation of qualified, dedicated public servants. I want to thank EPA's employees, know that your work is greatly appreciated by members here and beneficial to Americans across our great country.

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241 Back to basics does not mean starving the Agency of its
242 resources and personnel that it needs to do its job. It does
243 not mean giving lip service to protecting clean air and water
244 while rolling back dozens of essential rules. EPA's success has
245 been about making steady progress over time and EPA has proven
246 to be a resilient agency in the past, but this year we have
247 witnessed a number of alarming decisions and I hope we will get
248 answers to better understand some of those decisions today, Mr.
249 Administrator.

250 And again we welcome you before this committee. Thank you
251 so much and I yield back, Mr. Chair.

252 Mr. Shimkus. The gentleman yields back his time. The chair
253 now recognizes the Chairman of the full committee, Mr. Walden
254 from Oregon, for 5 minutes.

255 Mr. Walden. Thank you, Mr. Chairman.

256 Good morning, Mr. Administrator. We are delighted to have
257 you before the House Energy and Commerce Committee. I think this
258 is your first oversight hearing on The Hill and we are delighted
259 that we could have you here to tell us what is going on at the
260 EPA, to take our questions and to hear what we have to say. I
261 am obviously disappointed the President called you out in between,
262 but I appreciate the fact you will be here this morning and come
263 back this afternoon and continue to participate in this process.

264 With this I am going to yield briefly to my friend from
265 Oklahoma who would like to formally introduce you to the

266 committee, and with that I will yield 30 seconds to Mr. Mullin
267 from Oklahoma.

268 Mr. Mullin. Thank you, Chairman Walden. Thank you,
269 Chairman Shimkus, for allowing me to participate. I have the
270 great privilege of introducing Oklahoma's own Scott Pruitt to
271 our EPA administrator. Thank you, sir, for being here.

272 First, I want to thank Mr. Pruitt for making himself
273 available for today's hearing. Administrator Pruitt and his team
274 have worked tirelessly to bring the EPA back to its core mission,
275 protecting our environment in common sense ways with input from
276 our states, local government, and tribes to a collaborated
277 approach which is now very -- which is a breath of fresh air.

278 Nobody wants to take care of our backyards more than us in our
279 states. That is why I want to thank Mr. Pruitt for doing what
280 is right by having the input of those with interests there.

281 Mr. Pruitt, thank you for coming here today. Thank you for
282 making the whole state proud. I appreciate you and I yield back
283 to Chairman Walden.

284 Mr. Walden. I thank the gentleman for his introduction of
285 our witness today. And as you know, Administrator Pruitt, the
286 committee you are appearing before today is charged by the House
287 of Representatives with legislative and oversight
288 responsibilities for the bulk of the statutes that the EPA
289 implements. We may not write the check to the EPA -- the
290 appropriators claim to do that -- but we are your authorizing

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agency or committee.

It has been almost 10 months since you were sworn in as administrator of an agency that turned 47 this past Monday, so today I would like to begin with what will hopefully be a continuing conversation about the agency that you oversee, your vision for it, and what challenges you face. I am particularly intrigued by your back to basics concepts and your stated intent to return EPA from its freewheeling administrative pursuits to its mission of protecting air, soil, and water and doing so according to explicit dictates of Congress. I hope that this view of governing will guide your EPA, rather than efforts to end run Congress in the Federal Register or on the courthouse steps.

I also want to discuss the goals you are establishing for the programs at EPA and the metrics you intend to use to measure their progress. In particular, I want to know that you have a plan to address staffing issues identified by the Agency's Inspector General for over the last 2 decades. This is a 20-year-old problem you are inheriting, but it is one I think we both take seriously.

So we appreciate your commitment to budget transparency and as we want to make sure the public knows how each law is being implemented and how the money is being spent, I expect that back to basics is not an abdication of environmental protection, but rather a rededication of mastering the most fundamental aspects

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316 of EPA's mission.

317 Whether it is cleaning up Superfund sites, ensuring that
318 safe drinking water is being piped into people's homes, or keeping
319 air clean and safe to breathe, this is the primary mission of
320 the EPA. While these jobs may sound mundane, as any football
321 fan will appreciate they are like the essential blocking and
322 tackling techniques and so we appreciate what you are doing on
323 all of that.

324 I also want to thank you and your team for your attention
325 to the Superfund cleanup in the Portland Harbor. While this area
326 is not in my district, it is in my state and what happens at the
327 Port of Portland has an impact on all Oregonians. You brought
328 a fresh and a welcome approach to this complicated and costly
329 cleanup.

330 Unlike the prior administration, you have proven that this
331 administration wants to actually clean up this environmental mess
332 and do the work in a common sense manner in close working
333 partnership with local stakeholders. To paraphrase an old song,
334 if you can do it there you can do it anywhere.

335 And so I thank you for being here. I thank you for your
336 collaborative work on the Portland Superfund cleanup. We know
337 we have more effort to achieve there, but everybody -- well, not
338 everybody, but most people affected by it including the port and
339 city and everybody else saying thank you, now we feel like we
340 have hope and a chance to get this done right, so thanks for your

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341 work there.

342 With that Mr. Chairman, I would yield back the balance of
343 my time to the committee.

344 [The prepared statement of Mr. Walden follows:]

345

346 *****INSERT 2*****

347 Mr. Shimkus. The gentleman yields back his time. The chair
348 now recognizes the ranking member of the full committee, Mr.
349 Pallone from New Jersey, for 5 minutes.

350 Mr. Pallone. Thank you, Mr. Chairman. I have served in
351 Congress alongside both Democratic and Republican
352 administrations and in my experience the lack of transparency
353 and cooperation from this Administration is completely
354 unprecedented. The Environmental Protection Agency under
355 Administrator Pruitt has consistently failed to respond to
356 congressional oversight requests. In a few instances when we
357 have actually received responses they are perfunctory at best.

358 EPA has also refused to testify at legislative and oversight
359 hearings and has refused to respond to some basic requests for
360 technical assistance on legislation that has moved or is moving
361 its way through this committee. Even today, after finally
362 agreeing to appear before this authorizing committee some 10
363 months into his term, Administrator Pruitt is planning to leave
364 after only 1 hour. And this is not the way any agency is supposed
365 to interact with its authorizing committee.

366 I would hope that this frustration is not only felt by
367 committee Democrats and I would hope to see a change from both
368 the EPA and the overall Trump administration. This lack of
369 transparency applies not just to Congress but also to the press,
370 the public, and even EPA's career staff. The stories coming from
371 the Agency paint a pretty bleak picture. While we know the

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Administration has wasted more than \$58,000 of taxpayer money on private jets and noncommercial flights, Mr. Pruitt's schedule has been largely kept secret and this week a major newspaper had to sue the Agency for access to this important public record.

Meanwhile, EPA career staff have been excluded from meetings. When they do participate they are apparently blocked from bringing phones and even pen and paper with them. Moreover, Administrator Pruitt has reportedly used \$25,000 of public funds to build a secret phone booth in his office to further isolate himself from the staff and any and all scrutiny. And why all the secrecy, one has to wonder. Mr. Pruitt has also launched an unprecedented assault on independent science, purging academic scientists with no conflicts from Science Advisory Board and replacing them with industry employees. At the same time, he has ignored the advice and conclusions of his own scientific staff on numerous occasions.

Today's hearing is supposedly about the mission of the EPA. According to the EPA itself, the Agency mission is to protect human health and the environment and no one cares more about that mission than EPA's career staff. Ignoring the staff, undermining the staff, and cutting the staff out of decisions, amounts to ignoring and undermining that mission, in my opinion.

Administrator Pruitt has been on a press tour lately proclaiming his vision of what the EPA's mission means and what it means to be an environmentalist and his words ring hollow

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397 because his actions have consistently and systematically
398 undermined protections for human health and the environment.

399 I have only 5 minutes, Mr. Chairman, so I can't list all
400 the actions the administrator has taken to undermine protections
401 for public health and specifically for vulnerable populations
402 including workers, children, and Native American tribes, but I
403 want to give a few examples.

404 First, pulling out of the Paris agreement; second, pulling
405 back the Clean Power Plan; third, rolling back protections from
406 toxic air pollutants including mercury, methane, and smog then
407 handing implementation of the toxic chemicals reform law just
408 signed into law last year over to industry lobbyists; reversing
409 the decision to ban the toxic pesticide chlorpyrifos; delaying
410 and undermining the risk management planning program that should
411 protect workers and communities; and, finally, reversing course
412 on Superfund financial assurance requirements putting more of
413 the burden on taxpayers and less on polluters.

414 With accomplishments like this, it is no wonder that the
415 administrator is working so hard to hide his actions. But the
416 American people need transparency and they deserve honesty from
417 both the EPA and the White House and perhaps today's hearing will
418 be the beginning of a new, more transparent era.

419 To his credit, Administrator Pruitt reached out to me in
420 advance of this hearing and requested a meeting which we did have,
421 but if the administrator wants to improve his relationship with

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422 the members of the committee, the steps he needs to take are clear.
423 He needs to provide the documents we have requested and will
424 request in the future. He needs to provide substantive answers
425 to our oversight questions, and he needs to make himself and other
426 EPA staff available as witnesses routinely.

427 And if the administrator wants to earn the trust of the
428 American people he needs to stop the secrecy and his war on science
429 and reverse the systematic rollback of public protections. It
430 is the mission of the EPA to protect the public health and the
431 environment and not attack it. And I yield back, Mr. Chairman.

432 Mr. Shimkus. The gentleman yields back his time.

433 Now we turn to our guest. We would like to welcome and thank
434 you, our distinguished witness, U.S. EPA Administrator Scott
435 Pruitt, for being here today. You will have an opportunity to
436 give an opening statement followed by a round of questions from
437 members. We appreciate you being here and you are recognized
438 for 5 minutes.

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STATEMENT OF SCOTT PRUITT, U.S. EPA ADMINISTRATOR

Mr. Pruitt. Well, Chairman Shimkus, Ranking Member Tonko, Chairman Walden, Ranking Member Pallone, it is good to see you this morning, and other members that I have not had the chance to meet. I look forward to the discussion today. It was a year ago today that the President announced my nomination to the Environmental Protection Agency; thus began the process, the confirmation process which culminated in mid-February and began serving in that timeframe as well.

It has been a very, very consequential and I think exciting 10 months as I have been at the EPA. We have focused our efforts on three core principles as we are seeking to make decisions.

As I said during the Senate confirmation process, rule of law would again take center as we make decisions around the responsibilities that I have as administrator.

Fundamentally, my job as the administrator of the EPA is to administer statutes that you have passed as Congress to advance the objectives in those statutes from the Clean Air Act to the Clean Water Act across TSCA and CERCLA and a host of federal statutes. And rule of law matters, because as we act and adopt regulation, if we act untethered to a statute it creates uncertainty in the marketplace and those that have expectations placed upon them don't know how to conduct themselves. And so rule of law is not something that is academic. It is not something

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464 that is just legal. It truly impacts how we do our job at the
465 Agency.

466 And secondly, I have tried to emphasize process. Process
467 matters as well. It is this body that has required federal
468 agencies, executive agencies to go through the EPA to adopt rules
469 that are consistent with comment and informed discussions that
470 take place over a period of time.

471 Where a proposed rule takes place comment occurs, we respond
472 to that comment on the record, and then finalize our decisions
473 based upon the comments provided. Just one example, during the
474 Waters of the United States rule of 2015 over a million comments
475 were submitted to the Agency as that definition was adopted, and
476 the Agency took the very, very important step of responding to
477 each of those to make a decision. The same needs to take place
478 today. And so we have incorporated changes at the Agency to
479 respect process to make sure that citizens' concerns across the
480 country are heard and that we respond on the record to those
481 concerns. And then, thirdly, and some of you have mentioned
482 this in your opening comments as well, is a commitment to
483 federalism. Federalism is something, again is not just a legal
484 or academic concept, it is something that you have put into
485 statutes, many statutes. You have prescribed authority to states
486 across this country, because when we work together with states
487 to achieve better outcomes with air and water quality it serves
488 the citizens of your respective states. And I will say to

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489 you, 2 days after being sworn in as EPA Administrator, I had 18
490 to 20 governors in my office on a Sunday -- Democrats and
491 Republicans -- Governor Dayton of Minnesota to Governor Herbert
492 to Utah. And we talked about a host of issues on air quality
493 and water quality and Superfund and we began a journey that started
494 in February.

495 And I have visited almost 30 states since that time, visiting
496 with governors and respected DEQs to advance the issues of the
497 respective states. And the reason that is important is because
498 the issues in Utah, the second most driest state in the country,
499 are different than the water issues in Minnesota. And so we must
500 work with our partners at the state level to achieve better
501 outcomes and that has been a focus along with these issues of
502 process and rule of law.

503 I want you to know this dialogue that begins today is
504 important to me. I have met with some of you individually. I
505 have met with many of your colleagues across the rotunda in the
506 Senate, both Democrats and Republicans, on issues that impact
507 their states. I know that these are very difficult issues that
508 we handle at the Agency. I seek to engage in a civil discourse
509 with you. I seek to have a thoughtful discussion about how we
510 can advance the objectives of what you have passed in these
511 statutes and I appreciate the opportunity. And I do hope, Ranking
512 Member Pallone, that we can begin a good discussion going forward
513 into 2018 on these issues and look forward to the questions today.

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514 Thank you, Mr. Chairman.

515 [The prepared statement of Mr. Pruitt follows:]

516

517 *****INSERT 3*****

518 Mr. Shimkus. The gentleman yields back his time.

519 I also want to note that a full statement of the administrator
520 has been placed into the record. I failed to say that earlier.

521 And then I would like to recognize myself for 5 minutes to start
522 the round of questioning. Again thank you for being here.

523 At a recent Oversight Subcommittee hearing, EPA's Office
524 of Inspector General and the Government Accountability Office
525 testified that EPA cannot ensure that it has the right people
526 in the right places with the right skills and competencies to
527 accomplish its mission. According to the Inspector General, EPA
528 offices would probably achieve better results if they knew more
529 precisely what the requirements were and what kind of people it
530 needs to address them.

531 In addition, EPA has not conducted a workload analysis in
532 over 20 years. It seems to me that a back to basics agenda for
533 your agency must include this type of analysis to make sure the
534 Agency is operating optimally. Can you assure me that you intend
535 to perform this workforce analysis?

536 Mr. Pruitt. Yes. We are actually engaged in that process
537 now. There is a gentleman by the name of Henry Darwin that is
538 the CEO at the Agency. He worked for Governor Ducey in the state
539 of Arizona. We are actually partnering with Toyota to begin a
540 Lean process at the Agency to evaluate management practices.
541 The Agency for many years, and this is something that I found
542 surprising, has not measured outcomes consistently. We are

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543 actually creating a dashboard of monitoring in air quality and
544 water quality, Superfund remediation across the full spectrum
545 of our responsibilities to measure progress in each of those areas
546 on a weekly and monthly basis.

547 And that has been incorporated into the program offices at
548 the EPA, but it is also being incorporated in the regions across
549 the country and that is one thing that I will share with you that
550 I think has been very challenging as I have taken over this
551 position. We have ten regions across the country, as you know,
552 from San Francisco to Atlanta, Chicago, Boston, and there is a
553 great deal of inconsistency with respect to permitting,
554 compliance and assistance, enforcement in these issues with
555 respect to how we administer the statutes.

556 And we need, I think, a more coordinated, collaborative
557 process to ensure that we don't have different approaches in
558 Region 8 in Denver versus, you know, Region 3 in Philadelphia,
559 so that process is ongoing, Mr. Chairman. It is a very important
560 process. And I think a performance based, metric based approach
561 to these program offices that we are engaged in is so, so important
562 because it enlivens, I think empowers employees.

563 You mentioned, Ranking Member Pallone, the career staff at
564 the Agency. I will say to you that as we have engaged in our
565 Superfund focus I have had career employees come up to me and
566 say thank you for awakening areas that have been dormant for a
567 little while and they are very thankful for the focus that we

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568 have placed on some of those core missions. And the measurement
569 and metrics that we are incorporating going forward is a part
570 of this that you referenced, Mr. Chairman.

571 Mr. Shimkus. Thank you very much. That is important to
572 me. One of the reasons why I care so much about the workforce
573 issue is the implementation of the Toxic Substance Control Act.

574 In particular, I want to comment to the new chemicals. Since
575 the law's enactment, the Agency has needed to reassign staff from
576 other offices to address a sizeable backlog in the new chemical
577 application.

578 Your team helped clear out substantially the backlog, but
579 I fear as soon as the borrowed EPA workers go back to their regular
580 jobs backlogs will come back to be the norm of the operation.

581 What assurances can you give me that the new chemical
582 applications will stay on a schedule for the future?

583 Mr. Pruitt. Well, we had many, and I want to commend
584 Congress on the good work that was done in updating TSCA. I mean
585 that was a decade in the making and for you to do that was a very
586 important thing for our office. There were deadlines that you
587 put in that statute, as an example, rules that were supposed to
588 come out by June of this year. I made a commitment during the
589 confirmation process to meet those deadlines and we in fact did
590 those rules under TSCA.

591 The other area that you cite, Mr. Chairman, was the backlog.
592 As you know, the changes you made in the TSCA statute required

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593 that before chemicals entered the flow of commerce our agency
594 had to affirm or approve those chemicals. And there was a backlog
595 of roughly 700 of those chemicals that were at the office before
596 we arrived and we did actually clear that backlog out by July
597 by dedicating resources there. It is a commitment going
598 forward that we do that timely. We are adopting rules now to
599 ensure that the process is defined so that folks know what is
600 expected to meet the deadlines going forward.

601 Mr. Shimkus. Let me cut down my last question to just a
602 simple question on what is the -- so we talk West Lake, this is
603 parochial, West Lake in the St. Louis metropolitan area. Are
604 you on track to issue the Record of Decision and can you give
605 us a sense of timing?

606 Mr. Pruitt. Yes, we are, Mr. Chairman. We are going to
607 -- we should be able to announce a decision in the month of January.

608 There is proposals that I am looking at this month to make a
609 decision on West Lake. It has been a long time coming,
610 specifically 27 years. It is a very important issue to the people
611 of St. Louis.

612 For those of you who don't know on the committee, 8,000 tons
613 of uranium comingled with 38,000 tons of solid waste dispersed
614 over a very large geographical area, buried about 80 feet deep,
615 and it has taken the Agency 27 years to make a decision on whether
616 to excavate or cap the site. That is unacceptable and the
617 decision is coming in the month of January.

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618 Mr. Shimkus. Thank you very much.

619 Let me now turn to the ranking member, Mr. Tonko, for 5
620 minutes.

621 Mr. Tonko. Thank you, Mr. Chair.

622 And again welcome, Administrator.

623 Mr. Pruitt. Thank you.

624 Mr. Tonko. During your confirmation hearing you said that
625 you, and I quote, have no firsthand knowledge, close quote, of
626 the EPA's Scientific Integrity Policy. However, you did commit
627 to reviewing the policy and following federal guidance regarding
628 scientific integrity. Now that you have had some time at the
629 Agency, have you reviewed the EPA's Scientific Integrity Policy?

630 Mr. Pruitt. Yes. We have reviewed that and implemented
631 it at the Agency.

632 Mr. Tonko. So have you reaffirmed the Scientific Integrity
633 Policy to scientists as well as political appointees at EPA?

634 Mr. Pruitt. It is a matter of priority to make sure that
635 we have a scientific review of rules at the Agency that are
636 objective, transparent, and peer-reviewed, and that is a
637 commitment that we are enforcing at the Agency, Mr. Ranking
638 Member.

639 Mr. Tonko. Okay. Thank you, sir. And an essential
640 component of scientific integrity is strong safeguards against
641 conflicts of interest. Have you required recusals among your
642 staff, including yourself, when serious conflicts of interest

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643 occur?

644 Mr. Pruitt. Absolutely. We have done that and we will
645 continue to do that. And that is one of the areas that has been
646 mischaracterized with respect to some of these advisory boards.

647 Mr. Tonko. Okay. Thank you, sir. I only have 5 minutes,
648 so if I could move along. I have been very concerned by changes
649 to EPA's Science Advisory Board. These concerns are shared by
650 the scientific community. Mr. Chair, I would like to enter this
651 letter signed by over 1,000 scientists into the record as well
652 as the letter from the American Geophysical Union which represents
653 more than 60,000 scientists.

654 Mr. Shimkus. Yes, I am sure we will. Let me make sure my
655 staff sees it and then we will.

656 Mr. Tonko. Okay. Thank you, Mr. Chair.

657 Administrator Pruitt, do you believe scientists are a
658 special interest group?

659 Mr. Pruitt. I am sure I don't understand the question,
660 Ranking Member Tonko.

661 Mr. Tonko. Well, are they a fundamental contribution to
662 the Agency or seen as a special interest?

663 Mr. Pruitt. Look, when we engage in rulemaking at the Agency
664 we build a record. And scientists at the Agency whether it is
665 in the chemical shop, the air program office, it is important
666 that we hear from our scientists internal to the Agency --

667 Mr. Tonko. Thank you.

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668 Mr. Pruitt. -- but also those advisory committees in
669 building the record and that is a point of emphasis, absolutely.

670 Mr. Tonko. Thank you. Do you believe scientists that
671 receive EPA grant money are less qualified to give technical
672 advice to EPA than states or industry which may also have a
673 financial relationship with the Agency?

674 Mr. Pruitt. Well, I believe that these advisory committees
675 as you know them are independent advisory committees to the Agency
676 to equip us in making informed decisions about the efficacy of
677 rules that we adopt. And these advisory committees, Ranking
678 Member Tonko --

679 Mr. Tonko. It is --

680 Mr. Pruitt. May I finish?

681 Mr. Tonko. Yes.

682 Mr. Pruitt. The advisory committees --

683 Mr. Tonko. If you could just answer the question though
684 too.

685 Mr. Pruitt. I am.

686 Mr. Tonko. Okay.

687 Mr. Pruitt. These advisory committees had scientists
688 serving in an independent capacity. Twenty of them made up three
689 of the committees that have received \$77 million from the Agency
690 in grants. That causes a perception or an appearance of a lack
691 of independence in advising the Agency on a host of issues. And
692 we went to those scientists and advised them that they could

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693 continue serving on these advisory committees or receive the
694 grants but they could not do both, to ensure the independence
695 of the counsel they were providing to us in the rulemaking process.

696 Mr. Tonko. Administrator, can you provide specific
697 examples of a time when an EPA grant recipient on an advisory
698 committee provided conflicted advice?

699 Mr. Pruitt. I can say to you that as a grantee, we the
700 grantor, Ranking Member, and we have an ongoing obligation to
701 oversee those grants, that creates an appearance of a lack of
702 independence and that was addressed with the policy that we
703 instituted. And we can provide you examples, many examples of
704 scientists who received grants over a period of time that were
705 substantial and it called into question that independence and
706 we addressed that to the policy that we implemented.

707 Mr. Tonko. At the same time, does it make sense to ignore
708 the advice of the very scientists that EPA determines are
709 worthiest of grant funding?

710 Mr. Pruitt. Well, we are not in fact. We simply said to
711 those individuals that they could continue receiving the grants
712 and advise the Agency in the counseling role or receive the grants
713 and continue providing that authority we granted them to provide
714 substance to the Agency going forward.

715 Mr. Tonko. I would just hope that they would be seen as
716 a very reliable source. EPA's actions over the past year have
717 led many people, myself included, to conclude that EPA's current

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718 political leadership has been dismissing the role of science in
719 its decision making. It appears that independent and Agency
720 scientists' recommendations are being ignored for the benefit
721 of industry. It happens with chlorpyrifos, it happened with the
722 Clean Power Plan, and it appears to be happening with TSCA. In
723 many cases, scientific data are even being removed from EPA's
724 website. This is incredibly concerning.

725 Will you commit to making scientific information, including
726 information about climate change, prominently available on EPA's
727 website?

728 Mr. Pruitt. Science is essential to our NOx program in
729 review of those pollutants. It is essential as we make decisions
730 on Superfund sites. It is essential as we review pesticides under
731 statutory authority. It will remain central and core to what
732 we do and is in fact central and core to what we are doing
733 presently.

734 Mr. Shimkus. The gentleman's time has expired. The chair
735 now recognizes the Chairman of the full committee, Mr. Walden,
736 for 5 minutes.

737 Mr. Walden. I thank the gentleman.

738 And again, Administrator Pruitt, thank you for being here
739 and thank you for coming back later this afternoon when the
740 President concludes his meeting with you.

741 To the Portland Superfund site as you know that was declared
742 in 2000, 17 years later they finally have a Record of Decision.

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743 One of the concerns I have heard from folks that are involved
744 in that is that there isn't the personnel in the Portland area
745 --

746 Mr. Pruitt. I am sorry. I didn't hear, Chairman.

747 Mr. Walden. There isn't the personnel in the Portland area
748 to fully implement the program, you have a lot of people up in
749 Seattle. And I just draw that to your attention they are
750 concerned about that and urge that you dedicate adequate resources
751 to the Portland site so they can get going on that. And I know
752 you are very committed to that whole cleanup operation.

753 One of the other issues that has come up is the Clean Air
754 Act has the exceptional events exception process. We have had
755 all these wildfires. My gosh, they have these horrible wildfires
756 again in California. We had them in the Northwest. It has been
757 subject of some of our hearings here about how that process works
758 today, the amount of time, money it takes to go through it to
759 get an exception.

760 What can you do to ensure a more timely, cost effective EPA
761 process on exceptional event determinations?

762 Mr. Pruitt. There is actually quite a bit of work, Mr.
763 Chairman, with respect to ozone and exceptional events going on.

764 Bill Wehrum is our only confirmed AA at this point for air.
765 Bill is leading a task force review of both NSR but also these
766 issues around background ozone, but in addition to exceptional
767 events. We need to provide clarity in that area so that we know

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768 how these rules will be enforced and applied going forward. That
769 clarity is not there presently and that is a focus of the Agency
770 presently as we go into 2018.

771 Mr. Walden. We would like to work with you on that. It
772 is important to a number of members on the committee. By the
773 way you said he is confirmed. How many confirmations are you
774 still waiting for, for staff? How many do you have, confirmed
775 people in place, and how many are you waiting for do you know?

776 Mr. Pruitt. We have one.

777 Mr. Walden. One what?

778 Mr. Pruitt. One confirmed.

779 Mr. Walden. Besides you?

780 Mr. Pruitt. That is correct.

781 Mr. Walden. And how many would be pending?

782 Mr. Pruitt. Well, we have deputy, general counsel, all the
783 program offices. We have CFO, we have several that need to be
784 confirmed and hopefully that will occur soon.

785 Mr. Walden. Wow. EPA air emissions data show how air
786 pollutants have been steadily decreasing in the United States
787 over time. Since 1990, carbon monoxide concentrations are down
788 77 percent, lead down 99 percent, nitrogen dioxide 54 percent,
789 ozone down 22 percent, coarse particulate matter down 39 percent,
790 fine particulate matter down 37, sulfur dioxide down 81 percent.

791 What role have advanced technologies such as hydraulic
792 fracturing played at decreasing the nation's air emissions?

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793 Mr. Pruitt. Well, I think it is substantial. You know,
794 many don't know that we are at pre-1994 levels today with respect
795 to our CO2 footprint. We have reduced our CO2 levels from 2000
796 to 2014 by almost 20 percent largely through innovation and
797 technology. We have achieved a lot through mobile sources under
798 the Clean Air Act for reduction of CO2, but with respect to
799 stationary sources and other forms it has been primarily through
800 innovation and technology.

801 But you do highlight something, Mr. Chairman, that I want
802 to say. We need to celebrate progress that we have made as a
803 country with respect to our air quality. We have reduced those
804 pollutants that we regulate under the Clean Air Act by over 65
805 percent. That is a good thing and we need to celebrate that.

806 And that has been because of the actions you have taken here
807 and that has also been because of the actions we have taken at
808 the EPA.

809 But it has also been because of the actions taken by the
810 private sector in states across the country. It is a
811 collaborative process that has achieved good outcomes with
812 respect to air quality. We have much work to be done. Forty
813 percent of the country live in areas that don't meet air quality
814 standards, about 120 million people. We need to focus upon that
815 and it is an important metric that we are measuring at the Agency.

816 But we do need to celebrate the progress we have made and
817 that has been through innovation and technology in a very, very

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818 important way.

819 Mr. Walden. Thank you, sir. In addition, you know, our
820 committee has submitted, I think, at least five letters to your
821 agency seeking records and documents and information. In the
822 past administration it was very, very difficult to get responses
823 to many of our requests. We appreciate the fact that we have
824 received more than a thousand pages of documents on grant
825 management issues. I also want to say we appreciate the numerous
826 bipartisan briefings you and your team have provided especially
827 in light of the hurricanes that took place. We do appreciate
828 that.

829 So know that when we send a letter we want a response and
830 we want it -- you hear it from both sides I think that we expect
831 all the agencies to respond to our requests so we can do our
832 oversight work. And with that, Mr. Chairman, I would yield back
833 the balance of my time.

834 Mr. Shimkus. The gentleman yields back his time. The
835 minority's request for those letters to be accepted into the
836 record, without objection, will be permitted.

837 [The information follows:]

838

839 *****COMMITTEE INSERT 4*****

840 Mr. Shimkus. And with that the chair now recognizes the
841 ranking member of the full committee, Mr. Pallone from New Jersey,
842 for 5 minutes.

843 Mr. Pallone. Thank you, Mr. Chairman.

844 And I wanted to talk to you about, Mr. Administrator, about
845 TSCA, because unfortunately under your leadership I think EPA
846 is retreating from the important task of TSCA in regulating toxic
847 chemicals. The framework rules for implementation of TSCA
848 published in June are not consistent with the law in very dangerous
849 and worrisome ways, in my opinion, and I think this is because
850 Nancy Beck, a former lobbyist for the chemical industry, was
851 allowed to completely rewrite the rules in flagrant violation
852 of ethics rules.

853 And I have written to you twice regarding Nancy Beck's
854 involvement in these rulemakings, but I have not gotten a
855 response. So let me ask you a few questions and I would like
856 you to just answer yes or no. Did you ask Nancy Beck to recuse
857 herself from the framework rulemakings?

858 Mr. Pruitt. Nancy Beck like every employee at the Agency
859 --

860 Mr. Pallone. Just yes or no. I don't have a lot of time.

861 Mr. Pruitt. Ranking Member Pallone, I need the ability to
862 answer your question and I will answer your question. Every --

863 Mr. Pallone. Well, I just, can you say yes or no before
864 you proceed with the answer?

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865 Mr. Pruitt. Nancy Beck went through ethics review by the
866 ethics official at the Agency.

867 Mr. Pallone. So you did not recuse her. So let me ask you
868 --

869 Mr. Pruitt. Mr. Ranking Member Pallone --

870 Mr. Pallone. Well, you didn't recuse her.

871 Mr. Pruitt. That is something that we have career --

872 Mr. Shimkus. Let's be respectful and let's let people
873 answer.

874 Mr. Pallone. I understand but --

875 Mr. Shimkus. But let's answer shortly and concisely so the
876 Ranking Member can --

877 Mr. Pruitt. We have career employees at the EPA that are
878 ethics officials that review those issues.

879 Mr. Pallone. Okay, look. Mr. Chairman, he refuses to
880 answer the question. He obviously has not recused her, so I want
881 to move on. I have asked you for copies of all of Nancy Beck's
882 ethics agreements and waivers. Will you provide those to the
883 committee, yes or no?

884 Mr. Pruitt. Absolutely.

885 Mr. Pallone. Thank you. The framework rules had already
886 been completed and sent to various internal EPA offices for
887 concurrence before Dr. Beck started at the Agency. We understand
888 that they were completely rewritten after she started at EPA,
889 by her. Now I asked you for a document tracking the changes she

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890 made to the rules. Will you provide that to the committee, yes
891 or no?

892 Mr. Pruitt. We will provide the information that is
893 requested and make sure it is available.

894 Mr. Pallone. Thank you. Thank you, that is fine. I would
895 like to quickly focus on one specific chemical undergoing review
896 right now under the TSCA.

897 Mr. Pruitt. I am sorry. I didn't hear.

898 Mr. Pallone. I am sorry. I would like to quickly focus
899 on one specific chemical undergoing review right now under TSCA
900 and that is asbestos. Unfortunately, your EPA's work on
901 asbestos, in my opinion, clearly illustrates the problems in how
902 you are implementing the act.

903 TSCA requires EPA to look at the intended conditions of use
904 for a chemical defined as the conditions under which a chemical
905 is manufactured, processed, distributed, used, and disposed of.

906 But in the scoping document for the asbestos risk assessment,
907 your EPA has announced that you will look only at manufacturing
908 processing and distribution and you will not include the use --
909 you will completely ignore asbestos that is being used and
910 disposed of in this country.

911 Let me just explain. The use and disposal of asbestos is
912 the main source of risk from asbestos. If you ignore those things
913 you will produce a risk assessment that fails to capture the risk
914 to workers and ordinary Americans and, in my opinion, will not

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915 be scientifically valid and will not be protective of public
916 health.

917 So my question really is this. Do you think you can just
918 ignore certain things that are inconvenient for the industry?

919 In other words you are saying we will look at the manufacturing
920 process, distribution, but we won't be looking at how it is used
921 and disposed of in this country. Do you understand what I am
922 asking?

923 Mr. Pruitt. Yes, absolutely. And I think you raise a very
924 valid concern. In fact, I had a conversation last week about
925 this issue with the chemical office. I think you raise a very,
926 very meaningful concern.

927 Mr. Pallone. All right. So hopefully, you know, we will
928 see action on looking at the use and disposal; is that correct?

929 Mr. Pruitt. That is a very important factor that we need
930 to consider and that is something that I have already raised with
931 the office that is overseeing this.

932 Mr. Pallone. All right. Well, I appreciate that. Thank
933 you, Mr. Pruitt. The other concern I have is that now that Brazil
934 has banned asbestos mining all of the asbestos that is going to
935 continue to flow into the United States will come from Russia,
936 okay, because Brazil has banned it. So again my concern is that
937 the EPA is basically protecting Russian mining at the expense,
938 I think, of American workers by saying that, you know, asbestos
939 is going to continue to flow into the country but it can't come

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940 anymore from Brazil. So would you just respond to that the
941 fact that right now Russian mining is the only source for it and
942 we continue to allow it.

943 Mr. Pruitt. Well, I think that as you have indicated this
944 factor that hasn't been considered up until this point that is
945 something we are going to do going forward and I think that is
946 very important. I am not really familiar with the import issue
947 that you have raised. If there is an impact we can have on that
948 I look forward to the discussion on how better we can influence
949 that. I don't know what role we would play in that regard, but
950 look forward to that discussion.

951 Mr. Pallone. Well, I appreciate again your willingness to
952 look at that, Mr. Administrator. Thank you.

953 Mr. Pruitt. I think the primary issue is what you raised
954 earlier which is the disposal issue I think is very valid and
955 something we need to look at going forward.

956 Mr. Pallone. All right, thank you.

957 Mr. Chairman, can I just ask unanimous consent to put into
958 the record a letter from Linda Reinstein, who is executive
959 director of the Asbestos Disease Awareness Organization, and a
960 letter from the Safer Chemicals, Healthy Families coalition.

961 Mr. Shimkus. Without objection, so order.

962 [The information follows:]

963

964 *****COMMITTEE INSERT 5*****

965 Mr. Pallone. Thank you.

966 Mr. Shimkus. The gentleman's time has expired. The chair
967 now recognizes the former chairman of the full committee, Mr.
968 Barton, for 5 minutes.

969 Mr. Barton. Thank you, Chairman Shimkus. I want to give
970 Ranking Member Tonko A+ for the line of the day so far, his Sooner
971 comment. That was --

972 Mr. Pruitt. That was very good. That was very good.

973 Mr. Barton. Excellent. Mr. Administrator, at the very
974 beginning of the Obama administration there had been a Supreme
975 Court case, Massachusetts v. EPA, that said the Clean Air Act
976 amendments didn't specifically say that CO2 was or was not a
977 pollutant, therefore it might be found to be a pollutant. As
978 soon as President Obama came into office he asked the EPA for
979 a findings document.

980 This finding document was rushed through very quickly within
981 about, I want to say, 60 days and surprise-surprise said that
982 they found that CO2 was a pollutant. There was a career analyst
983 at EPA that took exception to that and wrote a scathing report
984 that ripped it apart. That analyst was discouraged from bringing
985 his report forward and ultimately forced to retire.

986 Are you aware of that finding document and, if so, do you
987 have any plans to revisit it?

988 Mr. Pruitt. Well, I am aware of the Mass. v. EPA decision
989 as you indicated that occurred in 2007. There was work actually

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990 being done in 2008 by the Bush administration that was left to
991 the Obama administration, and you are correct, Congressman, that
992 the work done in 2009 was accelerated by the Agency.

993 In fact, there was something done in 2009 that in my
994 estimation has never been done since and not done before that
995 event, where they took work from the U.N. IPCC and transported
996 it to the Agency and adopted that as the core of the finding.

997 So there was a breach of process that occurred in 2009 that many
998 believe was not handled the proper way. But the Mass. v.
999 EPA decision and the processes that followed involved both the
1000 Bush and the Obama administrations and that process was again
1001 in 2009, I think, short shrifted.

1002 Mr. Barton. I would encourage you to go back and revisit
1003 the finding document and get the report that this career analyst
1004 put forward. If you can't find it let me know, because I have
1005 it and it is fairly -- not fairly, it is very damning on what
1006 they found.

1007 My second question, I have been told that you plan at some
1008 point in time to set up a red team-blue team review of pending
1009 regulations where you have scientists basically engage in an
1010 internal debate pro the regulation, con the regulation so that
1011 you really get a balanced scientific understanding of the pending
1012 regulation. Do you plan to use a red team-blue team approach
1013 and if so when might we expect that to start?

1014 Mr. Pruitt. That is an ongoing review internally,

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1015 Congressman. It is something that I hope to be able to do and
1016 announce sometime beginning part of next year at the latest.
1017 But that is something we have been working on for the last several
1018 months in trying to put that together and that would be a process
1019 that would be focused upon an objective, transparent, real-time
1020 review of questions and answers around this issue of CO2.

1021 I think one of the most important things we can do for the
1022 American people is provide that type of discussion, because it
1023 hasn't happened at the Agency. As I indicated, the Agency
1024 borrowed the work product of a third party and we need to ensure
1025 that that discussion occurs and it occurs in a way that the
1026 American people know that objective, transparent review is taking
1027 place. And so that red team-blue team concept is something that
1028 is ongoing as far as an evaluation and we may be able to get there
1029 as early as January of next year.

1030 Mr. Barton. Good. I would commend you on that. And I
1031 think you know under the Obama administration EPA became more
1032 than just an enforcement agency. It more and more began to
1033 intervene in the policy arena, in many cases going further than
1034 at least those of us on the Republican side felt that they should
1035 go.

1036 Do you believe that before you set a standard you absolutely
1037 ought to check with the Department of Energy and the Federal Energy
1038 Regulatory Commission so that you really get a balanced analysis
1039 of what is going on, and do you feel that as we take a look at

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1040 the reauthorization of your agency and the Department of Energy
1041 that it might be necessary to try to rebalance that equation
1042 between the energy policy arena and the environmental enforcement
1043 arena?

1044 Mr. Pruitt. Well, as I indicated in my opening comments,
1045 Congressman, it is important that as we do our work at the Agency
1046 that we only do what Congress permits and authorizes us to do.

1047 I think the challenges over the last several years -- it was
1048 mentioned in some of the opening comments about the Clean Power
1049 Plan. It was unprecedented for the U.S. Supreme Court to enter
1050 a stay against the Clean Power Plan, and as you know you don't
1051 get a stay of enforcement on a rule unless there is a likelihood
1052 of success on the merits later.

1053 And so there was an understanding that the steps taken by
1054 the previous administration, building blocks 1, 2, 3 and 4, there
1055 was a reimagining of authority that took place under the Clean
1056 Air Act that caused a lot of confusion on what was authorized
1057 and what wasn't. That is not the proper way to approach these
1058 issues and we are addressing that at the Agency in ensuring that
1059 we hew to rule of law in these processes to make sure that there
1060 is confidence in the rules that we adopt going forward.

1061 Mr. Barton. My time has expired. I thank you,
1062 Administrator, for your answers.

1063 Mr. Shimkus. All right. And the gentleman yields back.
1064 An announcement for my colleagues, we are going to go to

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1065 Congressman Ruiz. He will have the last 5-minute block of
1066 questions before we allow the administrator to get downtown, and
1067 then I will make an announcement about getting back promptly at
1068 2:00 for the administrator and for us to follow up. So with that
1069 the chair now recognizes the gentleman from California, Mr. Ruiz,
1070 for 5 minutes.

1071 Mr. Ruiz. Administrator Pruitt, welcome to the committee.
1072 I am Dr. Raul Ruiz and it is a pleasure to meet you. I want
1073 to talk about particle pollution. Fine particle pollution is
1074 harmful to human health and can be deadly even at the very low
1075 concentrations. Hundreds of peer reviewed studies have found
1076 that these microscopic particles can reach the deepest regions
1077 of the lungs and actually enter the bloodstream. Exposure to
1078 fine particles is associated with premature death, asthma
1079 attacks, chronic bronchitis, decreased lung function, and
1080 respiratory disease.

1081 As an emergency medicine physician from the Inland Empire
1082 in California, which has some of the country's highest levels
1083 of particle pollution, I have seen firsthand the impacts of
1084 exposure to dangerous levels of fine particle pollution and let
1085 me tell you it is not nice. It is not a pleasant experience to
1086 treat kids who come in with asthma because of a bad air particle
1087 pollution day.

1088 The scientific consensus long recognized by the EPA during
1089 both Republican and Democratic administrations is that fine

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1090 particle pollution is a non-threshold pollutant, meaning that
1091 there is no level of fine particle pollution exposure below which
1092 no harm occurs, including premature death. So Administrator
1093 Pruitt, do you agree that fine particle pollution is a
1094 non-threshold pollutant?

1095 Mr. Pruitt. Yes. And I would say to you that particulate
1096 matter under the NOx program, as you know we can't engage in a
1097 cost-benefit analysis there. It is all about health.

1098 Mr. Ruiz. Yes.

1099 Mr. Pruitt. And it is a very important role that we play
1100 in those criteria pollutants under the NOx program.

1101 Mr. Ruiz. Thank you. Administrator Pruitt, were you aware
1102 that the Bush administration used the health benefits associated
1103 with reducing this non-threshold pollutant to justify their 2003
1104 Clear Skies legislation cosponsored by Senator Inhofe?

1105 Mr. Pruitt. I am familiar with the legislation.

1106 Mr. Ruiz. Yes, they did.

1107 Mr. Pruitt. I didn't know about the cosponsoring aspect.

1108 Mr. Ruiz. They did. All right. And that the Bush
1109 administration relied on those same health benefits for its
1110 economic analysis for the 2004 Tier 4 rule to control emissions
1111 from nonroad diesel engines? That is a good thing.

1112 Mr. Pruitt. Yes, it is, Congressman.

1113 Mr. Ruiz. Yes, they did. They relied on that. Isn't it
1114 true that the Bush EPA agreed that there are no safe thresholds

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1115 for fine particle pollution related health effects including
1116 premature death in the 2005 Clean Air Interstate Rule?

1117 Mr. Pruitt. I think you have stated it well, Congressman.

1118 Mr. Ruiz. They did. The recently confirmed Assistant
1119 Administrator for Air and Radiation, Mr. William Wehrum, played
1120 a key role in developing those rules during the Bush
1121 administration, and Andrew Wheeler, the nominee to be the deputy
1122 administrator handled the Clear Skies bill when he worked for
1123 Senator Inhofe.

1124 Administrator, are Mr. Wehrum and Mr. Wheeler wrong about
1125 fine particle pollution having no safe level?

1126 Mr. Pruitt. Wrong about what?

1127 Mr. Ruiz. That there is no safe level for particle
1128 pollution, so I don't think they were wrong.

1129 Mr. Pruitt. I don't think I stated that they were wrong.

1130 Mr. Ruiz. Okay, great. So you agree that --

1131 Mr. Pruitt. Yes. So I am not entirely sure what your
1132 question is. That Bill Wehrum is doing a fine job, is focused
1133 on these issues as is Andy when he is confirmed as deputy and
1134 I agree with your position that it is a very important criteria
1135 pollutant that we need to regulate on the NOx --

1136 Mr. Ruiz. Wonderful.

1137 Mr. Pruitt. -- in a very, very important way.

1138 Mr. Ruiz. So despite that, this well-established
1139 scientific reality, your proposed repeal of the Clean Power Plan,

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1140 EPA assumes for the first time that there are safe levels of deadly
1141 fine particle pollution. That is a concern of mine. Did you
1142 rely on any new peer-reviewed scientific studies to support
1143 reversing EPA's position on fine particle pollution?

1144 Mr. Pruitt. As you know, Congressman, no, we did not base
1145 that upon -- our withdrawal of the Clean Power Plan is largely
1146 based upon the jurisdictional issues of the Clean Air Act.

1147 Mr. Ruiz. Okay.

1148 Mr. Pruitt. And all I have to have is a reason basis to
1149 withdrawal a rule, a U.S. Supreme Court stay of the Clean Power
1150 Plan --

1151 Mr. Ruiz. Well, that is obviously a point of difference
1152 in --

1153 Mr. Pruitt. We did not base our withdrawal of the Clean
1154 Power Plan upon the issues that you have cited.

1155 Mr. Ruiz. Okay. So I do think that the mission of the EPA
1156 is, was charged by the people to protect the health and the
1157 environment of the American people so that everybody, regardless
1158 of socioeconomic status, can enjoy a healthy environment and
1159 therefore live their life to full health potential. And this
1160 Clean Power Plan was part of that mission to make sure that we
1161 protect the environment so therefore we could protect the people's
1162 health.

1163 And there is no reliance on any scientific studies whether
1164 they were peer-reviewed or non-peer-reviewed, as you just

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1165 admitted, in withdrawing this. This was your interpretation of
1166 the jurisdictional matter of the EPA which we beg to differ, of
1167 course, because we are here to protect the American people's
1168 health.

1169 Do you believe therefore that it was appropriate to reverse
1170 the EPA's positions on the deadliness of fine particle pollution?

1171 Because there is the assumption here that now the EPA is saying
1172 that there is a threshold for that to happen.

1173 Mr. Pruitt. We did not reverse it, Congressman. And
1174 moreover, we are going to be introducing a replacement rule too
1175 in place of the Clean Power Plan.

1176 Mr. Ruiz. Before my time has expired --

1177 Mr. Shimkus. Your time has just expired, but be quick.

1178 Mr. Ruiz. Let me submit this unanimous consent to place
1179 this 2012 letter from EPA to Chairman Upton into the record,
1180 please.

1181 Mr. Shimkus. Again we will look at it and I am sure we will
1182 do it.

1183 Mr. Ruiz. Thank you.

1184 Mr. Shimkus. And the gentleman's time has expired.

1185 I want to remind all my members that pursuant to my
1186 announcement at the start of the hearing, we are recessing now
1187 so Mr. Pruitt can attend a meeting with the President at the White
1188 House. Mr. Pruitt will be returning to the committee to answer
1189 member questions. We will convene at 2322 Rayburn House Office

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1190 Building. This is for people who don't know the operations here
1191 very -- and our guests -- at 2:00 p.m. sharp, and stay as long
1192 it takes for every member who is present and wants to ask questions
1193 to be given their turn to ask questions.

1194 For our guests in the gallery, your seat here does not
1195 guarantee your seat when we resume the hearing. Seats will be
1196 allocated on a first come-first serve basis starting at 1:45.

1197 Should you wish to join the proceedings in 2322, and it is a
1198 smaller hearing room, you will need to be in line outside of 2322.

1199 And I apologize for the inconvenience and the committee stands
1200 in recess.

1201 [Whereupon, at 11:00 a.m., the subcommittee recessed, to
1202 reconvene at 2:28 p.m., the same day.]

1203 Mr. Shimkus. The subcommittee will come to order. When
1204 we recessed, it was Mr. McKinley's turn to be recognized. So
1205 with that I want to recognize the gentleman from West Virginia
1206 for 5 minutes.

1207 Mr. McKinley. Thank you, Mr. Chairman. And thank you,
1208 Administrator, for coming and participating in this. Over the
1209 years we had asked your predecessors to come particularly as it
1210 relates to Section 321(a) to see the impact some of the regulations
1211 were having in the coal fields and they declined to do that.

1212 But I am particularly appreciative of the fact that a week
1213 ago or 2 weeks ago the EPA, you sent -- other folks came to West
1214 Virginia to get the impact of what these regulations are having,

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1215 because it is pretty clear in the statute that we have to abide
1216 by the economic impact. We have to take that into consideration
1217 when rules and regs are promulgated. They didn't do that.

1218 And I know you and I have had that conversation that you
1219 want to follow the law very clearly, and I know a federal judge
1220 has already ruled that the EPA in the past considered them
1221 discretionary and not mandatory. I think your position I have
1222 heard from you is that you think that they are mandatory and you
1223 intend to abide by them. Am I correct on that?

1224 Mr. Pruitt. Yes, Congressman. And we did in fact as you
1225 indicated send representatives to West Virginia as part of the
1226 proposed withdrawal. And I do think it is important that that
1227 is a rulemaking process. You know, we have talked a little bit
1228 this morning about the withdrawal of the Clean Power Plan, and
1229 as I indicated earlier that is primarily jurisdictional as far
1230 as the basis for that withdrawal.

1231 But that is a rulemaking process, and so that rulemaking
1232 process means that we go out and solicit and receive comment from
1233 across the country. We are not just going to be in West Virginia.

1234 We are going to be in Gillette, Wyoming soon. We are going be
1235 in San Francisco. We are going to be Kansas City. There is going
1236 to be a crosscurrent of viewpoints with respect to this issue
1237 and it is important we hear all voices and that process is ongoing.

1238 Mr. McKinley. Well, I think I particularly appreciate the
1239 fact that you sent people to the coal fields to understand the

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1240 impact of what those regulations were doing when 86,000 coal
1241 miners lost their job during the Obama administration and no one
1242 paid attention. No one came to those communities to find out
1243 what was going to be the impact of another regulation that was
1244 going to put them out of business.

1245 But part of the question is have they been able to debrief
1246 you? What were some of the salient issues? What were the points
1247 that were raised at the meeting in Charleston?

1248 Mr. Pruitt. Well, quite a few comments that were offered,
1249 it was multiple hours of information, and again a crosscurrent
1250 of information that we are reviewing. And I think that,
1251 Congressman, you hit on some very important matters with respect
1252 to the cost of the Clean Power Plan that wasn't taken into
1253 consideration before and that is something that came out in the
1254 process in West Virginia.

1255 Mr. McKinley. I know you have made a commitment. You said
1256 you are going back to blocking and tackling the fundamentals of
1257 rulemaking. Is there something that we should be doing here in
1258 Congress to make sure that we don't revert back to that old way
1259 of just following the ideology rather than science?

1260 Mr. Pruitt. Well, I think, you know, there are some things
1261 we have done recently that I think are very important to the
1262 process that I talked about earlier. For many years the APA,
1263 the Administrative Procedure Act that governs how we do rulemaking
1264 has not been really followed as closely as it should. We have

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1265 used guidance as forms of rules at times which I think subverts
1266 the voices that need to be heard on substantive actions. We have
1267 engaged in litigation, regulation through litigation. We talked
1268 about a sue and settle practice at the Agency that literally has
1269 impacted state implementation plans across the country with air
1270 quality.

1271 And so there is much that we need to do to ensure that we
1272 respect that process and make sure that rulemaking is adhered
1273 to. I mean, excuse me, the APA is adhered to as we are engaged
1274 in rulemaking.

1275 Mr. McKinley. Well, in the time -- or is there something
1276 you would suggest, because that has been on the books that they
1277 are supposed to do that but we saw 8 years where they did not
1278 follow that. Is there something that we should do to tighten
1279 up that?

1280 Mr. Pruitt. Well, I think that anytime that an agency, and
1281 it is not just the EPA it is any agency of the executive branch
1282 that engages in litigation to change substantive requirements
1283 in the statute, you know, timelines that Congress sets or taking
1284 discretionary duties and making it nondiscretionary, as an
1285 example, that is something that should be dealt with by Congress.

1286 And I think speaking to that through codification is something
1287 that could be, I think it would be very helpful.

1288 Mr. McKinley. Okay, thank you. I yield back.

1289 Mr. Shimkus. The gentleman yields back his time. The chair

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1290 now recognizes the gentleman from California, Mr. Peters, for
1291 5 minutes.

1292 Mr. Peters. Thank you, Mr. Chairman. And thank you, Mr.
1293 Administrator, for being here. I wanted to ask you about the
1294 methane rule. EPA has an effort to control dangerous methane
1295 pollution from the oil and gas industry. The common-sense rule
1296 asks operators to put our natural gas resources to productive
1297 use rather than wastefully leaking them. I support the rule
1298 because it will boost energy supplies, reduce air pollution
1299 including smog, air toxins, greenhouse gases, and the estimated
1300 benefit of capturing methane emissions from the oil and gas
1301 industry is \$2 billion annually.

1302 Do you support this rule and if not, without it what would
1303 you do to reduce wasted natural gas?

1304 Mr. Pruitt. Congressman, I think as you -- historically,
1305 the way the Agency has dealt with methane has been part of a VOC
1306 approach where volatile organic compounds as we have regulated
1307 the VOCs methane has been part of that bundle. What happened
1308 with that particular rule is the EPA for the first time pulled
1309 methane out of the bundle and regulated it separately. We haven't
1310 taken any action on that as you know as far as the substantive
1311 rule itself. There are compliance dates that are forthcoming
1312 that have been extended and that has really been the focus up
1313 until now.

1314 But I think there is a meaningful debate, discussions that

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1315 should occur about whether the rule should be focused on a bundle
1316 approach, a VOC approach, or whether methane should be pulled
1317 out. As you know, methane is very valuable. Companies don't
1318 like to flare methane because it can be captured and used in other
1319 ways and it is very marketable, if you will. And so I think having
1320 a rule in place that incentivizes that and ensures that we approach
1321 it pursuant to the statute, I think, is very -- that is something
1322 we should look at.

1323 Mr. Peters. Okay. So you have said -- I think you and
1324 Secretary Perry have both made appearances on CNBC and on March
1325 9th you said that carbon dioxide is not a primary driver
1326 contributing to recent climate change, and that said differently
1327 that you said CO2 is not the only contributor to climate change.

1328 Do you agree that methane, nitrous oxide, and other greenhouse
1329 gases are air pollutants?

1330 Mr. Pruitt. Absolutely. Absolutely, and are more potent,
1331 actually, than CO2.

1332 Mr. Peters. Right, so --

1333 Mr. Pruitt. Methane is more potent than CO2 as you know
1334 in that regard.

1335 Mr. Peters. So I have to say it seems to me, I knew you
1336 have emphasized the importance of points of process before, but
1337 if the object is to reduce methane, nitrous oxide, and other
1338 greenhouse gases what would be the strategy whether as part of
1339 a bundle or is not part of a bundle, how do you think we should

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1340 go about controlling and reducing those greenhouse --

1341 Mr. Pruitt. I mean I think that distinction matters though,
1342 Congressman.

1343 Mr. Peters. Okay.

1344 Mr. Pruitt. I think as we look at the statutory framework
1345 and how methane should be regulated the question whether it should
1346 be part of the bundle is a significant question and so that is
1347 what we are evaluating. Again the focus in the first 10 months
1348 has been on those compliance dates, and as you know the rule is
1349 in effect presently and that has been the primary focus. As we
1350 go forward, the discussion and the focus will be on whether it
1351 needs to be a part of the bundle or not.

1352 Mr. Peters. So I understand the procedural point you make
1353 about whether it is part of the bundle, but whichever avenue we
1354 take, whether it is part of the bundle or not, how would we go
1355 about reducing the emissions of methane gas?

1356 Mr. Pruitt. Well, you look at the wellhead, you speak to
1357 companies with respect to the flaring practices that have gone
1358 on historically, and there are best management practices and best
1359 practices that can be deployed by companies to ensure again there
1360 is not an incentive for companies to waste methane. It is
1361 something that can be used and it is very valuable. We need to
1362 recognize that and encourage and incentivize that.

1363 Mr. Peters. Right. And I think one of the things that we
1364 have noticed is it has many benefits and the price of natural

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1365 gas has gone down, so perhaps the incentive to lose that cheap
1366 gas isn't as great as it might be to actually force the control
1367 of it. But you mentioned a couple of things like looking at the
1368 wellhead and so forth. Substantively, do you think that what
1369 is the methane rule is the right kind of approach to deal with
1370 that?

1371 Mr. Pruitt. I think, Congressman, it is probably best that,
1372 you know, in the rulemaking process it is important that I don't
1373 prejudge outcomes and I think that what will be important is taking
1374 comment on those issues as we go forward.

1375 Mr. Peters. Do you intend to start from zero or do you intend
1376 to put out the methane rule for additional comment? How do you
1377 intend to land this plane?

1378 Mr. Pruitt. I mean it is yet to be determined.

1379 Mr. Peters. All right. Well, I would say I think it is
1380 -- we have made a lot of progress on it. I think that there is
1381 a lot of understanding within the industry that natural gas can
1382 be a better burning fuel than some fuels we use, but you have
1383 to control methane to really get the benefit out of it from a
1384 climate change standpoint and that is kind of where we should
1385 be.

1386 Mr. Pruitt. Thanks, Congressman.

1387 Mr. Peters. Thank you.

1388 Mr. Peters. The gentleman yields back his time. The chair
1389 now recognizes the gentleman from Texas, Mr. Olson, for 5 minutes.

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1390 Mr. Olson. I thank the chair. And welcome, Administrator
1391 Pruitt. My congressional district, Texas 22, may be the biggest
1392 one in America. Right now we have 850,000 people and growing
1393 quickly. The huge majority of these people wanted me to tell
1394 you thank you, thank you, thank you for making EPA what it should
1395 have been, an agency in D.C. that works with local governments,
1396 local private sector to get clear air and cleaner water. Thank
1397 you for that.

1398 They are frustrated by the last 8 years. The administration
1399 used the EPA that became a combatant that actually kept us from
1400 getting cleaner air and cleaner water, and they are thrilled to
1401 have you there. They got tired of things we can't achieve as
1402 human beings, technology that is not available and yet it is
1403 demanded. They are tired of arranging lawsuits to sue and settle
1404 and that is now gone also. Thank you for that.

1405 There are many frustrations back home, one example, the RFS.

1406 As you know, sir, I have had long and serious concerns with the
1407 RFS. I hope this committee will act to take care of this matter
1408 quickly. But in the meantime, until we act, guess what, you are
1409 on point and you have a lot of leeway going forward.

1410 My question is how have the concerns about the ethanol blend
1411 wall, or even RIN prices, figured in your decisions about the
1412 2018 targets?

1413 Mr. Pruitt. Well, a couple things. Number one, I was very,
1414 very appreciative to the Agency of the work that was done to meet

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1415 the deadline. Historically, as you know the November 30th
1416 deadline to publish those volume obligations has been missed and
1417 it creates uncertainty. People don't know what is expected.
1418 It affects capital outlay, et cetera, and so it was very important
1419 to meet that November 30th deadline and we did in fact do that.

1420 As we have looked at volume obligations with respect to
1421 conventional cellulosic, bio-based diesel, the advanced
1422 categories, the focus is try, we try to focus our efforts on
1423 objective criteria whether it is production levels and/or demand.

1424 As an example, the most we have ever produced with cellulosic
1425 is about 180 to 190 million gallons domestically, yet the volume
1426 obligations, historically, by the agencies have been set around
1427 300 million or so.

1428 So when you set those levels artificially high it creates
1429 other problems elsewhere and so I think in the administration
1430 of that statute it is very important upon our agency to be as
1431 objective as possible at setting those volume obligations to
1432 reflect true production levels.

1433 You know, bio-based diesel, the capacity is about 2.6 billion
1434 I have heard, but the production levels have not eclipsed 2.1
1435 billion. We imported about 700 million gallons from last year
1436 to meet that level, so there are a lot of questions obviously
1437 around the administration of RFS. Please know that I and we are
1438 committed to doing it pursuant to that statutory framework that
1439 you have established, but at the same time that statutory

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1440 framework is very challenging because the levels that have been
1441 set by statute have never been met. And so we have got a lot
1442 of challenge there.

1443 Mr. Olson. And as you know, Senator Barrasso asked EPA to
1444 complete a long overdue study on the environmental impact of the
1445 RFS. That is something that is required by the Clean Air Act.
1446 Any update on the progress of this study?

1447 Mr. Pruitt. Yes. Actually, I have been briefed on that
1448 within the last couple weeks and we have begun the process to
1449 provide that study to Congress. That is something that is
1450 statutory and something that needs to be done.

1451 Mr. Olson. Thank you. And also talk about Hurricane --

1452 Mr. Pruitt. I am sorry. Say it again?

1453 Mr. Olson. Hurricane Harvey, sir --

1454 Mr. Pruitt. Yes, yes.

1455 Mr. Olson. -- hit my district hard. As you know, hit us
1456 twice basically, the most expensive hurricane in American
1457 history. Talking with Dr. Bryan Shaw, who heads up our Texas
1458 Commission on Environmental Quality, he is quite pleased with
1459 the working together with EPA during that storm. You guys
1460 deployed all over the Gulf Coast, on the coast, inland, and got
1461 acting pretty quickly.

1462 One concern is having money to go forward and one solution
1463 may be what is called the State Revolving Fund. Can that be used
1464 to address repairs in Texas? It is under your control and will

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1465 you do that?

1466 Mr. Pruitt. Well, SRFs as you know have been used in a very
1467 good way to address infrastructure challenges at the state level
1468 and I think it is something that Congress ought to consider.

1469 Again I want to highlight something though with respect to
1470 Hurricane Harvey and Hurricane Irma and then what is going on
1471 in Puerto Rico. We embedded officials from EPA with local towns
1472 and cities across Texas, Florida as the storms approached in order
1473 to have real-time decisions made on the threats that it posed
1474 to drinking water, Superfund sites, chemical facilities, and the
1475 rest, and it was truly an example of federalism in action between
1476 the state, local towns and cities, and the U.S. Government working
1477 to address those issues. So I am very, very thankful for the
1478 leadership of Region 6, you know, which is in Dallas and then
1479 obviously Region 4 as it relates to Florida. It was good work
1480 by their folks, employees, but also the folks at the state level.

1481 Mr. Olson. And speaking for Dr. Shaw, he would say great
1482 teamwork with the EPA. Thank you, thank you. One final thank
1483 you, the San Jacinto Waste Pits.

1484 Mr. Pruitt. Yes.

1485 Mr. Olson. Harvey knocked them loose. All this benzene
1486 came out.

1487 Mr. Pruitt. Yes.

1488 Mr. Olson. You stepped up and said we will stop this
1489 forever. So thank you for that.

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1490 Mr. Pruitt. You know, I think it is important, Mr. Chairman,
1491 and this is an example. We talked about the Superfund initiative
1492 at the Agency. San Jacinto is a site in Houston, Texas that is
1493 just off of I-10. It has dioxin that has been placed there and
1494 embedded for a number of years and it is near a harbor and barge
1495 traffic goes through.

1496 The Agency has been working with folks at the state level
1497 and responsible parties for a number of years and the solution
1498 has been to take a covering and put it over the site and then
1499 pile rocks on top of the site and it has been that way for 10
1500 years. I was in Houston in mid-September and looked at the site
1501 and it is totally unacceptable to have that type of temporary
1502 situation because of potential hurricanes coming through and
1503 displacing those rocks.

1504 So we provided a permanent solution there, about \$115 million
1505 of cost that responsible parties are going to bear to provide
1506 a permanent solution and the citizens, I think, have been very
1507 pleased with the outcome.

1508 Mr. Shimkus. The gentleman's time has expired. Let me go
1509 to Mr. -- Jacinto -- the other member from Texas, Mr. Green, for
1510 5 minutes.

1511 Mr. Green. Thank you for being here today, Mr.
1512 Administrator. I have the district -- I used to have the San
1513 Jacinto Waste Pits but in Texas they keep changing our lines.
1514 I think it was in Pete Olson's for awhile. Now it is in Brian

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1515 Babin's. Ted Poe had part of it. So, but we change our lines
1516 in Texas.

1517 But I want to thank you for visiting right after Harvey and
1518 seeing what was there. And I appreciate EPA continuing to make
1519 sure we have a permanent fix there because that area is like you
1520 said, barge traffic, people crab and fish in that area and both
1521 the city, the county, and the state have signs up in Spanish,
1522 English, in Vietnamese that expectant mothers or small children
1523 should not eat the crabs or the fish. But I don't know if that
1524 day you were there, but every time I go there everybody is fishing.

1525 So, but thank you and hopefully we can move that as quickly
1526 as possible because it is an industrial area but it also is a
1527 recreational area, because I water-skied in that water back when
1528 I was young.

1529 But is there a contradiction of priorities of EPA between
1530 the cleanup of the Superfund sites and the Agency's commitment
1531 to the drastic cuts in the Superfund program? I know the EPA's
1532 budget request was 30 percent cut in the Superfund program. I
1533 know that may not affect San Jacinto Waste Pits because we have
1534 a responsible party, but there are a lot of Superfund sites around
1535 the country that don't have a responsible party.

1536 Mr. Pruitt. Well, it is a concern, Congressman. In fact,
1537 during the budgeting process, appropriations process, I conveyed
1538 to our committee that if monies were necessary to address those
1539 orphan sites -- we have orphan sites that make up the Superfund

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1540 portfolio -- that I would come and advise Congress and ask for
1541 those funds. I mean it is very important that as we go forward
1542 on Superfund cleanup that money not be the problem on how we get
1543 those cleanups. We need accountability there.

1544 I will tell you that in my time evaluating the Superfund
1545 portfolio there is very few orphan sites and most of it is just
1546 a lack of direction on how we should clean up. There are several
1547 examples, in Chicago. I think one of the members earlier today
1548 mentioned Portland. San Jacinto was one of those where there
1549 just simply wasn't much direction on how to get accountability
1550 and how to get cleanup with these responsible parties.

1551 And so we are trying to do both, but I commit to you that
1552 if there are issues, deficiencies on funding with respect to that
1553 Superfund priority we will advise you and ask for help as we work
1554 through the appropriations process.

1555 Mr. Green. Okay. Well, thank you. Because I know back
1556 in September the EPA Inspector General issued a report about the
1557 distribution of Superfund full time FTEs among the EPA regions
1558 does not support the current regional workloads. As a result,
1559 some regions have to prioritize work and are slowed down like
1560 you mentioned or discontinued. And are you aware of that OIG's
1561 report?

1562 Mr. Pruitt. Yes. I have actually talked to the Inspector
1563 General about the Superfund issues going forward and we have
1564 looked at some management issues. How we bid projects, sometimes

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1565 they are not competitively bid. We sometimes are getting bids
1566 that take -- routinely I hear something will take 15 or 20 years.

1567 And I have pushed back saying that perhaps that is not how long
1568 it should take and maybe the bid is just trying to prolong things
1569 as far as receiving funding for 15 or 20 years in those
1570 contractors. So we are trying to get reform both in how we
1571 process and how we bid out and do remediation, but also making
1572 decisions early in the process to make sure that we get
1573 accountability on outcomes.

1574 Mr. Green. Okay, since I come from the Houston area and
1575 the Houston ship channel, where we have five refineries, my next
1576 question. The EPA recently released its final ruling on
1577 renewable fuel standard that said 15 billion gallon standard for
1578 conventional ethanol. I know many of my refineries in my district
1579 and along the Gulf Coast were disappointed with this final number.

1580 Would you commit to lowering future RFS requirements to avoid
1581 this blend wall that we are having? And I know from Oklahoma
1582 you understand.

1583 Mr. Pruitt. Well, Congressman, I can't commit to certain
1584 outcomes with respect to that process. That is a rulemaking
1585 process. But what I can tell you is what I shared earlier with
1586 the question, we will objectively determine each year what the
1587 production levels look like they are going to be. We are tracking
1588 those numbers now.

1589 Biodiesel has been as big of a challenge as conventional.

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1590 We have routinely set that at 2.1 or higher. 2.1 was the last
1591 number before this year. And as I indicated, we imported 700
1592 million gallons of bio-based diesel from Argentina to meet that
1593 2.1 billion gallon limit. So we ought not be dependent upon the
1594 people of Argentina to meet a volume obligation that we are setting
1595 domestically so that is something that we will continue to look
1596 at, but we can't prejudge those outcomes at this point.

1597 Mr. Green. Well, and every time I talk to one of my
1598 refineries they talk about the problems of RINs and of course
1599 the chair of the committee is a great fellow from Illinois but
1600 we do have some differences on corn ethanol as compared to biofuel.

1601 Mr. Pruitt. But Congressman, it is a fair point and I will
1602 say to you it is a real issue as far as RIN reform. I mean we
1603 need to get some accountability in the RIN market.

1604 There is a lot of speculation that goes on with respect to RINs.

1605 There are enforcement issues, fraud that occurs. In fact we
1606 just prosecuted a company, I think it was 30 million plus as a
1607 fraud that occurred in the RIN market. There is a lot of work
1608 to be done to get reform and accountability in the RIN market.

1609 Mr. Green. I would be glad to work with you on that. Thank
1610 you.

1611 Mr. Shimkus. The gentleman's time has expired. The chair
1612 now recognizes the gentleman from Ohio, Mr. Johnson, for 5
1613 minutes.

1614 Mr. Johnson. Thank you, Mr. Chairman. And Mr.

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Administrator, thank you for being here with us today. Let me first express my support for your comments on cooperative federalism. When issuing drastic regulatory changes like the Clean Power Plan, the previous administration did not take into account the people that would have been most truly affected by those regulatory changes and those are the hardworking coal miners, the power plant workers, and others throughout the industry supply chain, all of which, many of which live in eastern and southeastern Ohio where I live and represent.

As you well know, the Ohio EPA along with many other states breathed a sigh of relief when the Supreme Court issued a stay of this rule that would have had a devastating effect on not only Ohio's electricity generation and economy, but other states as well. That in my opinion is not cooperative federalism. Now EPA's recent public hearing in West Virginia on the proposed repeal of the Clean Power Plan I think exemplifies the Agency's willingness to listen to those that would have been most affected by the rule.

No one cares more about the air we breathe nor the water we drink than those of us that live in regions where that kind of work goes on, places like eastern and southeastern Ohio where some of the best paying energy and manufacturing opportunities for jobs reside. There is a necessary balance to environmental protection and a process to share that responsibility with states and local leaders like you have suggested is a crucial and much

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1640 needed change to how these regulations have been approached in
1641 the past. So I applaud your work in that regard.

1642 Mr. Pruitt. Well, if I could say, Congressman, and to give
1643 you an example about how it shouldn't work, when I came into this
1644 position there were 700 approximate state implementation plans
1645 that many of your states had prepared on how to improve air quality
1646 where resources had been devoted, expertise delegated at the state
1647 level to improve air quality pursuant to those state
1648 implementation plans. They were sitting on a shelf at our agency
1649 that we had not acted upon and that is just simply not a good
1650 way to do business.

1651 We as an agency need to respond up or down on those kinds
1652 of plans to give input and direction back to states. We need
1653 to encourage and want to encourage states to take those kinds
1654 of steps. And I think it was very disheartening over the last
1655 several years for that to take place. We are trying to remedy
1656 that.

1657 Mr. Johnson. Well, I thank you for that collaborative
1658 approach. I want to move on to another subject though that is
1659 important in our state, the deadlines under which the Brick MACT
1660 which were set up under, set under a 2015 EPA rulemaking are soon
1661 approaching. These regulations affect domestic brick and tile
1662 manufacturers among other small businesses typically located in
1663 rural communities, and in most cases are the primary source of
1664 jobs in those little small communities especially in my district.

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1665 The EPA, your agency, recently announced its intentions to
1666 reconsider these regulations. Can you please elaborate on status
1667 and timing of the Agency's reconsideration of the Brick MACT
1668 regulations?

1669 Mr. Pruitt. Well, as far as the timing it would be very
1670 difficult to provide that to you at this point, Congressman.
1671 I think we need to assess what that process will look like. It
1672 is not a rulemaking process, per se, but it approaches that and
1673 so that is something that we will have to evaluate.

1674 I apologize that I don't have that answer, but --

1675 Mr. Johnson. Can you look at it and get back to us?

1676 Mr. Pruitt. Sure.

1677 Mr. Johnson. Okay, all right. That will work. Let me just
1678 make some comments about that. You know, the last Brick MACT
1679 rule was enacted in 2003. Hundreds of millions of dollars spent
1680 by the industries to comply then later vacated by a federal court,
1681 but only after most brick manufacturers had already committed
1682 to facility modifications to comply and the money had been spent.

1683 So for all practical purposes, judicial review was
1684 meaningless in that case in terms of the economy and the jobs.

1685 Do you agree we don't want to see a repeat of that kind of
1686 situation?

1687 Mr. Pruitt. Absolutely. And I think as we look at other,
1688 there are other examples, Congressman. Where that has happened
1689 where there has not been a stay of enforcement on a particular

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1690 rule. Those that are required to meet the rule's obligations
1691 take those steps and by the time that judicial review takes place
1692 it is somewhat hollow with respect to whether the rule was
1693 constitutional or lawful in the first instance. So I think it
1694 is very important that we work to get these things right so that
1695 that doesn't happen.

1696 Mr. Johnson. I appreciate it. Mr. Chairman, I yield back
1697 a 5 whole seconds, and I thank you for your service, Mr.
1698 Administrator.

1699 Mr. Shimkus. The chairman thanks him and the chair now
1700 recognizes the gentlelady from Colorado for 5 minutes, Ms.
1701 DeGette.

1702 Ms. DeGette. Thank you so much, Mr. Chairman.

1703 Administrator Pruitt, thank you for coming today. I am the
1704 ranking Democrat on the Oversight and Investigations Subcommittee
1705 of this committee and I will tell you, we all take our obligations
1706 very seriously. Effective oversight relies on receiving the
1707 information from the agencies that we oversee.

1708 And members of the committee have sent the EPA over 34 written
1709 requests this year including requests about the lack of
1710 transparency at the Agency, removal of climate data from the
1711 website, and other critically important topics. Now to date,
1712 Mr. Administrator, we have received no response to eight of these
1713 letters. Let me give you an example and I can give you copies
1714 of all of these.

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1715 On May 18th, members of this committee and the Committee
1716 on Science, Space, and Technology sent a letter requesting
1717 documents and additional information on EPA's premature removal
1718 of qualified experts from EPA's board of science counselors.
1719 Now we still, 7 months later, have not received a response.

1720 Mr. Pruitt, can you commit to giving us a timely response
1721 to this request?

1722 Mr. Pruitt. Are you referring to BOSC? Is that what you
1723 are referring to, the Board of Scientific Counselors?

1724 Ms. DeGette. That is correct.

1725 Mr. Pruitt. Yes. We will provide whatever information you
1726 need there.

1727 Ms. DeGette. Thank you.

1728 Mr. Pruitt. I would disagree that it was a premature
1729 removal. We -- yes.

1730 Ms. DeGette. Well, no, no. I am not arguing with you about
1731 the substance.

1732 Mr. Pruitt. Yes. Yes.

1733 Ms. DeGette. I just need to get the information.

1734 Mr. Pruitt. Sure.

1735 Ms. DeGette. And then there are seven other letters that
1736 we have not gotten responses. Can you also commit that you will
1737 give us responses to those letters?

1738 Mr. Pruitt. If you inventory those. I have a --

1739 Ms. DeGette. I will give you copies of all of them.

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1740 Mr. Pruitt. Yes. Yes.

1741 Ms. DeGette. Now there is 22 other letters, Mr. Pruitt,
1742 that the minority at least feels have had incomplete response.
1743 For example, there was one on April 20th where Ranking Member
1744 Pallone sent a letter requesting a briefing on the budget requests
1745 and they got a five-sentence letter back that basically said we
1746 are developing the President's budget based on the framework
1747 provided by the blueprint and gave no other information. It is
1748 hard for us --

1749 Mr. Pruitt. What timeframe is that? I am sorry,
1750 Congresswoman.

1751 Ms. DeGette. It was April 20th.

1752 Mr. Pruitt. Okay.

1753 Ms. DeGette. So it is hard for us to develop our oversight
1754 if we don't have this information. I am going to work with other
1755 members of this committee on those other 22 letters to drill down
1756 and see what additional information we feel we need from the
1757 Agency. Can I get your commitment to please also respond to those
1758 and I will give that all to you?

1759 Mr. Pruitt. Yes, ma'am. And I will say we have got a group
1760 of individuals that --

1761 Ms. DeGette. Thank you. Thank you very much. You know,
1762 I only have 5 minutes. I am so sorry. One of the things about
1763 the lack of information is the TSCA bill. And I will tell you,
1764 my buddy Mr. Shimkus and I and all of us on this committee, we

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1765 worked really hard to revise TSCA and that is one of the crowning
1766 achievements, we think, of this committee.

1767 But since we did this on a bipartisan basis, the Obama
1768 administration proposed banning methylene chloride from use as
1769 a paint stripper based on extensive evidence of unreasonable risk
1770 to human health, and so we haven't heard yet from the EPA whether
1771 they are giving the public an indication about whether they are
1772 finalizing the rule. I just have a couple of questions around
1773 that.

1774 Have you personally met with Dow Chemical or the American
1775 Chemistry Council to discuss this rule while we are waiting for
1776 the update?

1777 Mr. Pruitt. No, ma'am.

1778 Ms. DeGette. Okay. And will you commit to finalizing this
1779 TSCA rule for methylene chloride and doing so soon?

1780 Mr. Pruitt. I will commit to reviewing it and giving you
1781 an answer soon, yes.

1782 Ms. DeGette. That would be great. When do you think we
1783 can get an answer?

1784 Mr. Pruitt. I don't know, but we will advise you soon after
1785 this meeting.

1786 Ms. DeGette. Okay. That would be great, thanks. We will
1787 be on top of it, don't worry. Now one last thing, a press account
1788 said that you installed a \$25,000 soundproof booth in your office
1789 at EPA headquarters. Is that true?

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1790 Mr. Pruitt. It is a secure phone line.

1791 Ms. DeGette. Okay, so it is a SCIF, what we call a sensitive
1792 compartmental information facility; is that right?

1793 Mr. Pruitt. Yes.

1794 Ms. DeGette. And did you do that because part of the EPA's
1795 mission involves classified information?

1796 Mr. Pruitt. Yes, ma'am, part of that but also
1797 communications with the White House. There are secure
1798 conversations that need to take place at times and that is --

1799 Ms. DeGette. So you believe it is appropriate to use the
1800 SCIF to talk to the White House?

1801 Mr. Pruitt. I believe that there are secure conversations
1802 that need to take place that I didn't have access to that --

1803 Ms. DeGette. Okay. So what percentage of your work would
1804 you say is conducted in this SCIF?

1805 Mr. Pruitt. It is hard to predict that --

1806 Ms. DeGette. Well, is it 50 percent of your conversations?
1807 Is it 75 percent?

1808 Mr. Pruitt. Cabinet level officials need to have access
1809 to secure communications.

1810 Ms. DeGette. Oh. I am talking about the one that you put
1811 into the EPA. How often do you use that SCIF?

1812 Mr. Pruitt. It is hard to predict in the future --

1813 Ms. DeGette. 95 percent?

1814 Mr. Pruitt. I haven't taken any calculations of that.

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1815 Ms. DeGette. Well, when you use that --

1816 Mr. Pruitt. It is necessary for me to be able to do my job.

1817 Ms. DeGette. Okay, let me ask you. So you use that only
1818 for classified information or for communications with the
1819 President. Is that your testimony?

1820 Mr. Pruitt. It is used for secure communications that need
1821 to take place at the office.

1822 Ms. DeGette. And that is what you think is appropriate for
1823 a SCIF. Thank you, Mr. Chairman. I yield back.

1824 Mr. Shimkus. The gentlelady yields back her time. The
1825 chair now recognizes the gentleman from Texas, I believe, Mr.
1826 Flores, for 5 minutes.

1827 Mr. Flores. Well, thank you, Mr. Chairman. And I thank
1828 you, Administrator Pruitt, for joining us today. I want to thank
1829 you for the EPA's timely rollout of the RFS standards. I think
1830 it is the first time in the RFS that that was done, so I appreciate
1831 that. There is a bipartisan group of us here in Congress
1832 including Chairman Shimkus, Peter Welch, others, and myself that
1833 are working on a solution to this, the challenges of the current
1834 RFS statute also with respect to RIN reform, so we may need data
1835 and input from you and so be expecting a request from us on that.

1836 Moving to ozone for a minute, one of the challenges with
1837 ozone regs is that the 2008 standards were rolled out and then
1838 there were huge delays in the rollout methodology from the EPA
1839 and then the 2015 standards were levied out on top of that. That

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1840 has created substantial uncertainty in our communities in terms
1841 of trying to comply with two standards essentially at one time.

1842 And then when you add to that there is a growing recognition
1843 that -- well, before I get to that, today I think most people
1844 agree that most of the country even based on some of the EPA's
1845 own modeling show that most of the country will be in compliance
1846 in 7 years with both standards.

1847 And then you add to that there is a growing recognition that
1848 international pollution is causing several communities to not
1849 be able to meet the standards. There is actually a recent
1850 analysis by the Midwest Ozone Group of the EPA said that but for
1851 international contributions the United States east of the Rockies
1852 would attain the 2008 and 2015 standards by 2023.

1853 So a couple of questions in this regard, the first one is
1854 does it make sense to force new compliance burdens on states before
1855 existing controls have been implemented?

1856 Mr. Pruitt. Well, speaking generally to those pollutants
1857 that we regulate under NOx, I think the 5-year review process
1858 that we engage in should be a review and not necessarily just
1859 an automatic ratcheting down, because I think when you look at
1860 the 75 parts per billion versus the 70 parts per billion that
1861 was the focus of the ozone rule, there are issues that you
1862 describe. Air transport issues, background ozone, exceptional
1863 events I think came up earlier today. There are issues that we
1864 need to calculate and understand as those standards are set.

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1865 So going forward, I think the 5-year review process should
1866 not be interpreted as an automatic ratcheting down. It should
1867 be a review of whether the levels are protective of human health.

1868 Mr. Flores. Okay. Do you think it makes sense for states
1869 or communities to be punished for ozone that is beyond their
1870 control that comes in from other areas or background ozone?

1871 Mr. Pruitt. No. And in the designation process,
1872 Congressman, we try to take that into consideration. I mean there
1873 are areas in Wisconsin as an example that are facing compliance
1874 issues because of air transport issues.

1875 Mr. Flores. Right.

1876 Mr. Pruitt. And we are trying to calculate that into the
1877 designation process as best we can.

1878 Mr. Flores. Good. In order to address the situations that
1879 we have just talked about, supplementally, in order to comply
1880 with my time limit, I would like you to tell me what you think
1881 Congress could do to help with this and also what EPA could do
1882 under its current statutory authority.

1883 Mr. Pruitt. Well, I think that, you know, mentioning
1884 background ozone and background levels, I think there are certain
1885 parts of the country that really have -- there is no economic
1886 activity that could occur and they still would be violative of
1887 the standard that has been set. So I think Congress assisting
1888 the EPA in how to address background levels would be substantially
1889 important.

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1890 I think also the exceptional events, there is a lot of
1891 confusion, better put, lack of clarity on how to apply exceptional
1892 events in the designation process and otherwise and so I think
1893 some clarity around that would be much appreciated.

1894 Mr. Flores. Okay, great. We are working on that. I wanted
1895 to take a second of my remaining time to ask for your help with
1896 an agricultural herbicide that is called glyphosate. I think
1897 it is more commonly known as Roundup by the manufacturer.

1898 Last month, HHS released an agricultural health study that
1899 determined that this particular chemical does not cause cancer,
1900 again does not cause cancer, and that is similar to a study, the
1901 outcome of a study that the EPA made this past March. The
1902 challenge is that the state of California and the International
1903 Association for the Research of Cancer claiming that it does and
1904 that creates uncertainty among our agricultural community as well
1905 as the manufacturer of this particular herbicide.

1906 And of course we have got to get all of this sorted out because
1907 you have one group of folks saying it does, you have got two other
1908 government agencies saying it does not cause cancer. Can I get
1909 a commitment from you to have your team take a look at this to
1910 try to sort this out?

1911 Mr. Pruitt. Yes. And, you know, there has been another
1912 study I think at NIH that was similar to the one you cited. So
1913 there is some clarity that we need to provide on this going forward
1914 and, yes, we need to work with you and others on the committee

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1915 that are concerned about that.

1916 Mr. Flores. Okay, thank you. I yield back the balance of
1917 my time.

1918 Mr. Shimkus. The gentleman yields back his time. The chair
1919 now recognizes the gentleman from California, Mr. McNerney, for
1920 5 minutes.

1921 Mr. McNerney. I thank the chairman and I thank the
1922 administrator for coming here in front of us today. In response
1923 to Chairman Walden's questions, you said that the U.S. should
1924 celebrate the progress that has been made in reducing air
1925 pollution. I agree. You also said that that is in large part
1926 due to technology and innovation. I agree completely. But do
1927 you think that the progress that has taken place would have been
1928 made without the EPA regulations enforcements? And these are
1929 regulations that you are now eliminating.

1930 Mr. Pruitt. I think the EPA's regulation framework has
1931 helped, absolutely, in contributing to those outcomes, but I think
1932 it has been a partnership between regulatory response as well
1933 as technology in the private sector. So I think it has been a
1934 combination of factors.

1935 Mr. McNerney. Okay. Ozone pollution is one of the most
1936 widespread pollutions in the United States and scientists have
1937 been studying its effect on health for decades. Hundreds of
1938 research studies have confirmed that ozone harms people at levels
1939 currently found in the United States. The Clean Air Act requires

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1940 that the EPA to review the latest scientific evidence and set
1941 air quality standards that will protect public health, these
1942 standards that we rely on to know whether ozone is safe, what
1943 levels of ozone are safe.

1944 Administrator Pruitt, do you agree that the ozone pollution
1945 is a problem that the EPA should address?

1946 Mr. Pruitt. Yes. It is a criteria pollutant under the NOx
1947 program that needs to be addressed.

1948 Mr. McNerney. Good. Approximately 30 percent of the
1949 people in my district suffer from asthma partly related to ozone,
1950 but your actions, in my opinion, do not demonstrate a commitment
1951 to addressing the problem. For example, on October 1st, 2017
1952 marked the legal deadline for the EPA to identify communities
1953 with levels of ground level ozone pollution above the EPA's 2015
1954 ozone standard. These are also known as non-attainment areas.

1955 Administrator Pruitt, you spoke a lot about the rule of law
1956 in your statement. Did the EPA announce attainment designations
1957 by the October 1st statutory deadline?

1958 Mr. Pruitt. Congressman, we have designated all but 50
1959 sites across the country, approximately, and we have made
1960 tremendous progress since the timeframe that you are talking
1961 about, so we are very close to finishing that process.

1962 Mr. McNerney. But you didn't make the October 1st deadline.

1963 Mr. Pruitt. Some of those were designated prior to that
1964 time, yes, but not all.

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1965 Mr. McNerney. Well, I think you sort of mentioned this
1966 already, about half of the counties that were not designated by
1967 October 1st comprise about half of the United States population.

1968 Mr. Pruitt. Some of that is based upon, Congressman, on
1969 information that has not been provided by the states. So
1970 sometimes there is insufficient information in which for us to
1971 make a determination and so there is a communication to those
1972 states to get that in to help us finish that process. It is not
1973 exclusively, you know, something we can do without that
1974 information.

1975 So it is a combination of factors, but we are working
1976 diligently to finish that process. The designations are
1977 occurring. And as I indicated, there is only approximately 50
1978 sites across the country that need to be designated, out of
1979 hundreds by the way.

1980 Mr. McNerney. Okay. Will the EPA engage in a transparent
1981 and science-based process in setting designations for the
1982 remaining parts of --

1983 Mr. Pruitt. I am sorry, Congressman.

1984 Mr. McNerney. Will the EPA engage in scientific and
1985 transparent process in designating those areas --

1986 Mr. Pruitt. It will be absolutely be a part of the record.

1987 Mr. McNerney. Well, on your website you state that the
1988 purpose of the EPA is to ensure that all parts of society --
1989 communities, individuals, businesses, state and local and tribal

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1990 governments -- have access to accurate information sufficient
1991 to effectively participate in managing human health and
1992 environmental risks. Are you fulfilling the purpose of the EPA
1993 keeping information from Americans about the ozone levels in their
1994 area?

1995 Mr. Pruitt. I am not sure in what ways, Congressman. Maybe
1996 you can clarify your question, how we are keeping it from those
1997 citizens.

1998 Mr. McNerney. Well, you haven't, you didn't meet the
1999 October 1st deadline and you still haven't fulfilled the entire
2000 requirement. So you are keeping information from communities
2001 that need to know what their attainment levels are.

2002 Mr. Pruitt. That is not information, it is a designation
2003 process which is a -- it is a legal process, Congressman, that
2004 we are going through to make those designations, which we need
2005 information to do that and I think we are making tremendous
2006 progress and should be done very soon.

2007 Mr. McNerney. Administrator Pruitt, you have made it clear
2008 that you are committed to Superfund cleanup, but what about
2009 preventing creation of new Superfund sites? What is your
2010 commitment in that regard?

2011 Mr. Pruitt. In what regard, Congressman?

2012 Mr. McNerney. Well, the EPA's job is to protect public
2013 health, so it should be the job to prevent companies or entities
2014 from creating Superfund sites. Are you committed to that?

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2015 Mr. Pruitt. Correct. I mean that is something -- when you
2016 say creating Superfund sites, sometimes states actually ask for
2017 us to put Superfund sites on a list which I was just trying to
2018 get clarity about that. Yes.

2019 Mr. McNerney. I am not talking about designation. I am
2020 talking about creating pollution that could be designated as a
2021 Superfund site.

2022 Mr. Pruitt. Obviously lead, uranium, these issues, we want
2023 to do all we can to eliminate those things so we don't have those
2024 kind of sites across the country, absolutely.

2025 Mr. McNerney. Well, in your rush to eliminate regulations
2026 that is exactly what you are doing is creating opportunity for
2027 new Superfund sites to be created.

2028 Mr. Pruitt. I wouldn't interpret it that way, Congressman.

2029 Mr. Shimkus. The gentleman's time has expired. The chair
2030 now recognizes the gentleman from North Carolina, Mr. Hudson,
2031 for 5 minutes.

2032 Mr. Hudson. Thank you, Mr. Chairman. And thank you, Mr.
2033 Administrator, for making the extra effort to come back and take
2034 all of our questions and thank you for your strong leadership
2035 at the Agency. I appreciate also your efforts to make the EPA
2036 focus on air and water and soil contamination. My state of
2037 North Carolina has been shaken by a discovery of a chemical called
2038 GenerationX in the Cape Fear River. I know my state reports that
2039 GenX is no longer getting into the river and that treated drinking

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2040 water is within state health goals. The previous EPA
2041 administrator permitted use of this chemical within conditions
2042 in 2009. Can you say whether EPA has discovered if GenX was used
2043 in an impermissible fashion?

2044 Mr. Pruitt. You know, I am not aware, Congressman. We can
2045 provide that information to you. I don't have any information
2046 on that today, but we can get that to you.

2047 Mr. Hudson. I appreciate it. I understand the EPA is
2048 updating its risk assessment of GenX and is performing an
2049 independent laboratory analysis and several other compounds in
2050 water samples that are being collected now by the North Carolina
2051 DEQ along the Cape Fear River including waste water, surface
2052 water, ground water, and treated drinking water samples. Are
2053 there any findings that you can discuss on that so far?

2054 Mr. Pruitt. Again on that I would have to get the
2055 information from the office and provide that to you to make sure
2056 it is complete, comprehensive, and up to date.

2057 Mr. Hudson. Great. I appreciate that. One issue that is
2058 a real concern to folks in my part of North Carolina, whether
2059 it is agriculture or just property owners in general, is the Waters
2060 of the USA regulation. And I have heard some of your critics
2061 say that you have done the same thing as your predecessor in that
2062 you have already decided the outcome of the rule and are just
2063 casting about for justifications. That is sort of the claim that
2064 we keep hearing. I would love to give you a chance to respond

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2065 to that.

2066 Mr. Pruitt. Well, I think oftentimes with respect to issues
2067 like Waters of the United States and CPP, it is not deregulation
2068 in the true sense. The Waters rule that was adopted in 2015,
2069 the stated objective was to provide clarity. That was what the
2070 past administration said. If that were the stated objective it
2071 was they failed miserably.

2072 Mr. Hudson. I agree.

2073 Mr. Pruitt. Because the confusion across the country on
2074 what a Water of the United States is where federal jurisdiction
2075 begins and ends. And so there is a process that we are going
2076 through to deal with the deficiency. There is a court stay
2077 against this 2015 rule that you are aware of, and so our obligation
2078 is to provide a definition and that process has begun in earnest
2079 and we should have a proposed rule by April of next year timeframe
2080 and we are taking significant comment on that along with the
2081 withdrawal of the 2015 rule. So it is not deregulation in
2082 the truest sense, it is regulatory clarity going forward so we
2083 know where federal jurisdiction begins and ends.

2084 Mr. Hudson. Sounds good to me. One of the main arguments
2085 in favor of the Obama administration's Waters rule is that it
2086 is essential to protecting drinking water and that without this
2087 version of the rule public health would be at risk. The Safe
2088 Drinking Water Act, however, has provisions addressing both the
2089 protection of source water, Sections 1453 and 1454, and

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2090 underground sources of drinking water, Part C. Do you agree
2091 that the Safe Drinking Water Act has these provisions and provides
2092 protection to source waters?

2093 Mr. Pruitt. Absolutely. And let me say to members of the
2094 committee, one of the things that we are focused upon as we head
2095 into 2018 is lead in our water supply, safe drinking water. And
2096 I think there are tremendous challenges we have across the country
2097 with respect to service lines in particular communities and the
2098 lead that is seeping into the water supply of our children. It
2099 is one of the greatest environmental threats I think we face as
2100 a country.

2101 And one of the things that I hope that I can work with this
2102 committee on as we go into 2018 is a strategy over a 10-year period
2103 to eradicate those concerns. And it is going to be a very
2104 ambitious initiative at our agency and it is something that we
2105 have various offices in the Agency working upon. There are about
2106 17 agencies actually that are working on this issue of lead as
2107 well.

2108 And I am sending a letter to my colleagues in other agencies
2109 to make this a point of emphasis as we go into 2018. So not only
2110 do I agree with what you are saying about the reach on these issues,
2111 but I think there are important matters that we can take on lead
2112 that will make a difference for our citizens across the country
2113 going forward.

2114 Mr. Hudson. Well, thank you for your answers.

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2115 And Mr. Chairman, I think I can speak for folks on both sides
2116 of the aisle that we look forward to that discussion. And with
2117 that I will yield back.

2118 Mr. Shimkus. The gentleman --

2119 Mr. Pruitt. And I understand, if I may for a second.

2120 Mr. Shimkus. You may.

2121 Mr. Pruitt. I understand that that is a costly endeavor.

2122 You know, replacing service lines across the country it has been
2123 estimated may cost as much as \$30 billion or maybe upwards of
2124 50-, 30- to \$50 billion. But I will say to you that if we can
2125 develop a 10-year strategy on how to address that across the
2126 country -- the state of Michigan as an example, right now, is
2127 considering lowering its levels from 15 parts per billion down
2128 to 10 parts per billion on the standard, but they are also spending
2129 a tremendous amount of money to replace those lead lines, as I
2130 understand it.

2131 And that is good leadership with the governor of Michigan
2132 and I think, frankly, we in Washington need to have that kind
2133 of conversation with states across the country to focus on that
2134 issue. The President has talked about infrastructure, the
2135 importance of using some of the infrastructure discussion to
2136 address some of these things and I look forward to that discussion
2137 with you.

2138 Mr. Shimkus. So if the gentleman would allow me to yield,
2139 so we passed a Safe Drinking Water Act out of the full committee

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2140 which should be helpful in this. My friends on the other side
2141 wanted more money, so maybe in a supplemental and stuff in this
2142 process, we have already started moving to try to do that
2143 legislatively, but executive branch focus would be helpful.

2144 Mr. Pruitt. It is not just -- look, it is not just service
2145 lines. It is corrosion control measures that need to be deployed,
2146 obviously paint as well. I mean, so there is a multifaceted
2147 approach that we need to evaluate on how to declare a war on lead,
2148 if you will, but I want to let you know as a committee it is
2149 something I desire to work with you going forward in 2018.

2150 Mr. Shimkus. You will have some interest.

2151 The chair now recognizes the gentleman from California, Mr.
2152 Cardenas, for 5 minutes.

2153 Mr. Cardenas. Thank you very much, Mr. Chair.

2154 Mr. Pruitt, appreciate the opportunity for us to -- as I
2155 quote you, the dialogue that begins today. I hope that future
2156 dialogue doesn't span 10 months between these opportunities.
2157 Is your current office, place of work, Washington, D.C.?

2158 Mr. Pruitt. Yes, sir.

2159 Mr. Cardenas. Okay. And prior to becoming the EPA
2160 administrator what city or state did you live in?

2161 Mr. Cardenas. Tulsa, Oklahoma.

2162 Mr. Cardenas. Tulsa, Oklahoma, okay. Well, Mr. Pruitt,
2163 I would just like to point out for the record that you traveled
2164 to Oklahoma for 43 out of 92 days this spring according to the

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2165 Washington Post. That is almost half of every day in March,
2166 April, and May of this year. I am extremely troubled by reports
2167 that your frequent travel to and from Oklahoma occurred at the
2168 expense of the U.S. taxpayer and cost more than \$15,000 just on
2169 those trips alone. And it appears I am not the only one concerned.

2170 At the request of members of this congressional committee,
2171 EPA's Office of Inspector General has begun an audit to review
2172 issues of potential waste, fraud, and abuse associated with your
2173 frequent travel back to Oklahoma at taxpayers' expense. Also,
2174 your record of wasting taxpayer dollars does not end there.

2175 Later news reports uncovered that you along with other
2176 members of the Trump administration have been using private jets
2177 and military aircraft at tremendous taxpayer expense. One of
2178 the most expensive examples was in early June when you and several
2179 of your staff traveled on a military jet from Cincinnati, Ohio
2180 to John F. Kennedy Airport in New York on your way to Italy.
2181 The cost of that flight alone was reportedly over \$36,000. In
2182 August, you chartered a private plane to fly from Denver, Colorado
2183 to Durango, Colorado, in the same state, costing the U.S.
2184 taxpayers over \$5,000. You did so even though the governor of
2185 California had reportedly offered to fly you on a state-owned
2186 plane.

2187 Mr. Pruitt, the taxpayer bill for your travel on private
2188 jets and other non-commercial aircraft is a record total more
2189 than \$58,000 since February of this year alone. These costs are

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2190 especially offensive given the severe cuts you have proposed to
2191 essential and lifesaving EPA programs. Take, for example, the
2192 Office of Environmental Justice which helps poor communities who
2193 are being disproportionately impacted by environmental
2194 pollution. This administration proposed to eliminate the Office
2195 of Environmental Justice.

2196 So Mr. Pruitt, are the American people supposed to believe
2197 that we cannot afford \$2 million to help our most vulnerable
2198 communities but we can afford tens of thousands of dollars for
2199 you to fly on private jets?

2200 Mr. Pruitt. First, I want to say to you, Congressman, I
2201 do look forward to the dialogue and I appreciate your comments
2202 going forward. I think there is much work that we can engage
2203 in together and I look forward to that discussion.

2204 Environmental justice is something that I met with,
2205 actually, internal members of our team, yesterday, talking about
2206 issues like East Chicago. Environmental justice is an important
2207 issue. It is something that we seek to translate to real action
2208 on the ground and we have since I have been serving, with
2209 particular emphasis on Chicago in the east, the Superfund
2210 situation there.

2211 On the travel that you have highlighted I would just say
2212 to you, every trip that I have taken to Oklahoma with respect
2213 to taxpayer expenses has been business related. When I was in
2214 Oklahoma for a WOTUS meeting, a Waters of the United States

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2215 meeting, we had three states converge in the Panhandle of Oklahoma
2216 that had Kansas, Oklahoma, and Texas come together. There were
2217 hundreds of individuals in attendance. That is a very important
2218 effort.

2219 Bird Creek in Osage County had high salinity levels. Region
2220 6 had not responded to those high salinity levels. There was
2221 harm taking place with fish in that water and as such we needed
2222 to take action and I was there to address that. There are concerns
2223 that affect Oklahoma and Region 6 just like every state. Every
2224 dollar that was expended with respect to those travel was business
2225 related. When I have traveled back to the state for personal
2226 reasons I paid for it and that will bear out in the process.

2227 But let me say this to you, finally, with respect to the
2228 travel, commercial travel is what we fly almost exclusively.
2229 The situation in Cincinnati, I fly with the President for a meeting
2230 on infrastructure. We were going to the G7 in Italy and could
2231 not make the flight at JFK unless we got a public transport, so
2232 that is why that decision was made. But it has been only four
2233 instances during the entire time that I have been serving as
2234 administrator and it was always based upon circumstances.

2235 You mentioned the one in Colorado, the reason that occurred
2236 is because we were going into Gold King, Colorado to address the
2237 needs and concerns of the citizens there and couldn't make it
2238 otherwise. And I would dispute the governor's reference that
2239 you made earlier.

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2240 Mr. Cardenas. Oh, really. Okay. Well, thank you very
2241 much for stating for the record, because the Inspector General
2242 is looking into those details and I hope it all bears out and
2243 let's see what the outcome is.

2244 Well, I wanted to be respectful of giving you an opportunity
2245 to answer and there goes all of my time. So with the last 5
2246 seconds, I just would like to ask that I be able to insert these
2247 two letters from the EPA's Inspector General agreeing to
2248 investigate this travel. I ask unanimous consent to enter them
2249 into the record.

2250 Mr. Shimkus. Without objection, so ordered.

2251 [The information follows:]

2252

2253 *****COMMITTEE INSERT 6*****

2254 Mr. Shimkus. The chair now recognizes the gentleman from
2255 North Dakota, Mr. Cramer, for 5 minutes.

2256 Mr. Cramer. Thank you, Mr. Chairman.

2257 Thank you, Mr. Administrator, for your candor, for being
2258 here, and for your strong leadership. And I might just say you
2259 used a term in responding to Mr. McNerney that I think is a new
2260 term at the EPA and that was partnership. And I think that my
2261 friend from California's line of questioning bears out that you
2262 see states as stakeholders and partners not as subordinates.

2263 Thank you for going to places like Oklahoma and to North Dakota
2264 and other states in the middle of real America that are affected
2265 by what for the last 8 years has simply been a dictatorship by
2266 the EPA. So thank you for that and we appreciate your willingness
2267 to address us in our home states. I also want to
2268 congratulate you on your incredible work on meeting these
2269 deadlines, the 27 years that gets done in a matter of weeks and
2270 months. It probably shouldn't seem like such a high standard,
2271 but by comparison and doing all that with only one confirmed AA
2272 is really quite remarkable. So I look forward to when you have
2273 a full staff and a full team and we can really get to it.

2274 And I know CPP and WOTUS are the big topics obviously in
2275 North Dakota as you know, but I want to get to the heart of a
2276 couple of things that you have emphasized. And like my friend
2277 from Texas, Mr. Olson, I appreciate your commitment to process
2278 and rule of law. I appreciate your commitment to cooperative

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2279 federalism.

2280 And I know you are very familiar with a couple of North Dakota
2281 cases. One in particular of course, the regional haze case that
2282 started in California and North Dakota was blocked from
2283 intervening in, which just kind of blows me away that states don't
2284 have as a matter of right, constitutional right, standing in cases
2285 that affect them especially with regard to regulations that they
2286 have primacy over regulating.

2287 The more recent one is one that sort of straddled your memo
2288 on sue and settle that I want to bring to your attention and see
2289 if we can't work more closely together -- you, me, our attorney
2290 general -- on addressing it as we go forward. And that was a
2291 RCRA revision of rules that was proposed in 2016, a consent decree
2292 was declared between the EPA and environmentalist groups and North
2293 Dakota was blocked from intervening.

2294 And this is, it related to oil and gas industry in our state,
2295 where our state has primacy we were blocked from intervening.

2296 Oral arguments in October of this year, about the same time as
2297 you were putting out your memo, occurred in the D.C. Circuit Court
2298 of Appeals and we were blocked again. The environmentalists and
2299 the EPA prevailed.

2300 But what was most disturbing about that and why I want to
2301 bring it to your attention is because you have a really big task
2302 in front of you to meet not just the rules but the culture change
2303 that we hope to achieve, and that is it was the Department of

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2304 Justice attorneys that argued so effectively against the state
2305 of North Dakota in the D.C. Circuit.

2306 So as we go forward, what I would love to do is be able to,
2307 you know, maybe have a meeting with my attorney general and you
2308 and me and plan, you know, the next phase of this and use the
2309 state of North Dakota as a partner as opposed to, you know, a
2310 litigant on the other side.

2311 Mr. Pruitt. Yes. As I indicated earlier in my opening
2312 comments and I think in response to questions, from your
2313 perspective, you know, you have put into place a process by which
2314 we are supposed to adopt rules. And rules are supposed to be
2315 what, laws of general applicability. And so when you are involved
2316 in litigation and you change requirements under a statute,
2317 discretionary to nondiscretionary or timelines or otherwise and
2318 then you apply it in a general fashion, that is something that
2319 I think is offensive with respect to the APA process and should
2320 be dealt with.

2321 And that is why the sue and settle practice is important
2322 as we go forward. We may consider codifying that loosely said
2323 with respect to rulemaking, but it is important that we implement
2324 this directive I have sent to respect the APA as we make decisions.

2325 Mr. Cramer. Well, with regard then to states' rights,
2326 because I really feel like it is not just RCRA, it is all of the
2327 acts under the EPA, it is several other agencies where it seems
2328 like the right for a state to have standing somehow has to be

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2329 based on some finding of harm or injury. And it seems to me that
2330 in a cooperative federalism states should just have that right,
2331 especially if it is a regulation that they have primacy over.

2332 I am wondering if we should be doing something, you know,
2333 to codify that which it seems to me the Constitution should be
2334 adequate for, but whether we should do it broadly or whether we
2335 should do it very specifically. And I might add and then you
2336 can answer and wrap up my time, should you have some more
2337 independent litigation authority, independent of, say, of the
2338 DOJ or other --

2339 Mr. Pruitt. Well, look. I think on the first point, I do
2340 think that perhaps Congress addressing the standing of states
2341 to address some of those. Most of those are state implementation
2342 plans. Many of them deal with regional haze requirements under
2343 the Clean Air Act, and I do think it is important that the voice
2344 of those states are heard.

2345 And that is the reason as it relates to the directive that
2346 I issued, we asked Justice to take a very accommodating posture
2347 with respect to the state intervention on these issues, but there
2348 probably is more that can be done to make sure that that happens
2349 going forward.

2350 Mr. Cramer. Thank you. And I thank you for your service.

2351 Mr. Shimkus. Time is expired. The chair now recognizes
2352 the young lady from Michigan, Ms. Dingell, for 5 minutes.

2353 Mrs. Dingell. Thank you, Mr. Chairman.

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2354 Administrator Pruitt, it is good to see you here and I was
2355 very glad to hear you talk about this war on lead we need to have.

2356 I share like every one of us, I have met those children in Flint.

2357 I have lived with some of those families. It is a very serious
2358 problem and we all need to work together to make sure it never
2359 happens in another community again.

2360 We have been meeting with my mayors for the last year even
2361 in my own community, included the state.

2362 Mr. Pruitt. It is not just Flint either.

2363 Mrs. Dingell. No, it is all -- I have it in my district.

2364 I don't have Flint in my district, but it is a concern all over
2365 the country. But having said that there are some things I think
2366 that are happening at EPA that actually threaten that what you
2367 are talking about. So I have got a lot of stuff to talk about,
2368 EPA matters in Michigan.

2369 Could I ask for some yes or no questions just to this. For
2370 example, the EPA budget for 2018 eliminated two programs that
2371 provide grants to states and tribe grants to support their lead
2372 training and certification programs for lead paint removal
2373 contractors and the lead risk reduction program; is that correct?

2374 Mr. Pruitt. We welcomed Congress restoring that and we
2375 talked about that in the appropriations process.

2376 Mrs. Dingell. Okay. But you -- this would represent, it
2377 would have represented a 90 percent reduction or a \$26.5 million
2378 in funding. In addition to proposed cuts, we have seen delays

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2379 on several key rulemakings. You talked about one of them which
2380 isn't only in Flint. It is another plume that I have got in mind,
2381 which is the Agency's long overdue update to the Lead and Copper
2382 Rule for drinking water system. It was supposed to be completed
2383 by June of this year and now it appears to be delayed to next
2384 month. Will we see it next month?

2385 Mr. Pruitt. I mean the Agency, Congresswoman, as you know
2386 has taken over a decade on that. 1991 --

2387 Mrs. Dingell. I nudged them too.

2388 Mr. Pruitt. No, no. 1991 was the last time we had a Lead
2389 and Copper Rule.

2390 Mrs. Dingell. But we need it and you have been promising
2391 it.

2392 Mr. Pruitt. And there is much work that has gone on over
2393 a decade and I will tell you it is a major part of what we need
2394 to be about with respect to this war on lead.

2395 Mrs. Dingell. So when are we going to see it?

2396 Mr. Pruitt. So hopefully -- we are working on it and it
2397 is something I am committed to.

2398 Mrs. Dingell. All right. And the Agency recently delayed
2399 implementation of a 2015 rule to require steam electric power
2400 plants to install pollution control equipment to limit effluents,
2401 including lead, from being discharged to rivers. The 2015 rule
2402 was the first update to these regulations in 30 years; is that
2403 correct?

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2404 Mr. Pruitt. I am not sure about the timeline,
2405 Congresswoman. I take that but I don't know for sure if it has
2406 been 30 years.

2407 Mrs. Dingell. All right. Can we work together to get these
2408 things done, because they matter to our communities. Now I
2409 am going to quickly -- but I am going to make one little -- I
2410 am not trying to be -- I just care. You know, you made a comment
2411 to MDEQ that you should have made about reducing the amount of
2412 staff that they had and that they needed to have more people on
2413 their team addressing these Flint issues.

2414 Mr. Pruitt. MDEQ.

2415 Mrs. Dingell. Michigan Department of Environmental
2416 Quality, do you know that? You recommended that MDEQ hire more
2417 staff with water management expertise. I agree with that, but
2418 you have only got one person. You are offering buyouts and
2419 cutting experience and manpower at your agency, the one with
2420 oversight responsibility for all these state programs while
2421 advising Michigan to do the opposite. So I would encourage you
2422 to look at that.

2423 But I have got to do two more things. First, I am going
2424 to go to my -- all politics is local, but it is not just local.

2425 It matters to this country. We have an EPA lab in Ann Arbor
2426 that everybody -- that is doing critical work for every single
2427 state on automotive emissions and fuel economy. The budget would
2428 have eliminated that. The auto companies support it. The

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2429 environmentalist community support it. Everybody knows what
2430 good work it has done.

2431 Will you support keeping that lab open with all the important
2432 work we have got coming down the road?

2433 Mr. Pruitt. I will.

2434 Mrs. Dingell. Thank you. You just made my day. But now
2435 having said that the Great Lakes. Michigan is, you know, it is
2436 not just Michigan. It is all the states that are on the Great
2437 Lakes. They matter. They are more than 20 percent of the fresh
2438 water supply in the world. The EPA, the President's budget would
2439 have eliminated all the dollars for the Great Lakes Restoration
2440 Initiative or the GLRI. Republicans and Democrats on this
2441 committee and in the House and Senate worked to restore that.

2442 The EPA had something to do with eliminating that down to zero.

2443 Can you explain why and can we work with you to make sure that
2444 never happens again?

2445 Mr. Pruitt. Well, I actually talked to your senator about
2446 this a couple nights ago.

2447 Mrs. Dingell. We care.

2448 Mr. Pruitt. Oh, I know, and not just Michigan, but other
2449 region. The Great Lakes Initiative is something that has been
2450 very successful. You have an issue with invasive species there
2451 with carp.

2452 Mrs. Dingell. A serious one.

2453 Mr. Pruitt. And it is something we need to pay attention

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2454 to and I respected Congress and their restoration of those funds
2455 and appreciate that and we will continue to work with you in that
2456 regard.

2457 Mrs. Dingell. And not cut them again?

2458 Mr. Pruitt. Excuse me?

2459 Mrs. Dingell. And not make an effort to cut them again?

2460 Mr. Pruitt. That is a process that we will go through next
2461 year. I mean that is not something that is unilaterally our
2462 decision as you know. That is a combination of decisions --

2463 Mrs. Dingell. We will be back if you do.

2464 Mr. Pruitt. Yes.

2465 Mrs. Dingell. Thank you.

2466 Mr. Shimkus. The gentlelady's time has expired. The chair
2467 now recognizes the gentleman from Michigan, believe it or not,
2468 Mr. Walberg, for 5 minutes.

2469 Mr. Walberg. Thank you. And Michigan works together on
2470 these things, so I want to thank my colleague for some of the
2471 questions there.

2472 But also, Administrator Pruitt, I want to thank you for being
2473 here. Thank you for your straight talk. I thank you for the
2474 fact that we don't have to watch you use a lot of notes. That
2475 says something about your understanding of the issues.

2476 You made a quote in this, or a statement in this Great Lakes
2477 Restoration, the Initiative report that had a lot of good things
2478 in it, your Interagency Task Force on the Great Lakes that you

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2479 -- I am grateful -- chair, and you said that the GLRI is protecting
2480 public health in the Great Lakes more than any other coordinated
2481 interagency effort in the U.S. history in helping to ensure that
2482 our children and their children live in safe, healthier
2483 communities. I thank you for that statement. I agree with you
2484 on it.

2485 I would just follow up my good friend and colleague from
2486 the other side of the aisle. My question is this. Can I count
2487 on you and your agency to work with my office, our Michigan
2488 delegation, and the state to support programs to protect cleanup
2489 and preserve the Great Lakes?

2490 Mr. Pruitt. Yes, sir.

2491 Mr. Walberg. I appreciate that and whatever it takes I would
2492 assume that that would be the case.

2493 Mr. Pruitt. I mean as an example, Congressman, as was
2494 mentioned earlier, the Great Lakes Initiative is similar to the
2495 Chesapeake TMDL and how the states came together to address a
2496 concern. There it was something different, but this process is,
2497 the Great Lakes Initiative is something that we should work
2498 together to make sure that it is achieving good outcomes and I
2499 think it has and we will continue that discussion as we head into
2500 2018.

2501 Mr. Walberg. Right. Well, thank you. Another issue I
2502 feel very strongly about is the environmental threat the algae
2503 blooms pose to Lake Erie which is in my district. This committee

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2504 has worked over the years to address this issue and encourage
2505 cooperation between federal agencies and the states.

2506 I supported my colleague from Ohio. It is tough for a
2507 Michigander to support Ohio at times especially after the game
2508 2 weeks ago, but I supported Bob Latta's legislation in 2015 that
2509 required the EPA to develop and submit a plan to Congress for
2510 assessing and managing risks from the cyanotoxins. Could you
2511 please update me on the latest efforts by the Agency to address
2512 the harmful algae blooms in the Great Lakes and more specifically
2513 Lake Erie?

2514 Mr. Pruitt. Yes. The algal blooms there, but other parts
2515 of the country have been a primary point of emphasis for the Office
2516 of Water working with states on nonpoint source discharge for
2517 a number of years as you know, Congressman. It is something that
2518 we actually have a task force internally and a dedicated team
2519 of individuals looking at that to try to achieve better outcomes
2520 and that is ongoing.

2521 I can provide other specifics to questions that you have
2522 as it relates to Lake Erie. I would have to get that from the
2523 staff to get an update for you, but it is something that is
2524 absolutely a priority.

2525 Mr. Walberg. And we are taking a broad perspective.
2526 Agriculture has its problems, we know that. We also know in
2527 Michigan the MAEAP program has attempted to be very effective
2528 in trying to address the concerns about excess nutrients,

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2529 fertilizers, all sorts of things that come from agriculture.
2530 But there are other processes that go into this as well and I
2531 would assume that you would be looking at the total.

2532 Mr. Pruitt. Well, look. And I think we need to recognize
2533 that there are farmers and ranchers all over the country that
2534 have taken very important steps to address those issues. I have
2535 said many times those farmers and ranchers are our first
2536 conservationists or our first environmentalists. They care
2537 about these issues as well and we need to make sure their voices
2538 are heard to ensure that we are working together to achieve those
2539 outcomes.

2540 Mr. Walberg. I thank you for that. What cooperative
2541 efforts has EPA undertaken with other federal agencies in this
2542 matter dealing with algae blooms?

2543 Mr. Pruitt. You know, Congressman, I am not entirely sure
2544 if Department of Ag has been a part of our discussion. I am sure
2545 that they have historically. Sonny Perdue and I have not
2546 addressed it, but it is something that we ought to do going forward
2547 and ensure that there is partnership like with the Department
2548 of Ag and there are probably others, but perhaps the Department
2549 of Interior with certain aspects of Secretary Zinke's shop. But
2550 I think Department of Ag would be a very important partner in
2551 this process.

2552 Mr. Walberg. Okay, invasive species, specifically Asian
2553 carp. What is the involvement with EPA in looking at that? It

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2554 is a huge, huge problem for the Great Lakes. The Army Corps of
2555 Engineers, any involvement with them, other federal agencies as
2556 well as state and local governments, what is the EPA doing there?

2557 Mr. Pruitt. A point of emphasis and you mentioned the Corps,
2558 the Corps has been very, very involved in that.

2559 Mr. Walberg. Very, very slow in that as well.

2560 Mr. Pruitt. Well, perhaps we can encourage them.

2561 Mr. Walberg. I would appreciate that and we will look
2562 forward to --

2563 Mr. Pruitt. We are working together with the Corps on a
2564 multitude of issues, Congressman, not the least of which is WOTUS.

2565 But the leadership there has been responsive and so we will take
2566 that information and make sure that we communicate that to our
2567 partners.

2568 Mr. Walberg. Thank you and I yield back.

2569 Mr. Shimkus. The gentleman's time has expired. The chair
2570 now recognizes the gentlelady from California, Ms. Matsui, for
2571 5 minutes.

2572 Ms. Matsui. Thank you, Mr. Chairman, and thank you, Mr.
2573 Pruitt, for being here today.

2574 Mr. Pruitt, I understand that you and President Trump have
2575 decided to reopen the Midterm Evaluation, the greenhouse gas
2576 emission standards from model year 2022 to 2025. Can you briefly
2577 list for us which groups and companies asked you to revisit the
2578 evaluation?

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2579 Mr. Pruitt. You know, I wouldn't say reopen, Congresswoman,
2580 necessarily. This is as you know the Midterm Evaluation was
2581 supposed to have taken place in April of 2018. That is when it
2582 was supposed to occur. The past administration accelerated that
2583 for it to happen in December of '16 into January of '17. And
2584 this was simply a restoration of process to ensure that the midterm
2585 review took place consistent with the original understanding.

2586 Ms. Matsui. So this is halfway step, it is not a total
2587 evaluation?

2588 Mr. Pruitt. That is right.

2589 Ms. Matsui. Okay, all right. Okay, so I will go along with
2590 you for that. I just want to suggest to you though that this
2591 half-step evaluation I am somewhat concerned about this because
2592 these standards to save consumers particularly dollars at the
2593 pumps and reduce oil consumption has been validated many times
2594 to reduce greenhouse gas emissions that contribute to climate
2595 change. And the standard is good for American drivers and good
2596 for the environment and it is really necessary, particularly
2597 because the International Energy Agency found that the
2598 transportation sector is the only area in which the U.S. has become
2599 less energy efficient. Now I also believe that our country
2600 should be investing in clean transportation options and many auto
2601 companies share my opinion. One of our major domestic auto
2602 manufacturers recently announced it is cutting spending on
2603 internal combustion engines and instead investing billions of

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2604 dollars in electric vehicle development. Another company plans
2605 to release 20 all-electric vehicles in the coming years.

2606 Can you please answer yes or no, do you support efforts to
2607 strengthen American innovation and manufacturing through
2608 electric vehicle R&D and production?

2609 Mr. Pruitt. It definitely should be a part of the mix,
2610 Congresswoman. And I would say this to you as well, the Agency
2611 has not adequately considered with those standards high octane
2612 being used as well. There has been a lot of focus on the design
2613 of vehicles and access to electric vehicles as well, but not as
2614 much on the fuel side and I think that we need to incorporate
2615 that into the discussion as well.

2616 Ms. Matsui. So you have a plan to support the electric
2617 vehicle market in the long term?

2618 Mr. Pruitt. That would definitely be part of the evaluation
2619 as we head into April of 2018 and we continue in the years ahead,
2620 I am sure.

2621 Ms. Matsui. All right. I am pleased to hear that because
2622 EVs will be a significant portion of our vehicle mix in the future
2623 and we need to be positioning the United States to benefit from
2624 their adoption.

2625 Mr. Pruitt. We want to ensure, if I may for a second?

2626 Ms. Matsui. Yes.

2627 Mr. Pruitt. We want to ensure that as we set those standards
2628 that you don't want people staying in older model vehicles. I

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2629 mean the whole purpose here is to ensure that as the vehicles
2630 are manufactured that they meet efficiency levels and outcomes
2631 that are important to the environment.

2632 Ms. Matsui. I understand.

2633 Mr. Pruitt. And so if you don't look at the cross section
2634 of issues from high octane fuel design and what you have raised,
2635 Congresswoman, the very purposes are not achieved. And so we
2636 are taking all those into consideration as we head into April
2637 '18.

2638 Ms. Matsui. Okay, certainly. Mr. Pruitt, I am now running
2639 out of time. Does California currently have a waiver to set its
2640 own light-duty vehicle emission standards through 2025?

2641 Mr. Pruitt. Yes. There is, as you know, a statutory waiver
2642 for California that is evaluated as part of the midterm review.

2643 Ms. Matsui. Right. Is the EPA involving the state of
2644 California in your review or partial review to a 2022 through
2645 2025 emission standards?

2646 Mr. Pruitt. I missed the first part of the question, I am
2647 sorry.

2648 Ms. Matsui. Are you involving the state of California in
2649 your review of the 2022 to 2025 emission standards?

2650 Mr. Pruitt. As part of the midterm review the California
2651 waiver is necessarily a part of that process.

2652 Ms. Matsui. Okay, great. That is encouraging because I
2653 believe that the communication of all involved stakeholders is

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2654 very important. And Mr. Pruitt, can you please answer yes or
2655 no. Do you believe that environmental laws envision a
2656 cooperative relationship between states and the federal
2657 government?

2658 Mr. Pruitt. Yes.

2659 Ms. Matsui. In the past you have said that the previous
2660 administration was, quote, aggressive about dictating to the
2661 states and displacing their authority, end quote. Is this
2662 correct?

2663 Mr. Pruitt. Yes, ma'am.

2664 Ms. Matsui. Given your support for states' rights under
2665 federal environmental laws, do you support California's ability
2666 to seek a waiver to set its own Clean Air Act light-duty vehicle
2667 standards?

2668 Mr. Pruitt. Well, federalism principles, Congresswoman,
2669 do not say that one state can dictate to the rest of the country
2670 the standard for the entire country. So there are a multitude
2671 of considerations with respect to the waiver and those we
2672 considered in due time.

2673 Ms. Matsui. That we will definitely work with states in
2674 order to do this.

2675 Mr. Pruitt. We have already reached out to the governor
2676 of California and are waiting for a response.

2677 Ms. Matsui. Okay, great. So as I mentioned previously,
2678 certain auto manufacturers asked for changes to the emission

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2679 standards. Some have specifically asked for flexibilities under
2680 the current program. Are you considering providing these types
2681 of flexibilities or are you also looking at relaxing the standards
2682 entirely?

2683 Mr. Pruitt. As part of that midterm review all things will
2684 be considered.

2685 Ms. Matsui. Okay. NHTSA has made --

2686 Mr. Shimkus. The gentlelady's time has expired.

2687 Ms. Matsui. All right. Thank you very much, Mr. Chairman.

2688 Mr. Shimkus. The chair now recognizes the gentleman from
2689 South Carolina, Mr. Duncan, for 5 minutes.

2690 Mr. Duncan. Thank you, Mr. Chairman.

2691 Administrator Pruitt, thank you for being here today. This
2692 hearing has been extremely informative to me for learning the
2693 Trump administration priorities within the EPA and I have to say
2694 I have been extremely impressed and supportive with the EPA thus
2695 far under the Trump administration and your leadership. You all
2696 understand what the intended role of the Agency is and have
2697 effectively worked to roll back the bureaucratic overreach and
2698 power abuses of the Agency under the previous administration.

2699 Through cooperative federalism you prioritized what should
2700 be left up to the states when it comes to both energy and
2701 environmental matters. The states should be the ones to set their
2702 own limits in regards to the environment and I thank you for
2703 understanding the crucial role the states and localities play

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2704 in this process. A quick question about the February 28th
2705 presidential executive order on Waters of the U.S., could you
2706 inform me of the status of that AEO?

2707 Mr. Pruitt. Yes. On February 28th, the President issued
2708 an executive order asking the Agency to review that definition
2709 from 2015. We in fact are doing that. There is a two-step
2710 process presently that is ongoing. One is a proposed withdrawal
2711 of the Waters rule and that is in the marketplace.

2712 There is comment being taken upon that, in fact the comment
2713 period is closed. And we have a substitute definition of what
2714 a Water of the United States is that will come out sometime in
2715 April of next year. So there is a substantive replacement that
2716 is forthcoming and a withdrawal that is already in the marketplace
2717 that makes up the response to the February 28th executive order.

2718 Mr. Duncan. Thank you. A lot of us were alarmed when we
2719 saw what was defined as a navigable waterway under the previous
2720 administration. A lot of times these were ditches that didn't
2721 hold any water, no stream bed, only had water during a significant
2722 rain event, but yet they were regulated under the Waters of the
2723 U.S. and that was to the detriment of the developer, the landowner,
2724 the farmers, and what not. So I thank you and the administration
2725 for doing that.

2726 I want to shift gears to ports. The South Carolina port
2727 regulated by the Ports Authority in South Carolina, our Charleston
2728 port, is important. One in every 11 jobs in South Carolina is

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2729 attributed to some sort of port activity. So could you explain
2730 how under the Trump administration the permitting process for
2731 ports is carried out in a more timely and efficient manner to
2732 ensure that these ports continue to maintain, be a main economic
2733 driver while still protecting the environment?

2734 Mr. Pruitt. Yes, it is not just a port issue, Congressman,
2735 but I think the permitting process at the EPA has been very
2736 inconsistent. I talked about this, this morning, with respect
2737 to the ten regions and how individuals in Region 8 or Region 6
2738 are being treated differently than Region 5 and Region 10. And
2739 so we are trying to get processes in place to ensure that there
2740 are timely responses. You know, a permitting process
2741 shouldn't go on for years and years and years, and we have many
2742 examples at the Agency where, literally, the decision on whether
2743 to grant or deny a permit has taken over a decade. That is
2744 entirely unacceptable. And what we are doing is trying to set
2745 an outside time limit that a decision will be made up or down
2746 on whether a permit should issue.

2747 In fact, I have been told, I mentioned the chief operating
2748 officer earlier today, it is our goal by the end of 2018 to have
2749 processes in place to ensure an answer up or down on permits within
2750 6 months as we go forward. So that is something states are doing
2751 across the country. It is a major undertaking at our Agency but
2752 we are trying to reform the processes internally to provide
2753 answers with more clarity and more certainty.

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2754 Mr. Duncan. I applaud you for that and I wish this committee
2755 had jurisdiction over the Corps of Engineers and we could
2756 encourage them to manage river systems in this country on a
2757 regional basis instead of a one-size-fits-all. Because I can
2758 tell you, eastern river systems like the Savannah River system
2759 is different than western river systems, and how the Savannah
2760 River Basin is managed from a Corps of Engineers standpoint and
2761 possibly even an EPA standpoint is different than how a western
2762 river system should be managed. That is important to my district
2763 that has core lakes and downstream flows that affect Mr. Carter's
2764 district.

2765 So Mr. Administrator, I appreciate you being here. With
2766 that Mr. Chairman, I yield back a minute of my time.

2767 Mr. Pruitt. Well, if I may, I really appreciate the comment
2768 about regional variation, because as we look at the Waters of
2769 the United States rule as an example, I mentioned this earlier
2770 today. The states have, North Dakota has something called
2771 prairie potholes and as I spent time in North Dakota I had never
2772 seen a prairie pothole. But that is a unique aspect of that state
2773 that needs to be taken into consideration as we look at these
2774 issues. So I really appreciate your feedback. That is the
2775 reason we were reaching out to governors and these DEQs, DNRs
2776 across the country to make sure that we are making informed
2777 decisions not only on just permitting, but the substantive rules
2778 that we are talking about.

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2779 Mr. Duncan. Yes. That is critical. I yield back.

2780 Mr. Shimkus. The gentleman yields back his time. The chair
2781 now recognizes the gentleman from Georgia, Mr. Carter, for 5
2782 minutes.

2783 Mr. Carter. Thank you, Mr. Administrator. I appreciate
2784 you being here today very much. Pardon me?

2785 Mr. Shimkus. My apology, talking to another member here.

2786 Mr. Carter. No worries.

2787 Administrator Pruitt, I have got a -- during the last
2788 administration, toward the end of the last administration there
2789 was a rule that was titled Greenhouse Gas Phase 2 Rule for Medium
2790 and Heavy-duty Trucks. And in my opinion this had a lot of
2791 overreach in it because it included regulating truck trailers
2792 as self-propelled vehicles. And I have introduced legislation
2793 to deal with this and I just wanted to ask you. You issued a
2794 statement on this rule back in November and in that rule you issued
2795 a statement on the review of glider kits, but you didn't include
2796 anything about tractor trailers. Do you intend to do that? Are
2797 you familiar with this at all?

2798 Mr. Pruitt. I actually appreciate you bringing it to my
2799 attention. I was aware of the latter that you mentioned but not
2800 the former, so that is something that I will definitely take a
2801 look at.

2802 Mr. Carter. Okay. I appreciate it because it is something
2803 that is very important to us, particularly to the tractor trailer

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2804 industry which is a big industry down in our area as well.

2805 I also wanted to ask you, in my district in the coastal region
2806 of Georgia, the entire coast of Georgia I have the honor and
2807 privilege of representing that area. We have got three
2808 significant Superfund sites, and very briefly can you just bring
2809 me up to date where we are at with that with the Superfund sites
2810 and the status of the program and the improvements you may have
2811 made with this?

2812 Mr. Pruitt. Yes. There were 42 recommendations that we
2813 would be happy to make available to the committee, but in the
2814 month of May-June timeframe we commissioned this task force to
2815 evaluate how we can better manage the Superfund portfolio and
2816 out of that came 42 recommendations. Those recommendations are
2817 being implemented as we speak and the great progress is being
2818 made.

2819 And we are trying to address because there are certain areas,
2820 and in Portland -- I am sorry. I can't recall the member that
2821 brought it up this morning, but the City of Portland and the harbor
2822 there were substantial issues. It was a large area that was
2823 impacted. There was progress that could be made in certain parts
2824 of the Superfund area and not others. And so we made a call to
2825 get started on those areas, because what has happened historically
2826 is that we delayed taking any positive action until the entire
2827 area had been decided upon on how to proceed.

2828 So we are trying to make those kind of changes to provide

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2829 clarity to the communities and also ensuring that we are hearing
2830 the voices of those cities and towns and citizens about those
2831 decisions. I think that has been neglected in the past. So there
2832 are many things we are looking at, but ultimately it is to ensure
2833 that we get outcomes and we get decisive outcomes and decisions
2834 are made and responsible parties are held responsible for the
2835 harm they have caused in those areas.

2836 Mr. Carter. Is there any kind of legislative actions that
2837 you feel like you need that we would be able to make that would
2838 help you in that area?

2839 Mr. Pruitt. You know, it is a good question because in the
2840 brownfields program as an example this body has been very, very
2841 successful with respect to changes in the brownfields program.

2842 I think there are some reusability opportunities with respect
2843 to Superfund sites, sites that are more marketable going forward.

2844 I mean, ultimately, our goal in the Superfund portfolio should
2845 be to remediate those sites, protect human health, and see those
2846 sites redeemed as far as using them going forward. And so there
2847 may be some things we can work on together to adopt a brownfields
2848 kind of approach to some of the Superfund areas within the
2849 portfolio.

2850 Mr. Carter. Good. As I mentioned before, I represent the
2851 entire coast of Georgia, over a hundred miles of coastline. So
2852 as you can imagine, we have a lot of boaters in that area and
2853 our office has been getting a lot of calls about the tiers of

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2854 engine classes that are available for specialized boats
2855 particularly among the harbor pilots and the bar pilots. They
2856 are having a lot of trouble with the lack of flexibility that
2857 is in the framework.

2858 They have got situations where we have heard requirements
2859 of them forcing people to, in the scenarios where the
2860 manufacturers don't necessarily make an appropriately tiered
2861 engine for a boat type and they are having a lot of trouble with
2862 this and it is causing them problems with being able to order
2863 these boats. Are you familiar with this or is this something
2864 that you have been addressing at all?

2865 Mr. Pruitt. It is not something that I have been privy to
2866 as far as discussions at the Agency, but I would be happy to look
2867 at it.

2868 Mr. Carter. Okay. And if it is okay I would like my office
2869 to be able to send you this information so that you can review
2870 it because it is a serious problem down here. They want to comply
2871 and they want to do this to do the right thing, but they need
2872 some flexibility with it as well.

2873 Mr. Pruitt. Okay.

2874 Mr. Carter. Thank you, Mr. Administrator. One last
2875 question, as I understand it, Mr. Administrator, you are from
2876 Oklahoma; is that correct?

2877 Mr. Pruitt. Yes, sir.

2878 Mr. Carter. Can you say Go Dawgs?

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2879 Mr. Pruitt. It is hard. It is hard.

2880 Mr. Shimkus. I think the gentleman is out of order.

2881 Mr. Carter. Out of order.

2882 Mr. Pruitt. Yes, Boomer Sooner comes out easier.

2883 Mr. Carter. Thank you, Mr. Chairman. I yield back.

2884 Mr. Shimkus. The gentleman yields back his time. The chair
2885 now recognizes the gentleman from Mississippi, Mr. Harper, for
2886 5 minutes.

2887 Mr. Harper. Thank you, Mr. Chairman.

2888 And thanks so much for being here, Administrator Pruitt,
2889 and congratulations on a great, almost 10 months I guess that
2890 you have been in this role. And while I was born in Mississippi,
2891 my late father was born in Altus, Oklahoma and grew up there,
2892 so we have a great affinity for the state of Oklahoma in my
2893 household. So I appreciate you taking the time to be here and
2894 go through this.

2895 Yesterday, I was appointed chairman of the Subcommittee on
2896 Oversight and Investigations here in Energy and Commerce, an
2897 important responsibility that I will now have and I certainly
2898 don't take that lightly. Many of the matters that we have
2899 reviewed and will review will concern the EPA.

2900 While I cannot comment on the minority's interest and agenda,
2901 I can pledge to my colleagues across the aisle and to you that
2902 I will work with you when at all possible and that in the weeks
2903 ahead I will be reviewing available information with the chairman

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2904 of the full committee and committee staff to determine our
2905 oversight agenda regarding the many agencies under the
2906 committee's jurisdiction including EPA.

2907 I will also work closely with the chairmen of the other
2908 subcommittees to identify issues we think deserve focus and
2909 attention. In addition, I wanted to emphasize that as with all
2910 agencies in the committee's jurisdiction, we do anticipate and
2911 expect that the EPA will cooperate with our inquiries and I hope
2912 you, Administrator Pruitt, will respect our constitutional
2913 prerogatives and will be fully responsive to our inquiries and
2914 requests for information, and I assume we can count on that.

2915 Mr. Pruitt. Yes, Congressman.

2916 Mr. Harper. Thank you.

2917 Mr. Pruitt. And it is good to meet you and I am glad to
2918 hear about your connection to Altus.

2919 Mr. Harper. Thank you so much. You know, the Obama
2920 administration's EPA rule on wood heaters had two steps. Step
2921 one took effect in 2015 that reduced emissions up to 90 percent.
2922 Step two is scheduled to take effect in 2020 and will reduce
2923 emissions a bit more. The 2015 step one has already gone into
2924 effect.

2925 But the wood heater industry, many of them are having great
2926 difficulty developing models that meet the 2020 step two
2927 standards. So one of the things we have looked at is giving more
2928 time in a matter that was actually marked up yesterday to extend

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2929 that by 3 years. Do you believe that it makes sense to give this
2930 industry a little more time to meet the step two standards rather
2931 than seeing companies going out of business and letting workers
2932 go?

2933 Mr. Pruitt. Well, I think it is always helpful,
2934 Congressman, in response to your question, for Congress to provide
2935 those kinds of direction to the Agency, and I am glad to hear
2936 and encourage that this body is looking at that to give us the
2937 path forward in that regard. And as that occurs we will make
2938 sure we work with you to address the issue.

2939 Mr. Harper. You know, many of the customers for these wood
2940 heaters, many of them will be in the rural areas, many low-income
2941 individuals or households. So, you know, it is a feeling I would
2942 assume that you would agree that the EPA needs to make sure that
2943 its rules don't drive up prices unnecessarily.

2944 Mr. Pruitt. I mean all those things have to be considered
2945 in the regulatory process, but I very much appreciate the
2946 congressional response as well on those deadlines.

2947 Mr. Harper. One last thing in the time we have. Last week,
2948 the Oversight and Government Reform Committee held a hearing on
2949 the Regulatory Reform Task Force. During the hearing, Deputy
2950 Associate Administrator Bolen testified that retrospective
2951 review of regulations was nothing new to EPA. What are some
2952 regulations that have been repealed and what are some others that
2953 have been proposed but maybe not yet finalized?

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2954 Mr. Pruitt. Goodness. Are you talking about Brittany
2955 Bolen?

2956 Mr. Harper. Yes.

2957 Mr. Pruitt. And I am not sure. I haven't reviewed her
2958 testimony, but are there any specific rules or areas that you
2959 are concerned about?

2960 Mr. Harper. Just wondering if there is something that you
2961 have got on your radar that we need to be aware of that you are
2962 looking at.

2963 Mr. Pruitt. I mean I think that we have been very, you know,
2964 regulatory reform pursuant to the executive order and that task
2965 force is something that I think is going to be ongoing as we head
2966 into 2018. The agenda that we have spelled out there is very
2967 apparent and I think we have addressed some of those here today.

2968 If there are certain rules or regulations that are of concern
2969 to you or others on the committee, we look forward to that
2970 discussion but I can't point to any particular one that hasn't
2971 been discussed already. My apologies in that regard, but.

2972 Mr. Harper. Administrator Pruitt, we want to thank you for
2973 your time and your insight. We look forward to working with you
2974 in the years ahead. Thank you.

2975 Mr. Pruitt. Thank you, Congressman.

2976 Mr. Shimkus. The gentleman yields back his time. Just an
2977 announcement of my apologies to my colleagues who have been here
2978 for a long time, the committee rules dictate that members who

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2979 don't serve on the committee go by seniority on the full committee.
2980 So with that I recognize the gentleman from Illinois, Mr. Rush,
2981 for 5 minutes.

2982 Mr. Rush. I want to thank you, Mr. Chairman.

2983 And I want to thank you, Administrator Pruitt, for your
2984 attendance here. After your confirmation hearing in January you
2985 were submitted questions for the record asking you to define
2986 environmental justice and whether you considered it a serious
2987 issue. And in your response you seemed to give the issue, in
2988 my opinion, short shrift as you reported as saying that you were,
2989 quote, familiar with the concept of environmental justice, end
2990 of quote.

2991 You then went on to say in a vague way, and I quote you
2992 directly, the administrator plays an important role regarding
2993 environmental justice, end of quote. And this statement you
2994 repeated 11 times in your written response. Then a few months
2995 later, after you took over the Agency, the former Assistant
2996 Associate Administrator for Environmental Justice, Mr. Mustafa
2997 Ali, an individual who worked with my office on several occasions,
2998 Mr. Ali resigned in March after 24 years of service stating that
2999 he did not see any indication that you or the rest of the
3000 Administration are interested in any way in helping vulnerable
3001 communities.

3002 I just want to say this is deeply disturbing to me because
3003 as you know protecting these communities is an essential aspect

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3004 of the EPA's mission and is one that appears to have been, in
3005 my opinion, summarily neglected. So Mr. Administrator, how would
3006 you prioritize EPA's responsibility to protect the nation's most
3007 vulnerable populations from pollution? Is it a high, medium,
3008 or low priority in your -- how would you define it?

3009 Mr. Pruitt. Congressman, thank you for your comments. And
3010 let me say to you it is a priority and I will give you feedback.

3011 Mr. Rush. Is it a high, medium, or low priority?

3012 Mr. Pruitt. It is a very important priority at the Agency,
3013 and I will give you an example. East Chicago, an area that I
3014 am sure you are familiar with, with respect to a Superfund site
3015 there, there are threats to water supply and there is a community
3016 in East Chicago that has faced those threats for a number of years.

3017 I traveled to East Chicago, met with members of the community
3018 there that make up the constituency group, those that have not
3019 had a voice in some of these areas, and met with them about a
3020 progress and an answer on that East Chicago area. In fact, we
3021 have sent staff there multiple times since I left to ensure
3022 progress. So it is something that I consider an important
3023 priority.

3024 I met with internal members of our team as recently as
3025 yesterday, the NEJAC group that meets internal to the EPA on
3026 environmental justice, and we talked about these very issues of
3027 making sure that individuals who historically have not had voice
3028 to impact outcomes with respect to Superfund or other issues that

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3029 we take that seriously and actually take that into account going
3030 forward. So it is something that is an important priority going
3031 forward.

3032 Mr. Rush. So it is an important priority, all right. The
3033 record shows that you -- let me ask you another question then.

3034 The record shows that you have met either in person or by phone
3035 with the API on at least three different occasions, on the 28th
3036 of June, on the 29th, and also on the 6th of November. My question
3037 to you, there is as an individual who is a scientific advisor
3038 for the API and her name is Ms. Una Blake. Are you familiar with
3039 this individual?

3040 Mr. Pruitt. The name doesn't sound familiar, Congressman.

3041 Mr. Rush. So have you had any occasion to discuss her
3042 position on hydraulic fracturing? She indicated that hydraulic
3043 fracking is a health benefit to minority communities, to African
3044 American communities specifically and this is in contrast to NAACP
3045 study that found that many African American communities face an
3046 element of risk of cancer due to air toxic emissions in natural
3047 gas. Are you familiar with the NAACP study?

3048 Mr. Pruitt. The person to whom you refer, I am not familiar
3049 with that person. So I am sorry.

3050 Mr. Shimkus. The gentleman's time has expired. The chair
3051 recognizes the gentleman from Virginia, Mr. Griffith, for 5
3052 minutes.

3053 Mr. Guthrie. Thank you very much, Administrator Pruitt.

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3054 I also want to thank you personally for meeting with me earlier
3055 this year to discuss some of the issues in the 9th congressional
3056 district of Virginia, and I appreciate that you will continue
3057 to work on those. One of those that I think that we talked at
3058 that time but I want to discuss again today dealt with the EPA's
3059 regulations affecting medium and heavy-duty vehicles. Now the
3060 problem that I have is that the prior administration wanted to
3061 regulate both the tractor and the trailer.

3062 But the code says that the motor vehicle which is the area
3063 where the authority comes from, the term motor vehicle means any
3064 self-propelled vehicle designed for transporting persons or
3065 property on a street or highway, and of course a trailer is not
3066 self-propelled. It has to have the tractor component and we make
3067 both in my district. I have Volvo which makes the tractor and
3068 then I have companies that make the trailers and about 2,000
3069 employees just making trailers in my district. So it is a very
3070 important question.

3071 And so I guess what I have to ask is, is that with that reading
3072 of the law -- and look, I have to applaud you all for agreeing
3073 to reconsider those regulations overall, but at some point the
3074 EPA needs to either acknowledge that there is no authority over
3075 the trailers or come and ask Congress for that authority. Do
3076 you know how long it will take before you get to that point?

3077 Mr. Pruitt. And I agree wholeheartedly. I mean it is one
3078 of those areas where the text of the statute is something that

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3079 governs whether we have authority or not and we need to provide
3080 clarity on that and do it soon and advise Congress if there is
3081 a deficiency. So I agree wholeheartedly with your position.

3082 Mr. Griffith. Well, I appreciate that. In fact, one of
3083 the folks there before said that since you had to have goods in
3084 the trailer to move anything that that is how they got authority.

3085 And I made the analogy at the time, well, that gives the EPA
3086 the authority to restrict the weight of the driver because you
3087 can't drive at least at this point until we get to the driverless
3088 trucks. At this point you have still got to have a driver in
3089 the truck and if you are going to get to weights and that kind
3090 of thing on things that aren't self-propelled motor vehicles then
3091 you can do anything.

3092 All right. I do want to talk about some New Source Review
3093 issues and I am concerned that the EPA has been using New Source
3094 Review programs inappropriately in the past as a weapon against
3095 coal-fired power plants using enforcement actions to change the
3096 way the program is supposed to work and making it hard for these
3097 plants to do the type of maintenance projects that are needed
3098 to keep them running reliably and efficiently.

3099 I have introduced legislation to address this problem. A
3100 lot of us are hoping that you will help on this. Can you give
3101 me some yes or no answers to the following questions? One, EPA
3102 has taken New Source Review enforcement actions against
3103 coal-fired power plants because they have taken steps to become

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3104 more efficient. Are you aware of this?

3105 Mr. Pruitt. I am.

3106 Mr. Griffith. And do you think that this is the way the
3107 program is supposed to work?

3108 Mr. Pruitt. I don't.

3109 Mr. Griffith. To be more efficient?

3110 Mr. Pruitt. I don't.

3111 Mr. Griffith. Do you think that a power plant should be
3112 required to go through a long and costly permitting process before
3113 it can do something to improve its efficiency including less
3114 pollutants?

3115 Mr. Pruitt. I don't.

3116 Mr. Griffith. And do you believe that such a requirement
3117 might actually discourage plant owners from doing things to make
3118 their plants more efficient?

3119 Mr. Pruitt. In fact it is happening across the country.

3120 And I would say to you, Congressman, we have a task force. I
3121 mentioned earlier today that Bill Wehrum, who is an AA for air
3122 recently confirmed, there is a task force internal to the Agency
3123 to address NSR steps going forward in 2018. It is a very important
3124 area as you have indicated. There are companies across this
3125 country that seek to invest capital to improve emissions and they
3126 are very concerned if they do that it will trigger new permitting
3127 requirements and it is a disincentive. And that is not the way
3128 that it should work and we are trying to address that and believe

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3129 it is a very important issue.

3130 Mr. Griffith. Well, I appreciate that and look forward to
3131 working with you on that issue because I do believe it is a very
3132 important issue. And while I do represent a coal district, it
3133 is also, I think, important for those who are concerned about
3134 pollution because we are going to continue to need coal well into
3135 the future at least at some percentage level to keep our grid
3136 reliable. And as we use that coal we want to do it more cleanly
3137 and more effectively and more efficiently and to discourage people
3138 from taking on the new technology because it might put them out
3139 of business is not a good idea.

3140 Mr. Pruitt. I mean we should remember that this is really
3141 an issue that affects all utility companies that seek to invest
3142 monies to improve emission outcomes. We celebrate that and
3143 encourage that. We don't want there to be disincentives in place
3144 to impact that adversely.

3145 Mr. Griffith. And I know the technology is changing. I
3146 am going to switch gears on you a little bit. But I know the
3147 technology has changed, but I would like to allay some people's
3148 fears. Every rock, every rock system is a little bit different
3149 and I know that too, but they have been fracking in my district
3150 for probably about 40, 45 years. And so for those people who
3151 are afraid of it, if you have the right rock and you are taking
3152 a look at the ingredients that are being put into that rock, I
3153 think it can be done very safely.

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3154 Mr. Pruitt. I mean to your point, Congressman, hydraulic
3155 fracturing itself is not new technology. It has been around for
3156 decades. And the uniqueness, the shale revolution that has
3157 occurred is largely because of horizontal drilling combined with
3158 the fracking process. So --

3159 Mr. Shimkus. The gentleman's time has expired. The chair
3160 will now recognize the gentlelady from Illinois, Ms. Schakowsky,
3161 for 5 minutes.

3162 Ms. Schakowsky. Thank you, Mr. Chairman. I appreciate
3163 being allowed to be at this hearing today.

3164 Thank you, Secretary Pruitt. I have a number of questions
3165 so I am going to try and push through these. Last Congress,
3166 Assistant Administrator McCabe appeared before the subcommittee
3167 on Digital Commerce and Consumer Protection -- I am the ranking
3168 member there -- to discuss EPA and NHTSA technical assistance
3169 report, the technical analysis that supported the decision to
3170 retain EPA's greenhouse gas standards for the 2022 to '25 model
3171 year cars and light trucks. You reopened the midterm review after
3172 receiving a request from the auto industry in February, and I
3173 have a number of questions that may help me understand why you
3174 agreed to their request.

3175 So first, let me ask you this. Is there a revised technical
3176 report that you used as a basis for reopening the midterm review
3177 of the EPA fuel efficiency standards?

3178 Mr. Pruitt. The reopening, Congresswoman, was to keep

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3179 consistent with what was committed on the midterm review when
3180 it was supposed to happen initially. It was supposed to occur
3181 April of 2018. This was not a change of that date, it was just
3182 a commitment to keep the date that was agreed to at the beginning.

3183 And that date was not -- actually accelerated by the previous
3184 administration, December of '16, January of '17, so this was just
3185 restoring order to the process to make sure that the original
3186 date was upheld and enforced and it occurred in the time it was
3187 supposed to occur initially.

3188 Ms. Schakowsky. Okay. So you are saying there were no
3189 change and is that already closed now again?

3190 Mr. Pruitt. No, the review is ongoing. But the review is
3191 ongoing because the initial commit was April of 2018. So this
3192 is a restoration of process to say that the midterm review should
3193 occur pursuant to April 2018 as originally discussed.

3194 Ms. Schakowsky. Well, my understanding is that it was
3195 already approved in the last Congress. So in answer to my
3196 question, is there a revised technical report that you used as
3197 a basis for reopening and is it --

3198 Mr. Pruitt. The Agency accelerated the review process
3199 inconsistent --

3200 Ms. Schakowsky. All right.

3201 Mr. Pruitt. -- with the original understanding and this
3202 was a restoration of that process.

3203 Ms. Schakowsky. So let me ask you this. I would like to

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3204 know if you agree or disagree with the information your agency
3205 provided to us at that time, that is, last Congress. I don't
3206 have any --

3207 Mr. Pruitt. What timeframe is that? What timeframe would
3208 that be as far --

3209 Ms. Schakowsky. So that was in September of 2016. Do you
3210 have new -- agree or disagree with the information that your agency
3211 did provide, now your agency, provided to us at that time?

3212 Mr. Pruitt. I think my comment is what I said earlier,
3213 Congresswoman. It is consistent with the commitments were made
3214 that the midterm review would occur in April of 2018.

3215 Ms. Schakowsky. Okay. So I am a bit confused, because Ms.
3216 McCabe testified that the EPA found that fuel efficiency
3217 technology development was moving faster than they had expected
3218 and is being implemented in the early years of the program. Has
3219 this finding changed?

3220 Mr. Pruitt. I am not aware, Congresswoman.

3221 Ms. Schakowsky. The EPA found that to meet the proposed
3222 standards automakers do not have to manufacture and sell large
3223 numbers of hybrids and electric vehicles. The Agency projects
3224 that the 2022 through '25 standards can be met largely with more
3225 efficient gasoline powered cars. Has this finding changed?

3226 Mr. Pruitt. That will be part of the review that occurs
3227 in April of '18.

3228 Ms. Schakowsky. So all of these are dependent on a review

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3229 that was opened earlier than expected. In other words you decided
3230 --

3231 Mr. Pruitt. The Agency concluded their process,
3232 Congresswoman, inconsistent with the original timeframe that was
3233 established and we have restored that process. So this review
3234 that you are referring to will occur and culminate in April of
3235 2018.

3236 Ms. Schakowsky. Okay, so we are going to be interested then.
3237 And the transportation sector accounts for a third of the total
3238 greenhouse gas emissions in the United States. With light-duty
3239 truck vehicles making up more the 60 percent of the emission
3240 standards in that sector, the EPA found in that original review
3241 that these standards are a critical part of any program to reduce
3242 greenhouse gases. Would you agree and do you expect that that
3243 finding may change?

3244 Mr. Pruitt. The progress made in the mobile source category
3245 has been significant and the auto industry has made significant
3246 progress over the years. That is why the process matters and
3247 we are going to go through that and it will culminate in April
3248 of '18.

3249 Ms. Schakowsky. And EPA and NHTSA found that the average
3250 cost increase for a car by 2025 due to the standards will be about
3251 \$1,200 and that that cost would be offset by an estimated fuel
3252 cost savings of about \$1,900. Are you aware of that finding that
3253 there would actually be a savings in the cost of a car?

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3254 Mr. Pruitt. The vehicle emissions and efficiencies are
3255 dramatically more than people anticipated several years ago so
3256 there has been great progress as I indicated.

3257 Ms. Schakowsky. The gentlelady's time has expired. The
3258 chair now recognizes the gentleman from Florida, Mr. Bilirakis,
3259 for 5 minutes.

3260 Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate it.
3261 Thanks for letting me sit in on the subcommittee as well. And
3262 I thank you for your testimony, Administrator, and your patience.

3263 Administrator Pruitt, this subcommittee recently held a
3264 hearing regarding the status of the hurricane response in Florida,
3265 Texas, Puerto Rico, and the Virgin Islands. A key issue of
3266 concern was how EPA addressed the Superfund sites both in advance
3267 of and in the wake of the hurricanes. This is a big priority
3268 for me because in my district I have the Stauffer Chemical Company
3269 Superfund site.

3270 I want to thank you for having your staff be so responsive
3271 again during and leading up to the hurricanes as well. I
3272 appreciate that very much. Can you walk us through EPA's process
3273 to secure Superfund sites before and after a hurricane and how
3274 does EPA coordinate with state and local agencies?

3275 Mr. Pruitt. Thank you, Congressman. And there are
3276 assessments that are made in conjunction with governors, Governor
3277 Abbott in Texas, Governor, the Florida governor, Governor Scott.
3278 That is going to be bad because he is going to call me a little

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3279 bit later.

3280 Mr. Shimkus. And I knew it. I am from Illinois, so.

3281 Mr. Pruitt. The governor of Florida and the governor of
3282 Texas, we were in conversations with them leading up to the
3283 hurricanes in both instances to talk about how to secure those
3284 sites. So you have conversations that are ongoing with
3285 responsible parties, the governors in those states, the DEQ, DNR
3286 at the state level.

3287 There is a pre-assessment on whether proper steps are being
3288 taken to secure those sites, and there is constant evaluation
3289 during the storms. And then postscript a determination whether
3290 there has been any release. So it is both a pre-, during, and
3291 post process that occurs with those states and members of our
3292 agency.

3293 Mr. Bilirakis. Okay, thank you. Again the Stauffer --

3294 Mr. Pruitt. Governor Scott is a great governor.

3295 Mr. Bilirakis. And Governor Scott -- I will repeat it.
3296 Governor Scott is a great governor and did a great job during
3297 --

3298 Mr. Pruitt. He is. And I will say he showed tremendous
3299 leadership. In fact, I will tell you with respect to the fuel
3300 waivers that occurred, access to fuel is a key issue for citizens
3301 during those kinds of storms and working with Governor Abbott
3302 in Texas and Governor Scott in Florida we were able to address
3303 that in a proactive way to ensure better access to fuel during

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3304 those storms and Governor Scott was a tremendous leader in that
3305 regard.

3306 So I really commend his leadership, the leadership of the
3307 state of Florida, the DEQ there, but also in the state of Texas
3308 as well.

3309 Mr. Bilirakis. Ditto. I agree. Okay, the current status
3310 of the Stauffer site, the Superfund site that I referred to
3311 earlier, is better than most of the sites on the national priority
3312 list in that the remedy is largely in place and the most recent
3313 5-year review found that the remedy was protective of people and
3314 the environment. I know that not all sites on the National
3315 Priorities List are in such good shape. I have a couple questions
3316 for you about the Superfund cleanup program if I may. Number
3317 one, how does EPA plan to work through the sites on the National
3318 Priorities List and how does EPA prioritize existing sites on
3319 the National Priorities List?

3320 Mr. Pruitt. We have had some changes at the Agency to
3321 address sites that are over \$50 million, because historically
3322 regions have been the primary place where that has been decided
3323 and we have had inconsistency on large sites based upon it being
3324 a region by region evaluation. And so what we did is institute
3325 a change that on sites of over \$50 million, that would actually
3326 be a decision made at headquarters to ensure greater consistency
3327 and uniformity and urgency to address those sites.

3328 So that is ongoing based upon the task force recommendations

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that came out in June of this year, as I previously referred to that. And the other thing we are looking at is to ensure that if we have sites as I indicated earlier that have the ability to be cleaned up partially, you know, where it is a large site and we can make progress, instead of waiting until there is a remedy or proposed remedy for the entire site, we are trying to address those hot spots, if you will, throughout the process to get some clarity and success, if you will, through the cleanup process. So those are just a couple of examples.

But the Superfund program, overall, in my view, has lacked a sense of focus, a sense of leadership and management over making decisions. It is really unacceptable for an agency to take decades to make a decision on how you clean up sites. I would love to tell you that that is an isolated situation at the Agency. It has not been historically.

I have had individuals in the Land and Emergency Management Office that have been in EPA for a number of years that really appreciate how we have vitalized that area and really focused in this and they look forward and are actually making a difference in as early as, you know, the time we have been in there.

Mr. Shimkus. I am going to ask my colleague to yield back that time so we can get -- and also make an announcement that they are going to call votes real soon. We are going to try to drive through our last colleagues. And with that --

Mr. Tonko. Mr. Chair?

3354 Mr. Shimkus. Yes.

3355 Mr. Tonko. Yes, just quickly. If I might ask the Fumes
3356 Across the Fence-Line issued by the Clean Air Task Force and NAACP
3357 referenced by Congressman Rush be entered into the record.

3358 Mr. Shimkus. Without objection, so ordered.

3359 [The information follows:]

3360

3361 *****COMMITTEE INSERT 7*****

3362 Mr. Shimkus. And the very patient Kathy Castor is
3363 recognized for 5 minutes.

3364 Ms. Castor. Well, thank you, Mr. Chairman.

3365 Mr. Pruitt, I appreciate the work that the EPA professionals
3366 out of Region 4, the work they did before and after Hurricane
3367 Irma, so thank you for that.

3368 Mr. Pruitt. They worked very diligently.

3369 Ms. Castor. But clean water and clean air are vital to our
3370 economy in Florida. And I had to choke a little bit when you
3371 called our governor a great governor, because one of the things
3372 -- and I wasn't going to mention this. One of the things he has
3373 done is to deny the rising cost of the changing climate. Florida
3374 is probably one of the most impacted states when it comes to that
3375 looking at flood insurance, property insurance, property taxes
3376 from these extreme weather events and hurricanes.

3377 And I hope that EPA was not taking a page out of Governor
3378 Scott's book. Governor Scott at one point prohibited folks at
3379 our environmental agencies from using the term climate change
3380 at all and also scrubbed websites. And now you have an
3381 unfortunate, now you are laying down that same legacy and I think
3382 that is unfortunate as well. To be great you have to great things
3383 and not -- and work in the public interest and not for private
3384 interests. And --

3385 Mr. Pruitt. I think the Governor did exercise tremendous
3386 leadership during the hurricanes. And --

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3387 Ms. Castor. On climate he has been a denier and that is
3388 a problem and that is going to cost us dearly in the state of
3389 Florida. Mr. Pruitt, prior to becoming administrator of EPA you
3390 served as attorney general of Oklahoma. In that role you sued
3391 the EPA repeatedly, in fact, 14 different times fighting clean
3392 air protections, fighting clean water protections.

3393 And interestingly, the CEO of one private company, Murray
3394 Energy, was a co-plaintiff in eight of the 14 lawsuits. You also
3395 acted with other energy companies and special interests such as
3396 Peabody Energy, Southern Power Company, the American Fuel &
3397 Petrochemical Manufacturers, Oklahoma Gas & Electric, and others.

3398 How many of these groups have you met with during your 10-month
3399 tenure at the EPA?

3400 Mr. Pruitt. Look, the claims that were made by those
3401 companies were separate from the claims of the states --

3402 Ms. Castor. No, just answer that question because we have
3403 limited time.

3404 Mr. Pruitt. -- and the state interest.

3405 Ms. Castor. How many times have you met with those
3406 companies?

3407 Mr. Pruitt. I don't know, Congresswoman.

3408 Ms. Castor. All right, so please submit that information
3409 for the record. These groups also reportedly contributed money
3410 to you or your political action committees. Murray Energy CEO
3411 Bob Murray was a top donor to your Super PAC. In fact, according

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3412 to the National Institute on Money in State Politics, you have
3413 received over \$345,000 in campaign contributions from these
3414 fossil fuel interests.

3415 You previously served two terms as chairman of the Republican
3416 Attorneys General Association, correct?

3417 Mr. Pruitt. That is correct.

3418 Ms. Castor. And Murray Energy donated not only to your Super
3419 PAC but also to the RAGA. In fact, in 2014, press report describes
3420 a, quote, secretive alliance between energy firms and attorneys
3421 general, according to this report, under your leadership at the
3422 RAGA that set up a separate entity called the Rule of Law Defense
3423 Fund which could accept unlimited anonymous donations from
3424 companies benefiting from your lawsuits.

3425 Under this arrangement, fundraising reportedly skyrocketed.

3426 The report also states that quote, the work in Mr. Pruitt's office
3427 has sometimes seemed to blur the distinction between his official
3428 duties and the advancement of his political career. And I have
3429 to be frank. Many of us are very concerned that you continue
3430 to blur the distinction between your official duties and your
3431 political ambitions. You pledged that while you are
3432 administrator you would recuse yourself from any active cases
3433 where Oklahoma is a party/petitioner/intervener; is that correct?

3434 Mr. Pruitt. I have, in fact.

3435 Ms. Castor. So given your extensive history of suing the
3436 Agency you now oversee and the vast amounts of money you have

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3437 raised from the fossil fuel industry, offering to recuse yourself
3438 from only active cases and only cases from where Oklahoma, itself,
3439 is a party is grossly inadequate. So will you commit to recusing
3440 yourself from cases involving your past co-litigants and donors
3441 to the Rule of Law Defense Fund?

3442 Mr. Pruitt. It has not been inadequate according to the
3443 ethics official at the EPA who is a career employee. And that
3444 --

3445 Ms. Castor. So you are saying you will not commit today?

3446 Mr. Pruitt. I follow the advice of counsel.

3447 Ms. Castor. So yes or no, you will not --

3448 Mr. Pruitt. Mr. Chairman, if I may.

3449 Mr. Shimkus. The time is the gentlelady's from Florida,
3450 so.

3451 Ms. Castor. So I understand --

3452 Mr. Pruitt. If I may.

3453 Mr. Shimkus. Well, let the gentlelady ask her question.

3454 Ms. Castor. So if you cannot do that you will cement your
3455 legacy as one who serves the powerful special interests and not
3456 the public interest. I am also deeply concerned that you have
3457 not recused yourself from regulatory proceedings on specific
3458 rules you have previously targeted despite the fact that your
3459 position on the issue is clearly already established. Will you
3460 commit to recusing yourself from rulemakings and other regulatory
3461 actions that were the subject of your past lawsuits?

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3462 Mr. Shimkus. The gentlelady's time has expired. The chair
3463 now recognizes the gentleman from Maryland for 5 minutes.

3464 Ms. Castor. He can answer that.

3465 Mr. Shimkus. The gentlelady's time has expired. The chair
3466 recognizes the gentleman from Maryland.

3467 Mr. Pruitt. No, you don't, Congresswoman. These issues
3468 have been addressed by the ethics official at the EPA.

3469 Mr. Shimkus. The gentleman will suspend. The chair
3470 recognizes the gentleman from Maryland.

3471 Mr. Sarbanes. Thank you, Mr. Chairman. Thank you for being
3472 here, Mr. Pruitt, and staying until the end.

3473 President Trump has promised the American people he and his
3474 administration would drain the swamp in Washington, overturn,
3475 quote, decades of special interest dealing. Do you agree that
3476 as EPA administrator your job is to protect public health and
3477 the environment by serving the public interest and not wealthy
3478 special interests?

3479 Mr. Pruitt. A very key mission of the Agency.

3480 Mr. Sarbanes. Yes.

3481 Mr. Pruitt. Yes.

3482 Mr. Sarbanes. That is a yes answer. The Democracy Reform
3483 Task Force, which I am privileged to chair, has been monitoring
3484 the Administration's progress with respect to draining the swamp.

3485 And as you might suspect from the title of our most recent report,
3486 it is still swamped and it is only getting deeper. We didn't

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3487 want to do this report, but we felt compelled to do it when we
3488 looked at all of the ethical lapses that exist within this
3489 administration.

3490 On March 30th you met with CropLife America which is a trade
3491 association run by several large pesticide companies including
3492 Dow Chemical; is that correct?

3493 Mr. Pruitt. If that is what the calendar reflects.

3494 Mr. Sarbanes. Okay. This was a day after you denied a
3495 science-based petition to ban a widely used pesticide tied to
3496 developmental delays in children and that action was strongly
3497 supported by Dow Chemical, which I will mention donated a million
3498 dollars to President Trump's inaugural committee. On April 26th
3499 you met with Southern Power, one of the nation's largest
3500 coal-burning utilities, and had dinner with Alliance Resource
3501 Partners, a major coal mining company. Is that also correct?

3502 Mr. Pruitt. If that is what the calendar reflects.

3503 Mr. Sarbanes. Well, I think that is what the calendar shows.
3504 Since then, the EPA has announced that the Agency will consider
3505 rolling back rules that protect mining communities from toxic
3506 coal ash, and Alliance Resource Partners CEO donated almost \$2
3507 million to elect the President. I am not mentioning this stuff
3508 as a gotcha thing. I am mentioning it because it really makes
3509 a lot of Americans anxious when you consider the conflicts of
3510 interest that this suggests.

3511 Let me turn now to a topic of importance to my home state

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3512 of Maryland, if I can, the Chesapeake Bay Program. In your
3513 confirmation hearing before the Senate Environment and Public
3514 Works Committee, you commended the state and federal partnership
3515 to restore the Chesapeake Bay and you committed to enforcing the
3516 Bay pollution diet or the TMDLs; is that correct?

3517 Mr. Pruitt. That is correct. In fact, Senator Cardin and
3518 I had wonderful conversations during that process.

3519 Mr. Sarbanes. Yes, I am going to get to that conversation
3520 you had with the senator. Despite the fact that as Oklahoma
3521 attorney general you sued the EPA challenging the Bay TMDLs
3522 previously, you also pledged with Senator Cardin that you would
3523 support the federal government's role in Chesapeake Bay
3524 partnership through funding critically important programs and
3525 supporting the grantmaking role of EPA; is that correct?

3526 Mr. Pruitt. Yes.

3527 Mr. Sarbanes. You would say that is correct. And yet if
3528 you look at the President's fiscal year 2018 budget, it completely
3529 eliminated the Chesapeake Bay Program at EPA. Now we have pushed
3530 back against that, but that is hardly a follow-through on the
3531 pledge that you made to Senator Cardin and the statements that
3532 you made about the Chesapeake Bay Program. So that is not
3533 standing up and enforcing the TMDLs, making the grants that we
3534 need to support Bay restoration. It appears rather that under
3535 your leadership that commitment is being zeroed out.

3536 Mr. Pruitt. I think, Congressman, that the comments that

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3537 I made during the appropriations process should also be
3538 referenced, which I spoke to members of this body as well as the
3539 members of the Senate on the very issue and expressed my
3540 commitment.

3541 Mr. Sarbanes. I appreciate that. What I guess I am looking
3542 for is a follow-through on the original commitment that you made
3543 in the sense of fighting back inside the Administration and saying
3544 programs like the Chesapeake Bay Program are valuable, the funding
3545 needs to be there. Don't just rely on Congress to restore these
3546 things, which by the way we have tried to do on a bipartisan basis
3547 demonstrating the commitment to the program here --

3548 Mr. Pruitt. Those discussions happen.

3549 Mr. Sarbanes. -- but become an ally of ours --

3550 Mr. Pruitt. Those discussions in fact have taken place
3551 historically.

3552 Mr. Sarbanes. -- in that respect. Okay. Well, I
3553 appreciate you continuing to do that. Let me finish real quickly
3554 to speaking to Executive Order 13770, which relates to ethics
3555 commitments by executive branch appointees, which requires,
3556 quote, every executive agency appointed on or after January 20th,
3557 2017, agency employee to be, quote, contractually committed to
3558 an ethics pledge; is that correct?

3559 Mr. Pruitt. Yes.

3560 Mr. Sarbanes. Yes. And that pledge stipulates that
3561 Administration appointees are prohibited for 2 years from the

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date of their appointment from participating in any matter involving specific parties that is directly or substantially related to the former employer or former clients including regulations and contracts.

Executive Order 13770 states that appointees have a 2-year cooling off period in terms of handling matters related to their previous lobbying. But I am concerned that several of your personnel decisions deviate from those guidelines. There is a growing list of appointees at EPA that appear to have substantial conflict.

Mr. Shimkus. The gentleman needs to wrap it up.

Mr. Sarbanes. So I hope that you will bring some real attention to these conflicts as we move forward and I yield back my time. I thank the chairman for allowing us to participate off the committee and I would ask for unanimous consent to submit these Still Swamped --

Mr. Shimkus. Yes. Without objection, so ordered.

[The information follows:]

*****COMMITTEE INSERT 8*****

3582 Mr. Shimkus. And you are welcome. The chair recognizes
3583 the gentleman from Iowa, Mr. Loeb sack, for 5 minutes.

3584 Mr. Loeb sack. Thank you, Mr. Chair. I do appreciate the
3585 opportunity to be here today.

3586 And Administrator Pruitt, I am sorry I haven't been able
3587 to meet you yet, even though I am from Iowa and I know you were
3588 just there last week. Thank you for coming to Iowa. I am sure
3589 that you heard a lot about the RFS while you were there. I know
3590 you have heard a lot about it since you have been administrator.

3591 We have bipartisan concerns in Iowa, as you well know, about
3592 the RFS in making sure that the Administration lives up to what
3593 the RFS demands and what the statute says we should be doing.

3594 And I am a Democrat but I also held the Obama administration
3595 accountable. I probably wore my Do Not Mess with the RFS button
3596 to the White House on one occasion and talked about that with
3597 folks there.

3598 The renewable fuels industry as you know, including
3599 biodiesel, supports over 40,000 jobs in Iowa. And simply put,
3600 I think the RFS works for Iowa. I think it works for America.

3601 I think it works to make sure that our economy grows when it
3602 comes to jobs. I think it works for our environment. And there
3603 is no question that it works for our energy security, because
3604 when we are able to produce biofuels I think that contributes
3605 to a reduction in our dependence on foreign oil and I think that
3606 is really, really critical. It is a security issue as much as

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3607 it is an economic issue. During your confirmation hearing,
3608 you affirmed without question your belief that Congress intended
3609 for the RFS to increase the amount of renewable fuel blended into
3610 our transportation fuel supply, yet on November 30th as you know
3611 you finalized the 2018 RVO that lowers the amount of cellulosic
3612 biofuels called for in the statute and flatlines biodiesel
3613 volumes. I have the numbers in front of me here as well.

3614 How can you explain these actions when it is clear that these
3615 two industries have enormous potential for growth?

3616 Mr. Pruitt. By the way, Congressman, the visit to Iowa last
3617 week was very good. I enjoyed the conversation with your
3618 constituents. I met with my farmers and ranchers on this issue
3619 along with others and it was a very good dialogue. And I
3620 think as you look at the volume obligations you reference
3621 cellulosic, as you know under the statute there is a waiver
3622 authority that is given to the EPA to address production levels.

3623 The most we have ever produced domestically is around 190
3624 million, 190 million gallons of cellulosic. The Agency has
3625 routinely set those levels higher than that and we did this year
3626 as well. I think it was around 280 million gallons of cellulosic.

3627 So it is in excess of production levels that we have seen.

3628 Mr. Loeb sack. After you increased it by 50 million over
3629 your previous proposal, the light proposal.

3630 Mr. Pruitt. That is right.

3631 Mr. Loeb sack. But actually it is down 23 million from last

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3632 year.

3633 Mr. Pruitt. It is, but it is --

3634 Mr. Loeb sack. Far short of what the statute calls for.

3635 Mr. Pruitt. But the statute calls for billions of gallons
3636 to be -- and that waiver authority is there for a reason. Congress
3637 gave it to us to address, you know, real market issues, production
3638 and demand, and that has been utilized in that area. With
3639 biodiesel we did keep it flat. There is some consideration
3640 that it is 2.6 billion as far as capacity, but we never breached
3641 the 2.1 billion in production. In fact, we imported about 700
3642 million gallons last year from Argentina. So that is the reason
3643 those were flatlined and we discussed those numbers in Iowa last
3644 week.

3645 Mr. Loeb sack. And a lot of us that issue is with the logic
3646 of what you are saying, and I understand what you are saying and
3647 I have heard that from Gina McCarthy as well as from you. But
3648 I think a lot of us in Iowa and other places have real concerns
3649 about the logic of those statements. I will move on.

3650 When it comes to the Reid vapor pressure issue, I know that
3651 is something that EPA is looking into. I have introduced
3652 legislation along with Adrian Smith, bipartisan legislation --
3653 that is what is great about the RFS, I think, is we have bipartisan
3654 support for the RFS -- to lift the restrictions on the sale of
3655 E15 in the summer months. I am a strong supporter of doing that.

3656 And this is something as you know that will put more biofuels

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3657 into the market. It will help to stabilize the RIN market as
3658 well, I believe, create jobs, support farmers, and quite frankly
3659 I think consumers are demanding it. I think if we had more
3660 infrastructure out there, if we had more opportunities for E15,
3661 I know at least in Iowa but I think around the country, folks
3662 would in fact buy the E15.

3663 I know you have talked about a legislative fix achieving
3664 that goal. Members of this Administration including your deputy
3665 administrator have indicated that the RVP fix can be made through
3666 the administrative process through EPA and that EPA is committed
3667 to completing the analysis. Can you update us at this point where
3668 you are in that analysis?

3669 Mr. Pruitt. Well, I am not sure to whom you refer as far
3670 as the deputy, but I will say to you that I have been personally
3671 involved in the evaluation of the statutory authority for us to
3672 grant a national waiver 12 months a year and it is something we
3673 are evaluating, but that has not been concluded yet.

3674 Mr. Loeb sack. I really hope that you will move in that
3675 direction, then we wouldn't have to have a legislative fix. It
3676 is clear that the demand is there for that and it is clear that
3677 I think what was done previously by the EPA was the wrong way
3678 to go. So I would look forward to you moving forward on that.

3679 Mr. Pruitt. What I would say to you is I appreciate that
3680 and I would say to you that as I shared with the folks there in
3681 Iowa on Friday, if the statute permits us to do that we will proceed

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3682 that direction, if it doesn't we will advise Congress.

3683 Mr. Loeb sack. All right, thank you very much. And thank
3684 you, Mr. Chairman.

3685 Mr. Shimkus. The gentleman yields back. I thank my
3686 colleagues. Seeing no further members wishing to ask questions,
3687 I would like to thank our witness again for being here.

3688 Mr. Pruitt. Thank you, Chairman.

3689 Mr. Shimkus. We have a unanimous consent request. Earlier
3690 today we entered into the record a 2012 letter response to the
3691 committee from Administrator McCarthy regarding policy decisions
3692 concerning the use of particulate matter. This information was
3693 also entered into the record of an EPA hearing last year along
3694 with the initial committee letter and EPA's supplemental
3695 response.

3696 To ensure this hearing is just as complete, I ask unanimous
3697 consent to enter the full correspondence surrounding that letter
3698 into the hearing record as well. Without objection, so ordered.

3699 [The information follows:]

3700

3701 *****COMMITTEE INSERT 9*****

3702 Mr. Shimkus. Pursuant to the rules, I remind all members
3703 that they have 10 business days to submit additional questions
3704 for the record and ask the witnesses to submit their responses
3705 within 10 days of receipt of the questions. Without objection,
3706 the committee is adjourned.

3707 [Whereupon, at 4:34 p.m., the subcommittee was adjourned.]