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THE FISCAL YEAR 2019 ENVIRONMENTAL

PROTECTION AGENCY BUDGET

THURSDAY, APRIL 26, 2018

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).

Also present: Representatives Long, Costello, Bilirakis,

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Lance, Griffith, Rush, Eshoo, Schakowsky, Butterfield, Castor, Sarbanes, Welch, Lujan, Loeb sack, Kennedy, and Engel.

Staff present: Jennifer Barblan, Chief Counsel, Oversight & Investigations; Mike Bloomquist, Staff Director; Samantha Bopp, Staff Assistant; Daniel Butler, Staff Assistant; Karen Christian, General Counsel; Kelly Collins, Legislative Clerk, Energy/Environment; Jerry Couri, Deputy Chief Counsel, Environment; Jordan Davis, Senior Advisor; Lamar Echols, Counsel, Oversight & Investigations; Wyatt Ellertson, Professional Staff, Energy/Environment; Margaret Tucker Fogarty, Staff Assistant; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, Oversight & Investigations, Digital Commerce and Consumer Protection; Jordan Haverly, Policy Coordinator, Environment; Zach Hunter, Director of Communications; Peter Kielty, Deputy General Counsel; Bijan Koohmaraie, Counsel, Digital Commerce and Consumer Protection; Tim Kurth, Deputy Chief Counsel, Communications & Technology; Ben Lieberman, Senior Counsel, Energy; Ryan Long, Deputy Staff Director; Milly Lothian, Press Assistant and Digital Coordinator; Mary Martin, Chief Counsel, Energy/Environment; Drew McDowell, Executive Assistant; Brandon Mooney, Deputy Chief Counsel, Energy; Annelise Rickert, Counsel, Energy; Peter Spencer, Senior Professional Staff Member, Energy; Jason Stanek, Senior Counsel, Energy; Austin Stonebraker, Press Assistant; Hamlin Wade, Special Advisor, External Affairs;

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49 Andy Zach, Senior Professional Staff Member, Environment;
50 Michelle Ash, Minority Chief Counsel, Digital Commerce and
51 Consumer Protection; Priscilla Barbour, Minority Energy Fellow;
52 Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority
53 Chief Environment Counsel; Jean Fruci, Minority Energy and
54 Environment Policy Advisor; Tiffany Guarascio, Minority Deputy
55 Staff Director and Chief Health Advisor; Caitlin Haberman,
56 Minority Professional Staff Member; Rick Kessler, Minority Senior
57 Advisor and Staff Director, Energy and Environment; Jourdan
58 Lewis, Minority Staff Assistant; John Marshall, Minority Policy
59 Coordinator; Jon Monger, Minority Counsel; Kaitlyn Peel, Minority
60 Digital Director; Alexander Ratner, Minority Policy Analyst; Tim
61 Robinson, Minority Chief Counsel; Michelle Rusk, Minority FTC
62 Detailee; Andrew Souvall, Minority Director of Communications,
63 Outreach and Member Services; Tuley Wright, Minority Energy and
64 Environment Policy Advisor; C.J. Young, Minority Press Secretary;
65 and Catherine Zander, Minority Environment Fellow.

73 Mr. Shimkus. The subcommittee will come to order. Before
74 we begin, I would like to take a moment to address the guests in
75 our audience. First of all, thank you for coming. We think
76 engaged citizens are a welcome and valuable part of the political
77 process. I only wish every hearing drew this much interest.

78 The purpose of this hearing is to hear from the Administrator
79 of the EPA on important matters currently before the Agency
80 including the subcommittee's continued interest in the workings
81 of the Environmental Protection Agency. It is an opportunity for
82 the subcommittee to ask questions and have a thoughtful discussion
83 on these issues. The number of people in the audience this
84 morning demonstrates the strong interest in these topics and we
85 welcome that interest and your attendance today.

86 I do want to remind our guests in the audience that the chair
87 is obligated under the rules of the House and the rules of the
88 committee to maintain order and preserve decorum in the committee
89 room. I know that we have deep feelings on these issues and that
90 we may not agree on everything, but I ask that we abide by the
91 rules and be respectful of our audience members, our viewers, and
92 our witnesses.

93 The chair appreciates the audience's cooperation to
94 maintaining order as we have a full discussion on these important
95 issues. And I would like to recognize myself for 5 minutes for
96 an opening statement.

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97 Good morning, Administrator Pruitt, and welcome back to the
98 Environment Subcommittee. I am glad you are here today and look
99 forward to our discussion. From a policy perspective and from
100 my seat outside the Agency, I am generally pleased with the
101 direction you are taking at the EPA. As I mentioned when you were
102 here 5 months ago, the American people don't want ideologues
103 rewriting or reinterpreting our laws, they expect and deserve
104 folks at agencies like the EPA who will faithfully implement what
105 Congress has passed.

106 I am especially happy with the reinvigorated Superfund
107 program and in particular, after more than 20 years on the National
108 Priorities List, I am very glad to see progress finally being made
109 on the West Lake Landfill which we have talked about numerous
110 times. Superfund sites are a tangible environmental and public
111 health problem that may pose multiple immediate threats.

112 One of the bills I worked on when I joined this committee
113 was to help make the Superfund program operate more rationally,
114 so to see that you also care about this program is important to
115 me. I also want to applaud your initiative to look at the EPA's
116 workforce and identify ways to make the Agency more efficient and
117 effective. As I mentioned back in December, this exercise,
118 sadly, has not been undertaken in more than 20 years. I believe
119 a lack of consistent review can lead to complacency or foster
120 regulatory overreach and I look forward to learning more about

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efforts to reshape the bureaucracy.

As the author of the changes to Title I of the Toxic Substances Control Act, I also want to commend you for reducing the backlog of applications for new chemicals. I understand the backlog has crept back up by one-third of its normal level, but I look forward to seeing what actions you take including the use of new user fees to help EPA operate its new chemicals review process more expeditiously.

Finally, I am glad to hear that the regulatory process you are running is not looking to short-circuit public comment. Past administrations have issued enforceable guidelines or employed other tricks to get their way on policy when many Americans and their representatives in Congress may have disagreed.

Now as public servants our jobs are not based solely on the things we do or the things we have done, but also the way we conduct our business. It is no secret that there have been many stories in the press about the management and operation to the Agency and your dealings with potentially regulated sectors. I consider much of this narrative to be a distraction, but one this committee cannot ignore.

I look forward to hearing your side of the story on the rumors and allegations you are facing. Before yielding back my time I want to make a couple of environmental budget and policy observations. First, even though federal law requires the

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145 President to propose a budget, the U.S. Constitution vests the
146 actual budget and spending authority with the Congress,
147 particularly the House of Representatives. Second, the
148 President's budget was released on February 12th, 2018 without
149 full knowledge what Congress would do in the Consolidated
150 Appropriations Act that became law 6 weeks later. Had the
151 Administrator joined us in February or March, he would not have
152 had to face this dynamic. But regardless of what members think
153 of the administration's budget proposal, I hope today they will
154 remember our own role in the budget and spending debate.

155 Finally, I want to say something about administrative
156 efforts regarding transportation fuels. Recently, the White
157 House is engaged with the EPA and Department of Agriculture to
158 consider administrative changes to the Renewable Fuel Standard.
159 I take these efforts quite seriously, not only as subcommittee
160 chairman but also as a representative of a corn and soybean growing
161 district in southern Illinois that also happens to have two oil
162 refineries.

163 I believe that no matter how well intentioned any regulatory
164 effort may be, the only way to get a lasting solution, especially
165 one that will not spend more time in court than on the books, is
166 by having Congress settle this issue by statute. I urge you, Mr.
167 Administrator, and the other members of the executive branch to
168 patiently work with us in good faith on a legislative solution

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169 to the Renewable Fuel Standard.

170 With that I have 50 seconds left. Seeing no one wishing that
171 time, I yield back the balance of my time and recognize the ranking
172 member of the subcommittee, the gentleman from New York, Mr.
173 Tonko, for 5 minutes.

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

175

176 *****INSERT 1*****

Mr. Tonko. Thank you, Mr. Chair. We are here today to discuss EPA's budget for fiscal year 2019. The President has called for a nearly 30 percent cut at EPA which would severely impair the Agency's ability to fulfill its mission, to safeguard public health, and our environment. We know all too well the costs of failing that mission, of the pain of communities, of children and families who suffer illness resulting from pollution in their air and water. So yes, I am concerned that EPA is increasingly allowing polluters to set the agenda and threaten public health with minimal accountability.

Under Administrator Pruitt, common-sense public health and environmental protections are being slated for elimination with no regard for scientific evidence and little justification beyond the wishes of regulated entities. These actions include reopening clean car standards without any mention of health or pollution, continuing to repeal the Clean Power Plan and dismissing the science of climate change, implementing TSCA reform that ignores bipartisan congressional intent, and a number of attempts to undermine the Clean Air Act.

I expect the courts will agree that many, if not all, of these actions are unjustified. In addition, I am troubled by the dismissal of science by the Agency's political leadership. Hundreds of scientists have left EPA with no apparent plan to replace them. Expertise on the science advisory boards has been

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eroded and the recently proposed rule to undermine the use of science in rulemakings will severely limit the Agency's ability to safeguard public health.

I know many career employees at EPA simply want to work hard to ensure the air we breathe is clean and the water we drink is safe. To them I say thank you. But the Agency's political leadership is pursuing a different agenda and the mounting evidence of serious ethics violations, incredible investigations at the highest level cannot go unscrutinized. Mr. Chair, I value this subcommittee's bipartisan record. There are times that we disagree, but we have worked through tough issues together and are often able to find bipartisan balance. I know there are those in the majority who support rollbacks of EPA rules, but all of us should be troubled by the numerous reports of misuse of taxpayer dollars and apparent conflicts of interest that have made the Administrator a frequent subject of investigation.

I am of course referring to the Administrator's pattern of wasteful spending on luxury travel, personal security and yes, office upgrades. To say nothing of his well-documented sweetheart rental from a lobbyist with business before EPA and huge unapproved raises for top political staff, amongst others. Perhaps most concerning have been the reports of retaliation against employees both career and political that have dared to question Administrator Pruitt's most troubling abuses and

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225 expenditures. And in almost all cases, the more we have learned
226 the worse they get.

227 At this point we must ask if the Inspector General will have
228 the resources needed to investigate the Administrator's seemingly
229 endless misconduct. At the heart of all these issues is an
230 apparent pattern of an administrator refusing accountability and
231 putting personal and special interests ahead of the American
232 people. I would ask my colleagues on the other side of the aisle
233 to imagine, if a Democrat acted in this manner would you stand
234 for it? I think the answer is clear you would not. My colleagues
235 and I may disagree about many of the policy decisions coming out
236 of this EPA, but one thing I hope we can agree on is that we cannot
237 afford to turn a blind eye to the reports of this Administrator's
238 fiscal mismanagement and abuse of his position.

239 Mr. Administrator, the evidence is clear. You have failed
240 as a steward of American taxpayer dollars and our environment.
241 You claim to believe in the mission of the EPA, but your actions
242 including your mistreatment of EPA's dedicated career staff tell
243 a very different story. Evidence from your time in state
244 government should have made this obvious, but only in recent weeks
245 have we come to fully understand the extent of your political
246 ambitions, your tendency to abuse your position of personal gain,
247 and to advance the agendas of your political benefactors and what
248 appears to be a propensity for gift.

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249 But, most importantly, your conduct as Administrator has
250 demonstrated a lack of respect for American taxpayers and the
251 Agency you were appointed to lead and has affirmed the regrettable
252 but inevitable conclusion that you were never fit for this job
253 and your refusal to provide any serious transparency, accept any
254 accountability, or show even the slightest contrition is
255 inexcusable.

256 Mr. Chair, no one is above the law. Congress must hold this
257 Administrator accountable on behalf of the American people, and
258 I hope our committee can continue to investigate and bring the
259 truth of these important issues to light in a bipartisan manner.
260 With that I yield back.

261 Mr. Shimkus. The chair thanks the gentleman. The chair now
262 recognizes the Chairman of the full committee, Greg Walden from
263 Oregon, for 5 minutes.

264 The Chairman. Thank you, Mr. Chairman.

265 Mr. Pruitt, welcome back to the House Energy and Commerce
266 Committee. As you know, we scheduled this hearing to focus on
267 the EPA's policy and budget priorities some time ago, but you
268 surely understand that members on both sides of the aisle have
269 some serious questions about the management and operations of the
270 Agency. We expect you to answer these questions fully and
271 truthfully.

272 I am concerned that the good progress being made on policy

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front is being undercut by allegations about your management of the Agency and use of its resources. These issues are too persistent to ignore and I know many members are looking forward to hear more clarity from you today. You will have ample opportunity to help provide us with any information that can help answer these questions. Additionally, there are numerous ongoing investigations into these issues and I want you to commit to the committee that you will provide us with all the same information you provide to the EPA Inspector General and other congressional committees.

Having said that, let me also say that I appreciate your good work to focus EPA on the mission Congress has tasked it with in statute, that being clean air for Americans to breathe, safe water for our citizens to drink, and soils free from pollution. As an example, I want to commend your efforts to reinvigorate the Superfund program and specifically to accelerate the cleanup of the Willamette River at the Portland Harbor. This has gone on long enough and you stepped in and made a difference to the satisfaction of the people of Portland, Oregon. And even some of your most liberal detractors applaud your efforts on this critical cleanup and I thank you for taking the lead.

I also appreciate your desire to rebalance the power between Washington, D.C. and the states making our efforts more efficient and helping deliver tangible results to communities across the

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country. To truly succeed we need stronger local, state, federal, and private partnerships where we can team up and leverage all available resources to accomplish the goals of cleaner water, cleaner air, and cleaner soils. Importantly, I appreciate your stated commitment to administer the law as Congress intended and to have the Agency concentrate on its statutory obligations under environmental and public health laws as well as the Administrative Procedures Act.

Bringing new transparency to your public processes, especially when it comes to the data and science that underpins policies, is truly a welcome change from past EPAs. Mr. Administrator, too many of your predecessors believed a clean environment was also incompatible with a healthy economy. I share your view that we can and must have both in America. We need common sense regulation that protects the public, actually cleans up the environment, and does so in a way that does not unnecessarily suffocate the economy. I believe the EPA should focus on innovative problem solving and partnership with states, the private sector, and other stakeholders that leverage their resources and expertise.

I look forward to our discussion today about the Agency's budget and the EPA's direction now and in the future.

As with our hearing with you 5 months ago, I remain interested in the goals you are establishing for the programs at EPA and the

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metrics you intend to use to measure their progress.

Particularly, I noticed objective number 5 in the proposed budget discusses staffing and internal management issues. It is important that EPA not be bloated, but it is essential that EPA have the staff with proper expertise, implementing and enforcing programs that correlate with their experience; finding that critical staffing balance is one of the most important roles of anyone given the enormous task of managing a large, taxpayer-funded enterprise.

Finally, I want to applaud those objectives in the Agency's budget that reduce red tape result in the regulated community better knowing what is expected of them and promoting prompt, even, and fair enforcement of the law. I look forward to learning more about all of that today. So I thank you for joining us again before the Energy and Commerce Committee and I look forward to your testimony.

With that Mr. Chairman I yield back the balance of my time.

[The prepared statement of Mr. Walden follows:]

*****INSERT 2*****

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341 Mr. Shimkus. The gentleman yields back the balance of his
342 time. The chair now recognizes the ranking member of the full
343 committee, Congressman Pallone from New Jersey, for 5 minutes.

344 Mr. Pallone. Thank you, Mr. Chairman.

345 Administrator Pruitt has brought secrecy, conflicts of
346 interest, and scandal to the EPA. In any other administration,
347 Republican or Democrat, you would be long gone by now. So far,
348 140 House Democrats have signed on to a resolution introduced by
349 Ms. Castor expressing no confidence in you, Mr. Pruitt.
350 Additionally, four Republican House members have also called on
351 you to step down.

352 And the voices are growing. Just look at the critiques from
353 former Bush EPA Administrator and New Jersey Governor Christine
354 Todd Whitman who called Administrator Pruitt's tenure, and I
355 quote, a slap in the face to fiscal responsibility and responsible
356 governance, and said also that evidence is abundant of the
357 dangerous political turn of an agency that is supposed to be guided
358 by science. Another former Republican EPA Administrator William
359 Reilly called Administrator Pruitt, and I quote, a third-rate
360 ideologue.

361 Past administrators of both parties believed in the EPA's
362 mission and understood that they had been given a sacred trust
363 by the people of our country. Unfortunately, this is not the case
364 with you, Mr. Pruitt. Clearly, you do not believe in EPA's

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mission and appear to have forgotten that you are here to serve all the American people, not merely a select few or just yourself. And the fact is, Administrator Pruitt has used this office as nothing more than an opportunity to either enrich himself or his corporate friends and President Trump seems to be perfectly fine with all these actions. So much for draining the swamp.

When we met in December, you pledged to be more transparent. You promised to do a better job providing technical assistance, sending witnesses to hearings, and responding to congressional requests. But you have followed through on none of these promises. What you have done is generate scandal after scandal. When confronted about them you have repeatedly failed to take responsibility for your actions and instead you have blamed your staff, your security detail, your critics, pretty much anyone but yourself, and you are accountable for your agency and all of these scandals, in my opinion. The buck stops at your desk.

There are so many outstanding questions that we need truthful answers to today but because so far we have only gotten half-truths, misleading answers, or outright falsehoods. For instance, you rented a condo at well below market value and then emphatically claimed on Fox News that your landlord's lobbyist husband had no business before the EPA, a statement that was proven to be untrue. And it is that kind of conduct that prompted Ranking Members Tonko, DeGette, and vice Ranking Member Castor and I, to

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389 request that you be placed under oath for this hearing and that
390 it be expanded to include the Oversight and Investigations
391 Subcommittee.

392 The Chairman did not agree to that request, but I would remind
393 you what Chairman Walden said to the press when he declined our
394 request. He said, lying to Congress is a crime regardless of
395 whether or not you are sworn in. So now committee Republicans
396 have conveniently told the press that they are investigating you
397 for some of your outrageous ethical abuses, yet I have seen no
398 evidence from committee Republicans that that is really
399 happening.

400 Fortunately, committee Democrats have been demanding
401 answers and five independent federal investigations are now being
402 done into your conduct at our request. Yesterday, I joined with
403 Ranking Member Cummings of the Oversight and Government Reform
404 Committee to request an additional investigation by the Office
405 of Special Counsel into your troubling pattern of apparently
406 retaliating against EPA employees who question your extravagant
407 spending and I am confident that these investigations will affirm
408 what I have come to believe is true that you are unfit to hold
409 public office and undeserving of the public trust.

410 And I don't say those words, you know, because I particularly
411 dislike you or, you know, hold you in ill repute. I just think
412 that every indication we have is that you really should resign

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413 and you are undeserving of the public trust. And I yield back,
414 Mr. Chairman. Thank you.

415 Mr. Shimkus. The gentleman yields back his time. We now
416 conclude with members' opening statements. The chair would like
417 to remind members that pursuant to committee rules, all members'
418 opening statements will be made part of the record.

419 We would also now like to thank and welcome our distinguished
420 witness, U.S. EPA Administrator Scott Pruitt, for being here
421 today. You will have an opportunity to give an opening statement
422 followed by a round of questions by members. You are joined by
423 the Honorable Holly Greaves, Chief Financial Officer. Welcome
424 to you also, we appreciate you being here.

425 And, Mr. Administrator, we now recognize you for 5 minutes
426 for your opening statement.

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STATEMENT OF THE HONORABLE E. SCOTT PRUITT, ADMINISTRATOR, U.S.
ENVIRONMENTAL PROTECTION AGENCY

Mr. Pruitt. Well, good morning to you, Mr. Chairman, Ranking Member Pallone, members of the committee, it is good to be with you today and I appreciate the opportunity to discuss these matters that you have raised.

There is consequential and important work being done at the EPA since the beginning of the Trump administration both in terms of improved environmental outcomes as well as substantial regulatory reform. We are stripping burdensome costs from the American economy at an unprecedented pace and we are doing this while inspiring confidence in the American people that it is government going to work with them as opposed to against them, to achieve harmony between jobs and growth and environmental stewardship.

In the short time of the Trump administration we have made enormous progress as far as improved environmental outcomes. These are just a few: We have removed over three times the number of polluted sites in contaminated communities across the country as compared to the previous administration for 2017, and for 2018 we are on pace to remove as many as ten times the number of polluted sites. We are working cooperatively with the states to improve air quality through the approval of 350 state improvement plans.

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451 And with regard to water we are leading a multiagency approach
452 that has set a goal of eradicating lead from our drinking water
453 within 10 years, largely through the utilization of a tool that
454 you provided, WIFIA. It is my goal to prioritize applications
455 for critical water infrastructure over the 10 years to hopefully
456 see four billion a year dedicated to the replacement of lead
457 service lines in order to reduce lead in our drinking water.

458 President Trump has set an ambitious goal for the EPA under
459 his administration and our measurable achievements are a
460 testament to the effectiveness which a results-driven EPA can
461 achieve. President Trump did not only task us with accomplishing
462 the core mission of the EPA acting more efficiently and more
463 effectively than ever before, he also demanded comprehensive
464 regulatory reform. That transformational change is happening.
465 In just 1 year, the Trump administration has saved the American
466 people almost \$8 billion in regulatory savings. And the EPA alone
467 is responsible for nearly two dozen regulatory actions, saving
468 Americans one billion of that eight billion in regulatory cost.

469 These actions are providing America's job creators with the
470 regulatory clarity they deserve. By repealing and replacing the
471 so-called Clean Power Plan we are ending a one-size-fits-all
472 regulation on energy providers and restoring rule of law. By
473 rescinding and rewriting the 2015 Waters of the United States rule
474 we are ending Washington's power grab over land use decisions

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475 across the country. It is indisputable that we have made enormous
476 progress in advancing President Trump's reform agenda and pruning
477 back decades of regulatory overreach that was unnecessary,
478 burdensome, and ultimately harmful to hardworking Americans
479 across the country.

480 When the President nominated me to this position I believed
481 the work was going to be impactful and it has been and tremendous
482 progress has been made. But I did not expect the work to be easy
483 and I knew there would be meaningful opposition. However, as I
484 sit before you today, I recognize there have been very troubling
485 media reports over the past few weeks. I promise you that I, more
486 than anyone, want to establish the hard facts and provide answers
487 to questions surrounding these reports.

488 Let me very clear. I have nothing to hide as it relates to
489 how I have run the Agency for the past 16 months. I am not afraid
490 to admit that there has been a learning process and when Congress
491 or independent bodies of oversight find fault in our
492 decision-making I want to correct that and ensure that it does
493 not happen again. Ultimately, as the Administrator of the EPA,
494 the responsibility for identifying and making changes necessary
495 rests with me and no one else. With that being said, facts are
496 facts and fiction is fiction and a lie doesn't become truth just
497 because it appears on the front page of a newspaper. Much of what
498 has been targeted towards me and my team has been half-truths or

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499 at best stories that have been so twisted they do not resemble
500 reality. And I am here and I welcome the chance to be here to
501 set the record straight in these areas.

502 But let's have no illusions about what is really going on
503 here. Those who have attacked the EPA and attacked me are doing
504 so because they want to attack and derail the President's agenda
505 and undermine this administration's priorities. I am simply not
506 going to let that happen. I look forward to your questions today
507 and thank you, Mr. Chairman.

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

509

510 *****INSERT 3*****

511 Mr. Shimkus. The gentleman yields back his time. The chair
512 thanks the Administrator. I will start the series of questioning
513 and I will recognize myself for 5 minutes for the first round.

514 We have obviously a lot of media presence here. I have been
515 asked the last couple days what am I going to do, what am I going
516 to say, and I said, well, I am going to talk policy and stewardship.
517 So half my 5 minutes is going to be on a policy issue, and hopefully
518 that will save some time for us to talk about some stewardship
519 issues.

520 Since you last testified before the subcommittee, the White
521 House has hosted a number of meetings, some of which have included
522 you and other Cabinet officials, senators, and various
523 stakeholders, to discuss changes in the Renewable Fuel Standard.
524 As I alluded to in my opening statement, those potential
525 administrative actions hang like the sword of Damocles over
526 efforts on Capitol Hill to reach an enduring, legislative solution
527 to the problems of that program.

528 Are any of these administrative changes imminent, or will
529 you commit to allowing Congress time to work on a legislative
530 solution?

531 Mr. Pruitt. Well, Mr. Chairman, I think both are important
532 and I do think there are some regulatory options that we can
533 pursue. Many have talked about transparency as an example with
534 respect to the trading platform and the RFS trading platform, how

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535 long you can hold a RIN as an example, who can buy, who can sell
536 RINs. There are those kinds of, I think, evaluations that we can
537 engage from a regulatory perspective. And as you know there is
538 also consideration about the RVP waiver and the E15 being allowed
539 year around.

540 I think that is something, it is a legal determination. It
541 is not a policy determination. And we have been earnest the last
542 several months evaluating that in hopes that we can get to a
543 conclusion on our ability to take those kinds of actions. But
544 I really believe that Congress's role in this is terribly
545 important because as you look at the issues that we are facing
546 with respect to the Renewable Fuel Standard and the viability of
547 the RINs platform we need both Congress and our regulatory
548 responses to be working together.

549 Mr. Shimkus. Well, let me just tell you from my perspective
550 what happens as we are trying to get our disparate groups together
551 is that every time someone gets hauled down to the White House
552 the other side goes crazy. And then, you probably get to see the
553 same thing, the other side gets hauled down and the other side
554 goes crazy. And we are trying to get everybody in the room and
555 that is the perspective that I come from.

556 The follow-up on this is what actions, if any, are you taking
557 now to prepare for the Renewable Fuel Standard post 2022?

558 Mr. Pruitt. Well, as you know under the statute we have an

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ability to reset those volume obligations and we are evaluating that. There is a cap of 15 billion for conventional presently. But another area Mr. Chairman that I know you have been interested in is high octane. And with respect to it was mentioned in some other comments about the CAFÉ standards, there needs to be a serious consideration of use pursuing as a country fuel choices and options to meet those CAFÉ standards and provide high octane as an option to the American people. I think there is a potential that will serve both the ag sector as well at the auto sector and consumers across this country that we could pursue together.

Mr. Shimkus. Well, thank you. Now I want to move to the administrative portion of my two questions. Obviously you have already alluded to and some of my colleagues have alluded to all the recent stories and issues and your willingness to set the record straight. So in my minute and 45 seconds left I want to give you the time to address those as you will.

Mr. Pruitt. Well, I think, Mr. Chairman, as I indicated in my opening comment, I want to address each of these respective issues and provide information and we will work with Congress both with Oversight as well as this committee to provide any and all information that helps answer those questions. Those have been a distraction to our agenda, I think the congressman mentioned that earlier, and that troubles me. Ultimately, as Administrator of the EPA, I have to take responsibility to make changes internal

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583 to the Agency to get accountability in our processes to ensure
584 that in each of these areas we get better results and that we show
585 the American people that we are committed to being good stewards
586 of taxpayer resources, staying true to our mission at the Agency,
587 which I believe that we are and have, and I am committed to doing
588 that. That is why I am here to talk to you about it today.

589 Mr. Shimkus. I thank the Administrator and I yield back my
590 time and now turn to the ranking member of the subcommittee, Mr.
591 Tonko, for 5 minutes.

592 Mr. Tonko. Thank you, Mr. Chair. Recently it came out that
593 two EPA employees who came with you to Washington from Oklahoma
594 were given significant raises over the White House's objection.
595 When you were interviewed by Ed Henry on Fox News you claimed to
596 have been unaware of those raises. At the time, Ed Henry asked
597 you whether you intentionally went around the White House or
598 whether you simply had no idea what your staff was up to.

599 The EPA Inspector General is looking into those raises and
600 last week the IG released preliminary information showing that
601 the forms to grant the raises were signed by your chief of staff,
602 Mr. Ryan Jackson, who wrote that he was signing on your behalf.
603 This is your opportunity to set the record straight. Did you,
604 Administrator, authorize Mr. Jackson to sign those documents for
605 you?

606 Mr. Pruitt. Congressman, those were delegated to Mr.

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607 Jackson and the Inspector General did reference that in his
608 management alert and he recognized the authority.

609 Mr. Tonko. So you did authorize him then to sign them?

610 Mr. Pruitt. Those decisions, that decision was made by my
611 chief of staff.

612 Mr. Tonko. Yes or no, did you authorize him?

613 Mr. Pruitt. There are delegations giving him that
614 authority.

615 Mr. Tonko. So that is a yes.

616 Mr. Pruitt. The Inspector General recognized that,
617 Congressman.

618 Mr. Tonko. So you authorized Mr. Jackson to sign those
619 documents for you. In internal emails, Sarah Greenwalt, one of
620 the aides who received a substantial raise, stated that you were
621 aware of and supported the raises. Was that true?

622 Mr. Pruitt. I think with respect to the raises what is
623 important --

624 Mr. Tonko. Was that true?

625 Mr. Pruitt. Congressman.

626 Mr. Tonko. I have 5 minutes so I have to move along.

627 Mr. Pruitt. I was not aware of the amount nor was I made
628 aware --

629 Mr. Tonko. Not the amount, were you aware of the raises?

630 Mr. Pruitt. I was not aware of the amount nor was I aware

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631 of the bypassing or the PPO process not being respected.

632 Mr. Tonko. Well, then I am concerned that you have no idea
633 of what is going on in your name at your agency especially on an
634 issue already under IG investigation. You have spent this week
635 claiming to champion transparency, but on Tuesday you blocked the
636 press from attending an event where you announced a new proposal
637 that will severely limit the Agency's use of public health studies
638 in policymaking.

639 When internal emails came out about this new policy last
640 week, they revealed that it had been developed entirely by
641 political staff, seemingly without a robust outside stakeholder
642 process, and once the press started covering those emails they
643 were removed from the Agency's public FOIA portal. I do not know
644 if you were personally involved in the decision to remove those
645 emails, but it certainly was not transparent.

646 Mr. Administrator, you like to claim that you support the
647 rule of law and acknowledge the limits of EPA's authority. Many
648 of our environmental statutes are clear. EPA must use the best
649 available science as a foundation of policymaking. This proposal
650 would prevent that. Are you aware, yes or no, that Nancy Beck
651 raised concerns that such a policy could also impact data that
652 would be important to industry such as confidential business
653 information? Yes or no.

654 Mr. Pruitt. This effort --

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655 Mr. Tonko. Yes or no.

656 Mr. Pruitt. This effort, Congressman, was about ensuring
657 that --

658 Mr. Tonko. Were you aware that --

659 Mr. Pruitt. -- at the Agency --

660 Mr. Tonko. Were you aware that Nancy Beck raised the
661 concern? Were you aware?

662 Mr. Pruitt. As I indicated, Congressman, this effort is
663 actually a reflection of Congress's commitment to transparency
664 at the Agency.

665 Mr. Tonko. Sir, I need to move on. I take that as a yes.
666 To mitigate that concern it appears that the proposal has been
667 crafted so that you, the Administrator, has the discretion to
668 grant exemptions as you see fit without any transparency or
669 accountability for your decisions. For example, if EPA was
670 assessing the safety of a chemical, you alone would have the power
671 to selectively block public health studies that do not support
672 your political priorities and allow ones that favor your friends
673 in industry. Not only does this open the door to special
674 treatment for industry over the public health, but you could also
675 pit winners and losers amongst the industry types.

676 Do you think it would be hypocritical to exempt industry data
677 containing confidential business information from disclosure but
678 not personal health information from public health researchers?

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679 Yes or no? Would it be hypocritical?

680 Mr. Pruitt. I think that is a misstatement. Congressman,
681 I believe that what needs to be clear is that what actions we took
682 this week were to ensure that data and methodology were also
683 available to those that they are concerned about our rulemaking.

684 Mr. Tonko. You know, I believe it is hypocritical. So
685 moving on, given your track record how can the public trust your
686 discretion to make fair decisions when it comes to those biases?

687 Mr. Pruitt. You know, Congressman, this was an effort to
688 ensure transparency. Because as we do rulemaking at the Agency
689 what is important --

690 Mr. Tonko. Based on your record should the public trust your
691 decision-making here with the hypocrisies that would exist in the
692 system you defined?

693 Mr. Pruitt. This is actually a support of transparency for
694 all rulemaking at the Agency. This is not an individual decision
695 that is made by the Administrator. This is programmatic offices
696 making decisions on rules --

697 Mr. Tonko. Sir.

698 Mr. Pruitt. -- that are based upon transparent --

699 Mr. Tonko. Sir, I think this boils down to an issue of trust
700 and you have developed a system where you are picking winners and
701 losers. We pit the public against the industry or you are picking
702 favorites within the industry and I think there is a hypocritical

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703 outcome to it all.

704 And with that Mr. Chair, I yield back.

705 Mr. Shimkus. I thank my colleague for staying within time.
706 And the chair recognizes the Chairman of the full committee,
707 Congressman Walden, for 5 minutes.

708 The Chairman. Thank you, Mr. Chairman. As I mentioned in
709 my opening statement there are many reviews currently going on
710 at the EPA, in the Inspector General's Office, Government
711 Accountability Office, and other congressional committees, about
712 some of these concerns you are hearing about today, Mr.
713 Administrator, and that have been raised in the media. So my
714 question is pretty easy. Will you commit the EPA will provide
715 this committee with all the documents and information EPA produces
716 for those inquiries?

717 Mr. Pruitt. Absolutely.

718 The Chairman. Thank you. As I told you the last time you
719 were here, this committee is charged by the House of
720 Representatives with legislative and oversight responsibility
721 for the bulk of the statutes that the EPA implements and we decide
722 where the Agency's money can best be spent. Can you help me
723 understand your guiding principles for determining legitimate
724 uses of federal money by the EPA including whether you are using
725 any kind of previous spending guidance to make these decisions?

726 Mr. Pruitt. Congressman, I believe that as we are making

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727 decisions we have policy and guidelines at the Agency that drive
728 those decisions. Some of them are attributable to programmatic
729 offices, some of them are attributable to, you know, the science
730 part of our office. But yes, those guidelines govern our
731 decisions each and every day.

732 The Chairman. And are they similar to the guidelines that
733 governed your predecessor's decisions?

734 Mr. Pruitt. Yes.

735 The Chairman. In what ways?

736 Mr. Pruitt. Well, these are policies that predated our time
737 there at the Agency and so they have governed our, you know, from
738 travel to internal decision-making on allocation of dollars to
739 serve programmatic offices. So these are predated policies that
740 govern our actions every single day.

741 The Chairman. Let me ask you about the issue of science and
742 transparency. I have had a lot of constituents over the years
743 who have been very concerned about decisions in various agencies
744 that get made by administrators or the bureaucracy and in some
745 cases they can't get access to the underlying data that underpins
746 the decisions. The proposal that you put forward this last week
747 or so, how does that address that issue, are we going to get science
748 that everybody gets a chance to see that can be replicated that
749 maybe is peer-reviewed so we, all working off facts?

750 Mr. Pruitt. And actually this has been an interest of

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751 Congress. As you know there has been proposed legislation to
752 address this very issue.

753 The Chairman. Yes, it has been.

754 Mr. Pruitt. And this was a regulatory action that was taken
755 this week, a proposed rule that actually goes to the heart of
756 transparency as I was trying to share earlier. Because it
757 requires that -- and when we do rulemaking at the Agency we can't
758 just simply publish the conclusions, the summaries of studies,
759 because what has happened historically is third parties have
760 provided studies or summaries, we have taken those conclusions,
761 used those as a basis of rulemaking but not published the data,
762 not published the methodology that actually supported the
763 conclusion. And so, those that are commenting on rules were
764 ill-equipped to be able to understand whether the conclusions were
765 rightly concluded or not.

766 So this is an effort on our part to ensure that as we do
767 science at the Agency whether it is internal at the EPA or whether
768 we use third parties as far as their findings, data, methodology,
769 and conclusion should all be a part of the package.

770 The Chairman. So is what you are trying to do is make more
771 information available or less information available?

772 Mr. Pruitt. Yes, absolutely more information available.

773 The Chairman. To the public. So you are going to require
774 that every one of these decisions or whatever they are based on,

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775 the data and the methodology as well as the conclusions are
776 transparent and available to the public. Is that going to be on
777 your website? How are we going to know this?

778 Mr. Pruitt. Well, it is actually a proposed rule,
779 Congressman. It is actually something that we are taking comment
780 on and I am sure there will be a wide array of comment on that
781 very proposal. But the objective once again is to ensure
782 transparency, reproducibility, with respect to the science that
783 we rely upon in making our decisions in rulemaking.

784 The Chairman. As you know, Mr. Administrator, last year,
785 and then I think we actually passed it into law this year, this
786 committee unanimously, I believe, here and in the House, rewrote
787 America's Brownfields Legislation and we are working together to
788 rewrite the Safe Drinking Water, clean Drinking Water Act as well
789 and make additional grants available. What are you doing to help
790 clean up these brownfields sites that litter our neighborhoods
791 and our country?

792 Mr. Pruitt. You know, we just issued a series of grants
793 across the country this week with respect to the Brownfields
794 Program, and you are right. It has been a tremendous success
795 reclaiming polluted areas across this country to allow
796 communities to once again enjoy those areas. And so with the
797 partnership of Congress, the increased omnibus, you know,
798 provided additional monies there for us to enhance that program,

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799 we are administering those grants and seeking to partner with
800 communities all over the country to ensure that these areas are
801 cleaned up and re-purposed and able to be enjoyed again by those
802 communities.

803 The Chairman. And I just have a few seconds left. I want
804 to follow up on what the chairman of the subcommittee talked about
805 regarding the RFS and new fuel standards. I want you to know that
806 Mr. Flores and Mr. Shimkus and others on this committee have put
807 a lot of time in because it is a priority of mine and theirs to
808 figure out going forward how we have a standard that works for
809 those who grow corn, those who refine fuels, the auto industry,
810 and the environment.

811 And I would hope this administration would look to our
812 leadership in this effort as well as any independent actions or
813 the fact that we are actually a co-equal branch and the House has
814 some authority in this area as well as the Senate. Will you commit
815 to that?

816 Mr. Pruitt. I think it is essential, as I shared with the
817 chairman earlier, because at the end of the day certainty is very
818 important in this area. And I think you see tremendous investment
819 over the last --

820 Mr. Shimkus. The gentleman's time is expired. We will make
821 sure -- and I apologize. I just want to make sure that -- we have
822 a lot of people lined up. We will have more time to talk about

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823 that.

824 The Chairman. Thank you, Mr. Chairman.

825 Mr. Shimkus. The chair thanks the Chairman and the chair
826 now recognizes the ranking member of the subcommittee, Mr.
827 Pallone, for 5 minutes.

828 Mr. Pallone. Thank you, Mr. Chairman.

829 You know, I listened, Mr. Administrator, to your reasons why
830 you haven't resigned and basically you said that you are staying
831 because only you can carry out the President's mission. And I
832 strongly disagree with that. I think your actions are an
833 embarrassment to President Trump and distract from the EPA's
834 ability to effectively carry out the President's mission and if
835 I were the President I wouldn't want your help, I would just get
836 rid of you. But I am not the President so let me move on.

837 It has been reported that you have even gone so far as to
838 retaliate against EPA's employees, punishing those who questioned
839 your spending and management, and sidelining those who attempted
840 to advance important public health protections. So I wanted to
841 ask again, yes or no, because we don't have a lot of time, it has
842 been reported that at least five EPA employees were recently
843 reassigned, demoted, or otherwise retaliated against after they
844 raised concerns about your spending. Is that correct, yes or no?

845 Mr. Pruitt. I don't ever recall a conversation to that end.

846 Mr. Pallone. Well, I will take that as a yes. I was further

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847 alarmed --

848 Mr. Pruitt. It shouldn't be taken as a yes.

849 Mr. Pallone. -- that you removed the head of the EPA office
850 that found that you did not face direct death threats. Has it
851 always been your practice to fire people who disagree with you?

852 Mr. Pruitt. I mean, Congressman, the Inspector General
853 himself has noted that the threats against me are unprecedented
854 --

855 Mr. Pallone. Well, you are not answering yes or no. So
856 again --

857 Mr. Pruitt. -- with respect to the quantity and the type
858 of threats and is on the record saying so.

859 Mr. Pallone. Okay. Look, six staffers is a pattern, I
860 think you need to start taking responsibility. But you say you
861 are going to take responsibility but you don't. I am very
862 concerned by this troubling pattern of retaliation which is not
863 only potentially illegal but is also creating a hostile
864 environment that is expediting the exodus of valuable expertise
865 from the EPA. In place of those dedicated public servants you
866 are installing industry lobbyists.

867 Let's look at the case of Wendy Cleland-Hamnett, an expert
868 who fought to finalize a ban on methylene chloride, a deadly
869 chemical used in paint strippers. The New York Times and other
870 media have reported that her efforts were opposed by Nancy Beck,

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871 the chemical industry lobbyist you put in charge of regulating
872 chemicals. Just last year, Nancy Beck was being paid by the
873 chemical industry to lobby against chemical regulations. Now
874 that she is retired, Nancy Beck is running the chemical program
875 and the proposal to ban methylene chloride has been abandoned.

876 Yes or no, were you involved in the decision to abandon that
877 rulemaking or was that decision made by Nancy Beck?

878 Mr. Pruitt. The rulemaking has not been abandoned.
879 Actually there is a proposed rule --

880 Mr. Pallone. Well, you say that but that is not accurate.
881 Do you know that manufacturers of methylene chloride paint
882 strippers have been aware of deaths linked to this use for more
883 than 28 years but continue to produce it? Yes or no.

884 Mr. Pruitt. That is actually a solvent that we are
885 considering under the --

886 Mr. Pallone. Okay. Obviously you don't want to admit what
887 it does. Despite all your scandals, the White House says you have
888 the President's support because you are implementing his
889 deregulatory agenda, but I think that agenda has real costs. In
890 October 2017, right before EPA abandoned the rulemaking, Drew
891 Wynne, a 31 year old small business owner in South Carolina, died
892 while using methylene chloride. Drew's brother is here today and
893 I want to thank him for traveling here from South Carolina and
894 continuing to advocate for a ban of this deadly chemical.

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895 Were you or others at EPA aware of Drew Wynne's death when
896 the Agency abandoned the ban of this deadly chemical? Yes or no,
897 were you aware of his death?

898 Mr. Pruitt. I think it is important, Congressman, to know
899 that we have a proposed ban in place that is being considered and
900 we are taking comments on and we haven't finished that process.

901 Mr. Pallone. Well, obviously you are not going to admit
902 whether you know about Drew's death. Unfortunately, in February
903 another 31 year old man, Joshua Atkins, died using a methylene
904 chloride paint stripper to refinish his bike. I learned about
905 Joshua from his mother Lauren who sent me a deeply touching letter.

906 And I would ask unanimous consent, Mr. Chairman, to put that
907 letter into the record, in which she states her hope that her son
908 will be the last to die from this chemical.

909 Mr. Shimkus. Can we make sure we see the letter?

910 Mr. Pallone. Yes. I will give it to you right now, Mr.
911 Chairman.

912 Again, Mr. Pruitt, your deregulatory agenda costs lives,
913 real people with names, with brothers, with mothers. You have
914 the power to finalize the ban of methylene chloride now and prevent
915 more deaths but you haven't done it. Do you have anything to say
916 to these families at this point?

917 Mr. Pruitt. Congressman, as I was trying to indicate
918 earlier there is a proposed ban in place that we took comment on

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919 that we are reviewing presently. There has been no decision at
920 this time to not --

921 Mr. Pallone. All right. Well, obviously you have nothing
922 to say to these families. Look, you say you are going to do
923 something but these chemicals are still on the shelves and they
924 make a mockery of Lautenberg's TSCA reform legislation that this
925 committee worked so hard on, including our chairman Mr. Shimkus,
926 and it makes a mockery of the EPA. You have the power immediately
927 to get this chemical off the shelves and you are not doing it and
928 you should do it.

929 And again, Mr. Shimkus, I appreciate your help with TSCA,
930 but he is not implementing TSCA so I am wondering if our efforts
931 were totally in vain. Thank you, Mr. Chairman.

932 Mr. Shimkus. The gentleman yields back his time. The chair
933 thanks the gentleman. The chair now recognizes Chairman Emeritus
934 Congressman Barton from Texas for 5 minutes.

935 Mr. Barton. Thank you, Mr. Chairman, and I am honored to
936 have the EPA Administrator back before the committee.

937 Mr. Administrator, you are not the first person to be the
938 victim of, for lack of a better term, Washington politics. You
939 got picked to be the EPA Administrator because of the service you
940 provided for the great state of Oklahoma in fighting some of the
941 Obama administration radical clean air policies. You
942 recommended and I support the recommendation that you made to the

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943 President that we withdraw from the Paris climate change
944 agreement. That is a decision that most of the stakeholders at
945 EPA violently oppose.

946 If you can't debate the policies in Washington, you attack
947 the personality and that is what is happening to you. Republicans
948 do it when it is a Democratic President. The Democrats do it when
949 it is a Republican President. And in my opinion, and it is just
950 my opinion, that is what is happening to you.

951 On your housing costs, were those approved, the contract,
952 before it was signed? Didn't you get an ethics review and didn't
953 that individual say it was acceptable?

954 Mr. Pruitt. There have been two ethics reviews,
955 Congressman.

956 Mr. Barton. I need quick answers because I want to ask you
957 --

958 Mr. Pruitt. There have been two ethics reviews speaking to
959 the lease itself saying that it met market rates.

960 Mr. Barton. Okay. You have been attacked for flying first
961 class. Is that illegal?

962 Mr. Pruitt. Congressman, that was approved by the travel
963 office and the security team at the EPA. I have since made changes
964 to that. But that was --

965 Mr. Barton. But it is not illegal.

966 Mr. Pruitt. It is not.

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967 Mr. Barton. It may look bad but it is not illegal. There
968 was an Energy secretary named Hazel O'Leary under the Clinton
969 administration. She leased party jets that were used by rock
970 stars. Party jets, not one time but several times. Have you ever
971 rented a party jet?

972 Mr. Pruitt. No, Congressman.

973 Mr. Barton. You have not rented a party jet. Okay, that
974 is good. Let's talk about this transparency issue. As I
975 understand it, your transparency proposal is that if they are
976 going to use the science to make a recommendation on an EPA
977 regulation they have to actually report what the science is. They
978 have to release the documents and the data sets and all of that.
979 Is that correct?

980 Mr. Pruitt. That is exactly right, Congressman.

981 Mr. Barton. Is there anything wrong with that?

982 Mr. Pruitt. I think it enhances transparency and the
983 confidence of the American people as we do rulemaking.

984 Mr. Barton. I think it is an excellent idea and it is long
985 overdue. In your budget --

986 Mr. Shimkus. Will the gentleman suspend for a minute?

987 We have guests in the gallery. You are our guests. I have
988 some magic words that will then cause you to have to leave. I
989 do not want to say that. So if you would respect -- we were asked
990 for decorum. That is not being decorous, whatever the word is.

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991 So let's just continue on with the testimony and we will move
992 forward.

993 The chair recognizes the Chairman Emeritus.

994 Mr. Barton. Okay, thank you. On your transparency
995 proposal if it is actually accepted, we will actually get to see
996 what the science is behind the support for the regulation. Is
997 that not correct?

998 Mr. Pruitt. It is. And I think what has been of note to
999 me as I have been serving at the Agency is that there is a reliance
1000 at the Agency on many third-party studies. And as those studies
1001 are the support of our rulemaking, it is important to make sure
1002 that the methodology and data accompany those conclusions so that
1003 the American people can make informed decision about the rules
1004 and whether they actually are based upon sound science.

1005 Mr. Barton. This is to get a little bit to the budget we
1006 are actually here to discuss, there is a program in your agency
1007 called Leaking Underground Storage Tanks, short in acronym is
1008 LUST. The money that goes into that fund is supposed to be used
1009 to clean up or prevent leaks from underground storage tanks. To
1010 your knowledge, is there anything under current law that prevents
1011 a state from using it for other purposes? In other words, the
1012 money is supposed to be used to clean up these underground storage
1013 tanks, but my understanding is very few states use it for that
1014 purpose.

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1015 Mr. Pruitt. You know, Congressman, I am not aware of that
1016 happening but it is something that we would investigate and look
1017 into if you have some information about that happening in your
1018 state and elsewhere.

1019 Mr. Barton. Would you do that and --

1020 Mr. Shimkus. The gentleman's time is expired. The chair
1021 recognizes the gentleman from California, Dr. Ruiz, for 5 minutes.

1022 Mr. Barton. Thank you for your service.

1023 Mr. Ruiz. Thank you, Mr. Chairman.

1024 Administrator Pruitt's ethical violations as the head of an
1025 agency with a mission to protect the public's health demonstrate
1026 a concerning lack of integrity and a pattern of the rich and
1027 powerful putting their rich and powerful friends and their own
1028 self-interest above the interest of the public's health and at
1029 the expense of the common good. Clean air to breathe and safe
1030 water to drink is not a privilege only for the rich and powerful
1031 but a right for everyone, and the role of a public servant is to
1032 serve and protect the public, in particular the public's health.

1033 However, the gross elimination of many public health
1034 protections are kickbacks to the rich lobbyists and corporation
1035 friends that have a real impact and I want to highlight one
1036 example. This week the EPA announced that it intends to limit
1037 the kind of scientific studies it will use in issuing new
1038 protections to only studies that make public the private,

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1039 personal, confidential information of the people who participate
1040 in those studies.

1041 Revealing that info is a clear ethical violation of any
1042 reputable research institutional review board in the United
1043 States. The type of studies you want to exclude are the same kind
1044 of scientific studies that were used to prove that lead in pipes
1045 and paints harm children and that secondhand smoke is a dangerous
1046 carcinogen. We are talking about landmark studies such as the
1047 Harvard School of Public Health's six-city study which proved a
1048 connection between air pollution and early death back in 1993.
1049 That just by living in a city with poor air quality your average
1050 life expectancy was lower than those who didn't. This study later
1051 became the basis of fine particulate matter regulations in the
1052 Clean Air Act.

1053 When you were here in December, you and I spoke about fine
1054 particle matter which, thanks to studies based on confidential
1055 patient health information, we now know is associated with
1056 premature death, asthma attacks, chronic bronchitis, decreased
1057 lung function, and respiratory diseases. You acknowledge these
1058 risks and agree that there is no safe level of fine particle
1059 pollution, but your new policy would block EPA from considering
1060 the studies that have shown these dangerous health implications.

1061 So do you deny now that fine particle pollution has these
1062 health impacts and will these new regulations cause your agency

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1063 to disregard these sentinel studies?

1064 Mr. Pruitt. If they provide the data and methodology to the
1065 Agency and the findings it will be used.

1066 Mr. Ruiz. Well, that is a clear violation of ethical rules
1067 protecting patient confidentiality.

1068 Mr. Pruitt. Those can be redacted, Congressman.

1069 Mr. Ruiz. Who is protecting the subjects in those studies?
1070 So you have promised us a replacement rule for the Clean Power
1071 Plan. Will that replacement rule acknowledge the health impacts
1072 of fine particle pollution?

1073 Mr. Pruitt. We actually have been as you know a proposed
1074 rule in the marketplace on just that issue.

1075 Mr. Ruiz. Well, you know, I mentioned the risks of lead in
1076 drinking water. So with this new rule -- those risks were shown
1077 by epidemiological studies that protected the patient
1078 confidentiality and all the other intricacies of confidential
1079 information. Now your rule would lead to the idea that if it
1080 doesn't suit the manufacturers' intent that now those studies
1081 could be disregarded.

1082 So do you believe that mesothelioma can, or that asbestos
1083 causes mesothelioma?

1084 Mr. Pruitt. I do. But the confidential business
1085 information to which you refer along with personal information
1086 can be redacted.

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1087 Mr. Ruiz. So that information -- so you have been in office,
1088 you know, you have dismantled protections for the public's health
1089 and there is, and protections for children who suffer asthma,
1090 seniors with respiratory illnesses, and you demonstrated a
1091 disregard for true scientific study, the scientific process, and
1092 the confidentiality of people who want to participate and help
1093 further our collective knowledge to protect the public good.

1094 You have done this to allow your rich and powerful corporate
1095 friends to create more pollution in order to increase profit at
1096 the expense of the common good. Again if children with asthma
1097 and seniors with COPD -- and I am an emergency physician. I
1098 participated in IRB boards. I know the importance of protecting
1099 the information in order to get more participants, and I have also
1100 treated children with asthma gasping for air or seniors at their
1101 last wits' end. When you remove these protections under the guise
1102 of a false transparency notion, then you are making life more
1103 difficult for everyday American families and this is disgraceful
1104 and the American people deserve better.

1105 Mr. Shimkus. The gentleman's time is expired. The chair
1106 recognizes the gentleman from West Virginia for 5 minutes.

1107 Mr. McKinley. Thank you, Mr. Chairman. And thank you,
1108 Administrator, for coming before us. I think that was the first
1109 policy question you got from the other side of the aisle,
1110 observation.

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1111 And to the public, I think this has been a lot of a classic
1112 display of innuendo and McCarthyism that we are seeing too often
1113 here in Washington that unfortunately I think works against
1114 civility and respect for people in public office. I am hoping
1115 we would be able to stay on policy today as much as we could, but
1116 I can see some just can't resist the limelight, the opportunity
1117 to grandstand.

1118 So having said all that I thank you for what you have done.
1119 You have been able to stay disciplined on these policies. I know
1120 in West Virginia the impact that it has had on Brownfields
1121 Legislation of what you are doing on that I see the rollback of
1122 some of the regulatory reform that there is hope now. A lot of
1123 the people in the fossil fuel industry that they could see that
1124 deterioration in the past 8 years prior to that. There is some
1125 hope. We are seeing the economy start to rebound thanks to you
1126 and the administration of taking this fight on.

1127 So I know that if I could, I know just as an example, here
1128 was an example that despite what has been said to the achievements
1129 that you have made that the EPA just awarded \$1.9 million to
1130 research in drinking water having to do with Flint, that research
1131 in Flint. People are ignoring the progress that we are making
1132 and they are trying to make this another attack on President Trump,
1133 and unfortunately there are a lot of people that are going to go
1134 along with that.

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1135 So if we could, if I could get back to one of the things that
1136 has disturbed me some with some of the events over the last numbers
1137 of years was we had a good friend in Leslie Lampton who passed
1138 away last week. Lampton has Ergon Refinery located in
1139 Mississippi but they have the only refinery in West Virginia. It
1140 is a small, kind of a boutique operation at 23,000 barrels. I
1141 know the definition of a small refinery is 75,000 barrels, so they
1142 are a third of the size. But yet, so they are struggling meeting
1143 all of the qualifications, all the requirements of a major
1144 refinery.

1145 Is there something that we could work together or something
1146 to help out these small refineries so that they can compete?
1147 Because they can't handle the RINs, they don't have a market for
1148 that with them. So is there something that we could be doing to
1149 help out these boutique refineries?

1150 Mr. Pruitt. Congress has been very helpful in providing a
1151 small refinery exemption under the statute. It is objectively
1152 determined. It is 75,000 barrels, as you indicated, production
1153 and we have received I think 24 applications in 2017, a little
1154 bit over 30 in 2018. And I would say to you that the volatility
1155 of the RIN trading platform is creating instability across the
1156 entire RFS discussion.

1157 So it is really in everyone's best interest to get more
1158 clarity and confidence in how this RIN trading platform and relief

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1159 needs to occur. It is going to benefit the ethanol industry,
1160 benefit the ag sector, and I think benefit those that are suffering
1161 with the RIN obligations. And so it is our hope that we can chart
1162 a path forward with Congress to achieve those kinds of outcomes.

1163 Mr. McKinley. Okay. Mr. Administrator, for numbers of
1164 years we were working to try to get resolved something for it was
1165 sitting out here for 30 to 40 years was the coal ash issue and
1166 we got that taken care of 2 years ago. But my question then back
1167 to you as the Administrator is are there states that have opted
1168 not to put together their own program and turn it over to the EPA,
1169 or can you help us, like give me an update on where we are with
1170 some of the state implementation?

1171 Mr. Pruitt. We have provided guidance to the states with
1172 respect to developing their own programs and very few states have
1173 actually done that to your question. And we are working with
1174 those state partners to equip and educate them on the option by
1175 providing the guidance. I think it is important that they pursue
1176 it and I think it is important they pursue it in a timely way,
1177 and it hasn't taken place yet.

1178 Mr. McKinley. Have any states chosen not to put together
1179 their own program?

1180 Mr. Pruitt. I just think it is early. It is nascent in the
1181 process and I think it is just very few early adopter states so
1182 far and that is the reason we are working hard to educate and inform

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1183 those states.

1184 Mr. McKinley. Mr. Administrator, thank you for handling all
1185 these issues and I hope that we can stay on policy and talk about
1186 some of the progress that has been made because I think it has
1187 been good for the environment. Thank you. I yield back.

1188 Mr. Pruitt. Thank you.

1189 Mr. Shimkus. The gentleman yields back his time. The chair
1190 recognizes the gentleman from California, Mr. Peters, for 5
1191 minutes.

1192 Mr. Peters. Thank you, Mr. Chairman. I do want to ask a
1193 couple questions about the Superfund program, particularly about
1194 your friend Mr. Albert Kelly who you put in charge of the program
1195 despite his past. He was scheduled to appear before the committee
1196 in January but he backed out at the last minute citing travel
1197 obligations. I know my colleagues on both sides of the aisle were
1198 disappointed in that, but Mr. Kelly sent a letter for the record
1199 that he would be willing to answer any and all of our questions
1200 regarding his lifetime ban from the banking industry and the
1201 illegal activities that led up to that.

1202 It is now more than 3 months later, we have gotten no
1203 information from Mr. Kelly. We are told that political
1204 leadership has been preventing him from speaking with us and if
1205 that is true that is certainly disappointing. 2 weeks ago you
1206 were interviewed on Fox News by Ed Henry and he asked you several

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1207 questions about Mr. Kelly. In the interview you said that the
1208 details of the settlement with the FDIC were private and that none
1209 of us really know what happened.

1210 So my question is, if Mr. Kelly is happy to share the details
1211 of his lifetime banking ban as a matter of transparency is he not
1212 telling us the truth or are you stopping him from doing that?

1213 Mr. Pruitt. I think Mr. Kelly if he is willing to share that
1214 with you he should do that.

1215 Mr. Peters. Terrific.

1216 Mr. Pruitt. And I would encourage him to do so.

1217 Mr. Peters. And because we do think that it is an important
1218 issue of transparency I am glad to hear that.

1219 The FDIC ban is not the only concern about Mr. Kelly. It
1220 has been widely reported that his family abuts a Superfund
1221 National Priorities List site. He is the head of the Superfund
1222 program, creating at least a perception of a conflict of interest
1223 in that he might be favoring the site that is next to his property.
1224 You have mentioned that one of your goals, one of your values is
1225 that you are committed to good stewardship of taxpayer resources.

1226 Has this financial conflict been reviewed by EPA ethics
1227 officials and, if so, were they provided with all the necessary
1228 information to conduct that review?

1229 Mr. Pruitt. I don't have knowledge about that, Congressman,
1230 if that has happened or not.

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1231 Mr. Peters. All right. I certainly would ask that that be
1232 done. When you came to testify before this subcommittee in
1233 December you claimed that you had to remove scientists from EPA's
1234 Science Advisory Board because of, quote, the appearance of a lack
1235 of independence. John Konkus, your deputy associate
1236 administrator for the Office of Public Affairs who is tasked with
1237 reviewing millions of dollars of grants for EPA, was approved to
1238 provide media consulting advice to unnamed clients, likely
1239 including his prior clients from his Republican-affiliated
1240 consulting firm. Were you aware that Mr. Konkus was continuing
1241 to work as a media consultant for outside clients?

1242 Mr. Pruitt. I am aware that the ethics officials at the
1243 Agency approved that. That is what I am aware of.

1244 Mr. Peters. Don't you think this creates an appearance of
1245 a lack of independence?

1246 Mr. Pruitt. The ethics officials didn't believe that.

1247 Mr. Peters. Do you have an opinion personally about that?

1248 Mr. Pruitt. I don't know anything about the contract. I
1249 just know that the ethics officials approved that transaction.

1250 Mr. Peters. It just seems to me that if he is working for
1251 people outside the Agency with his fingers inside the Agency that
1252 that could be a lack of independence, and I will just offer that
1253 as my own observation then.

1254 You brought in Jeff Sands directly from Syngenta which was

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1255 facing a very large fine from EPA for failing to protect its
1256 workers from a dangerous pesticide, chlorpyrifos. During his
1257 brief tenure at EPA this fine was reduced from \$4.9 million to
1258 \$400,000. Were you personally involved in this decision to
1259 reduce this fine?

1260 Mr. Pruitt. It is my understanding that Mr. Sands'
1261 involvement at the Agency occurred after the decision in March
1262 of last year with respect to chlorpyrifos --

1263 Mr. Peters. Okay. Without respect to the timing then, were
1264 you personally involved then in the decision to reduce this fine?

1265 Mr. Pruitt. I was not.

1266 Mr. Peters. And I guess, I think I would suggest it also
1267 creates at least the appearance of bias and independence.

1268 And now it has come out that your head of security, who was
1269 promoted to that role after you fired his predecessor for
1270 questioning your security spending, did outside investigative
1271 work during the 2016 presidential election for America Media
1272 Incorporated, the publisher of National Enquirer. That includes
1273 the period when AMI purchased and killed a story about President
1274 Trump having an affair with a Playboy playmate. Do you think that
1275 that outside work at least creates the appearance of a lack of
1276 bias?

1277 Mr. Pruitt. It is my understanding that is being reviewed.
1278 And I was not aware of that outside contract and it is being

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1279 reviewed.

1280 Mr. Peters. Okay. I guess again I would say you are not
1281 answering the question, I think it creates at least the appearance
1282 of bias and we would like to see attention to that.

1283 Finally, I guess, just to follow up on the first question,
1284 are you willing to produce Mr. Kelly to answer the questions before
1285 this committee?

1286 Mr. Pruitt. I am not standing in the way of Mr. Kelly
1287 providing information to this committee or any other committee
1288 and that is a decision that he can make and provide that
1289 information.

1290 Mr. Peters. In the interest of transparency would you be
1291 willing to direct him to come and answer those questions?

1292 Mr. Pruitt. I don't think I have that authority. I would
1293 encourage him to do so.

1294 Mr. Peters. If you have that authority would you be willing
1295 to exercise it?

1296 Mr. Pruitt. I would encourage him to do so.

1297 Mr. Peters. I will take that as a no.

1298 I will yield back.

1299 Mr. Shimkus. The gentleman yields back his time. The chair
1300 now recognizes the gentlelady from Tennessee for 5 minutes,
1301 Congresswoman Blackburn.

1302 Mrs. Blackburn. Thank you, Mr. Chairman.

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1303 And Mr. Administrator, thank you for being here. We do have
1304 questions about the budget. And we are always interested in ways
1305 that we can stop federal overreach and that is something that is
1306 so important to my constituents in Tennessee and something that
1307 we hear about a good bit and they want the EPA to kind of get off
1308 their back many times when they are manufacturers and when they
1309 are farmers.

1310 And as a matter of fact, talking with some of my farmers at
1311 Mule Day in Columbia, Tennessee, they were talking about the WOTUS
1312 rule and I want to ask you about that because they say that they
1313 have to move heaven before they can move earth and so they want
1314 to get the EPA off their farms. And they are very grateful that
1315 we have had the delay in the WOTUS rule and it is important to
1316 them, it is important to manufacturers. They feel like they can
1317 move forward and do something and they are not fighting with this
1318 rule.

1319 So I want you to talk a little bit quickly because I have
1320 one other question for you about where we are with the repeal and
1321 the rewrite on WOTUS and then the cost of implementing that rule
1322 and what you all have ascertained through your cost-benefit
1323 analysis of what the cost of compliance of that rule would have
1324 been.

1325 Mr. Pruitt. Well, I will address a couple things,
1326 Congresswoman, in response to your question. First, the decision

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on repeal as well as the replacement to the 2015 rule will all occur in 2018. We will be done with that process this year. As you know and you made reference to that, the compliance dates have been extended but we actually have two other rules in the marketplace. One is to rescind the 2015 rule and then a proposal will be coming out next month with respect to the replacement that will be inspired by Justice Scalia and I believe the intent of the Clean Water Act with respect to the definition of the Water of the United States.

Mrs. Blackburn. Okay, thank you. Let's talk about fuel economy standards. We have auto manufacturers in Tennessee and in Franklin and we have Nissan, the plants over in Smyrna. We have GM, which is in my district down in Spring Hill, you have Volkswagen over in Chattanooga. One of the things they talk a lot about are the fuel economy standards and the cost per car that trying to go to these new economy standards would do, and you have talked about adjusting the standards.

So there again I want you to talk a little bit about where we are when it comes to adjusting those standards and then what you see as the cost of implementing and then the cost of compliance.

Mr. Pruitt. Well, Congresswoman, as you indicate we recently issued a midterm evaluation that occurred in April of this year and we determined that the standards that have been set

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1351 were too ambitious and didn't meet the facts and data that we
1352 currently have at present. So we started or will be starting very
1353 soon a rulemaking process along with DOT to reevaluate those
1354 standards.

1355 I think what is important about the CAFÉ standards is we ought
1356 to endeavor as a country to set standards for lower emissions on
1357 cars that people actually want to buy, you know, and I think what
1358 has happened for a number of years is that we have created these
1359 arbitrary levels that has put a certain sector of the cars in the
1360 marketplace that no one is purchasing which means they stay in
1361 older vehicles which actually defeats the purpose of the very act.

1362 So we are working with DOT in collaboration interagency to
1363 address that and that proposed rule will be coming out very, very
1364 soon with DOT.

1365 Mrs. Blackburn. Okay. That sounds great. I think you are
1366 exactly right on that. And we hear that not only from
1367 manufacturers but from the dealers that the economy standards have
1368 pushed forward vehicles that people don't want to purchase many
1369 times and so they are staying in the car longer or they buy a bigger
1370 car that is heavier that they feel like is going to be a safer
1371 vehicle for them.

1372 So I appreciate you being here today and I will yield back
1373 my 30 seconds.

1374 Mr. Shimkus. The chairman thanks the gentlelady. The

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1375 chair now recognizes the gentleman from Texas, Mr. Green, for 5
1376 minutes.

1377 Mr. Green. Thank you, Mr. Chairman.

1378 And I want to, Mr. Administrator, I want to thank the EPA
1379 for a recent announcement of an agreement was brokered between
1380 International Paper and the McGinnis Industrial Maintenance
1381 Corporation which are the responsible parties for the site cleanup
1382 at San Jacinto docks and waste pits in East Harris County in Texas.
1383 Over the past 10 years, Congressman Poe and I have shared that
1384 area, although now it is in Congressman Babin's district. Our
1385 district lines change pretty often in Texas, anytime a federal
1386 court decides it.

1387 So we have been working on it for 10 years and I want to thank
1388 you for that. The reporting on the agreement stated that right
1389 now the remediation process is expected to take about 29 months.
1390 Do you know or can you say how certain is that timeline? Because
1391 having watched other Superfund cleanup sites, once you get into
1392 it you always find other problems. So.

1393 Mr. Pruitt. Well, I feel very confident at the timing on
1394 that, Congressman. Region 6 there in Texas and headquarters, the
1395 partnership that existed there working with the local community
1396 is exactly how this should work. There was a temporary solution
1397 that had been put in place at San Jacinto and it threatened the
1398 health of citizens in that area and this is a permanent solution

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1399 that will be provided within the time period you described and
1400 at a cost of \$115 million.

1401 Mr. Green. Well, and I know that is expensive. But again
1402 this area is developing and for years we have had signs up at the
1403 San Jacinto River and the Upper Galveston Bay about expectant
1404 mothers and children shouldn't eat the crabs or the fish, but when
1405 I go out there I don't see anybody that is not crabbing or fishing.
1406 So it is really important to get it completely cleaned up so it
1407 can be restored.

1408 It is also an area where we park a lot of our barges in the
1409 Houston Ship Channel and recently those barges break loose when
1410 there is a storm or a flood and they will break that cap, that
1411 temporary cap that they have. And EPA has been really good on
1412 the job, the regional office in Dallas, to make sure they, you
1413 know, they keep that pollution at the docks and from continuing
1414 to come out.

1415 Let me go to our --

1416 Mr. Pruitt. If I may, Congressman, I think with the
1417 hurricanes that came through last year there was significant
1418 concern about those temporary measures being displaced which was
1419 really what hastened a solution with respect to a permanent
1420 solution.

1421 Mr. Green. Yes. Hurricane Ike actually broke the
1422 temporary dike but that was coming from the Gulf. Our problem

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1423 last year was the flooding coming downstream that hurt that and
1424 also, like I said, barges came loose from their mooring and ran
1425 into it.

1426 Let me talk about the Renewable Fuel Standard, because if
1427 you know the area that I represent at one time I had five
1428 refineries, now I only have three of them. But the American
1429 Petroleum Institute and ethanol industry agree on -- there is not
1430 much they agree on. A number of waivers the Agency has granted
1431 under the small refinery exemption under your watch has managed
1432 to get everyone's attention. API wrote you a letter in February
1433 and stated their belief that EPA should not grant small refineries
1434 exemptions.

1435 The law provides flexibility when it comes to small
1436 refineries, however, the press reports that EPA has been given
1437 as many as 25 waivers including some that refineries are not
1438 experiencing hardship and some may not be that small. The
1439 smallest I have in my area is a hundred thousand barrels a day.
1440 The other ones have two quarter of a million every day. There
1441 is lack of transparency in the small refinery waiver process and
1442 we understand and respect confidential business information, but
1443 the EPA is a federal government agency and secrecy is not something
1444 that I think the EPA ought to be worried about and it gives
1445 appearance of partiality and unfairness.

1446 Do you know how many applications for waivers did the Agency

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1447 receive in 2016 and '17 compliance years for these waivers?

1448 Mr. Pruitt. Well, it runs about a year behind, Congressman.
1449 The applications we got in '17 relate to the 2016 obligations and
1450 as I recall they were somewhere in the mid-20s that we received.
1451 We received more than that this year for the 2017. But what is
1452 really driving this in a lot of respects, I mentioned this earlier,
1453 is just the RIN prices, you know, dropping to 40 cents, up to 85
1454 cents, and the rest. And so you just see a lot of pressure on
1455 those small refineries particularly because of these escalating
1456 RIN prices and the instability of the market.

1457 Mr. Green. Well, I have said it many times in this committee
1458 over the last 10 years, the chair and I have a difference from
1459 southern Illinois to East Houston on the RIN issue. Has the
1460 Agency granted any waivers to facilities that output exceeds
1461 75,000 barrels a day?

1462 Mr. Pruitt. We look at it on a facility by facility basis
1463 and the statute says that it is 75,000 barrels or less. So it
1464 is objectively determined in that regard.

1465 Mr. Shimkus. The gentleman's time is expired. The chair
1466 now recognizes the gentleman from Texas again, another one, for
1467 5 minutes, Mr. Olson.

1468 Mr. Olson. I thank the chairman and Mr. Pruitt, welcome.
1469 I wish your second appearance before this committee was under much
1470 different circumstances. As you know there has been many press

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1471 reports about problems at the EPA under your watch. These
1472 problems can't be solved by Congress and this committee. That
1473 is not our role. The solution is between you and President Donald
1474 Trump. You work at his pleasure and that is pure and simple.

1475 But today, right now, you are America's EPA Administrator
1476 and my home district of Texas 22 needs you to work hard for our
1477 district. We are still trying to recover from Hurricane Harvey.
1478 We also have a Clean Air Act that actually works with local
1479 officials, local governments, to make our air cleaner instead of
1480 pursuing goals that can be never be achieved with technology that
1481 doesn't exist.

1482 On Harvey I have to publicly thank you for two things. First
1483 of all, your EPA helped my home county of Fort Bend break through
1484 this whole log jam of regulations to allow us to start dredging
1485 our flooded bayous, our flooded waterways, quickly, and get that
1486 stuff taken care of. You did that sir. Thank you so much for
1487 letting my home county get moving forward.

1488 Also, I want to echo my comments from Senator Green, and by
1489 the way this may be the only bipartisan thing you hear in this
1490 committee today, but it is true. I want to thank you for all the
1491 hard work you did to fast track efforts to use the Superfund to
1492 clean up the San Jacinto Waste Pits. As you know, Hurricane
1493 Harvey displaced the protective caps. We don't know how much
1494 dioxin, cancer-causing dioxin exploded out of there. You stepped

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1495 up like that with a plan to fix that and that will be fixed sometime
1496 as you mentioned within the next year or so at the latest. So
1497 thank you, thank you, thank you for that.

1498 My first question is about ozone and air quality. This
1499 committee has heard over and over about how the impacts of ozone
1500 and pollution some of this happens outside of our control, yet
1501 for some reason we have to regulate that. This ozone comes from
1502 as far away as China or maybe as close in Texas as forest fires
1503 in Bastrop County a couple years ago. These uncontrolled
1504 sources, which EPA calls them, can create chaos for compliance
1505 with their rules by local governments. They are just frustrated,
1506 frustrated, frustrated.

1507 Our President recently asked you to respond faster to states'
1508 petitions for relief under exceptional events and international
1509 emissions provisions of the Clean Air Act. For 8 years those were
1510 never used before. Now you have a great weapon to help us out.
1511 How do you comply with this new request from the President? Can
1512 you give this committee progress through efforts to make sure that
1513 actually exceptional events and international emissions are
1514 complied with and taken into account with the Clean Air Act issues?

1515 Mr. Pruitt. Congressman, thanks for the question. It is
1516 a very important question. And I think with exceptional events
1517 I think there is probably more latitude we have, but you mentioned
1518 something else that I think is extremely important and that is

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1519 the international transport, air transport of pollution and
1520 ozone. We have nonattainment areas all over this country that
1521 are being caused by what is occurring in Asia. There has been
1522 much effort, much work done by industry and states and citizens
1523 across the country to lower emissions with ozone and we have made
1524 tremendous success.

1525 But some of the problems we have are caused by others as you
1526 have indicated, particularly in the international arena. So we
1527 need to find answers there. It may be something we need to come
1528 back to Congress and ask for your assistance to address on that
1529 particular front. Exceptional events, I think, are a little bit
1530 different. I think it is more factually driven than the other
1531 issue, but nonetheless it is a very important issue that we need
1532 to address.

1533 Mr. Olson. One final question, very briefly. We have heard
1534 over and over about burdens placed on states from regulation after
1535 regulation after regulation. Last administration would save the
1536 same life three times with three different laws, different
1537 regulations. That puts a huge bite into some local governments
1538 and local people trying to comply with the federal laws.

1539 Do you have the resources you need in the Office of Air and
1540 Radiation to issue guidance to make sure working with states that
1541 we count one life and make these things actually viable?

1542 Mr. Pruitt. Well, I mean as we came in to this, as I came

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1543 in to this position we had 700 state implementation plans, SIPs,
1544 where states have invested money and resources to actually provide
1545 a plan on how to improve air quality and they were sitting on a
1546 shelf. We have moved on 350 of those. I mentioned that in my
1547 opening statement. But we need to focus on those priorities
1548 partnering with states and the first place to start is to work
1549 with them on those state implementation plans.

1550 Mr. Shimkus. The gentleman's time is expired. The chair
1551 recognizes the gentlelady from Colorado, Ms. DeGette, for 5
1552 minutes.

1553 Ms. DeGette. Thank you, Mr. Chairman.

1554 Administrator Pruitt, when you were in front of this
1555 committee in December we discussed the installation of a
1556 soundproof privacy booth in the Administrator's office, or the
1557 SCIF, at a cost of over \$40,000. At that time you told me that
1558 your view was that the expenditure was appropriate despite the
1559 fact there were two other SCIFs at the EPA. Is that correct?

1560 Mr. Pruitt. This is actually not a SCIF.

1561 Ms. DeGette. Okay. Well, whatever it is, the soundproof
1562 booth, you expressed your view that it was appropriate, correct?
1563 Yes or no.

1564 Mr. Pruitt. I didn't express that \$43,000 was appropriate.

1565 Ms. DeGette. Yes or no. Okay, you are not going to answer
1566 my question. Did you know at that time that this expenditure

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1567 violated Section 710 of the Financial Services and General
1568 Government Appropriations Act and the Antideficiency Act? Yes
1569 or no, sir.

1570 Mr. Pruitt. It is actually the opinion of the Office of
1571 General Counsel at the Agency that that is not the case.

1572 Ms. DeGette. So you are not going to answer that question
1573 either. Do you know whether any one of your staff knew that that
1574 expenditure violated these two laws? Yes or no, sir.

1575 Mr. Pruitt. The OGC again has indicated that their opinion
1576 is it is not a violation.

1577 Ms. DeGette. So you are not going to answer that question.

1578 If we can, please give the witness a copy of the April 16th,
1579 2018 letter. Are you familiar with that letter from the GAO, Mr.
1580 Administrator? Yes or no.

1581 Mr. Pruitt. I am familiar with the GAO's decision, yes.

1582 Ms. DeGette. Thank you. And in that decision --

1583 Mr. Shimkus. Will the gentlelady suspend for a minute? Can
1584 we see a copy of that?

1585 Ms. DeGette. Certainly. I would be happy to present what
1586 is asked unanimous consent that it be placed in the record.

1587 Mr. Shimkus. After we look at it we probably will. And
1588 while we are waiting we are going to -- I think we are ready to
1589 accept that other letter that you asked to be submitted. Without
1590 objection, so ordered.

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1591 [The information follows:]

1592

1593 *****COMMITTEE INSERT 4*****

1594 Mr. Shimkus. The gentlelady may continue.

1595 Ms. DeGette. Thank you very much, Mr. Chairman.

1596 Now the conclusion of this was that these two laws were
1597 violated. Is that correct?

1598 Mr. Pruitt. Their conclusion is that those statutory
1599 requirements were not followed by the Agency.

1600 Ms. DeGette. Yes. Now did you know about that at the time?

1601 Mr. Pruitt. I did not.

1602 Ms. DeGette. Did your staff know about that at the time?

1603 Mr. Pruitt. About what, Congresswoman?

1604 Ms. DeGette. About these two laws that were supposed to be
1605 complied with before the expenditure happened, yes or no.

1606 Mr. Pruitt. As I indicated, the Office of General Counsel,
1607 career individuals at the Agency advised --

1608 Ms. DeGette. No, I am sorry. You can't filibuster, sir.
1609 Did you know or did your staff know?

1610 Mr. Pruitt. I am not filibustering, Congresswoman. I am
1611 trying to answer your question.

1612 Ms. DeGette. Okay. Well, let me ask you this. The EPA has
1613 the ability to impose penalties for this illegal activity. Will
1614 you or your staff be subject to these penalties, yes or no?

1615 Mr. Pruitt. We are investigating this internally with
1616 appropriate individuals both here as well as the Inspector
1617 General.

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1618 Ms. DeGette. Well, you don't know. All right, my next
1619 question, sir, is would you agree that public officials should
1620 be held to the highest standards of ethical conduct?

1621 Mr. Pruitt. I believe that, yes.

1622 Ms. DeGette. Yes. Now in that vein I want to ask you about
1623 two troubling financial housing transactions that you have been
1624 involved with as a state then a federal elected official. In
1625 2003, you were an Oklahoma state senator with a state salary of
1626 \$38,400, correct?

1627 Mr. Pruitt. And also an attorney with a law practice.

1628 Ms. DeGette. Yes, correct?

1629 Mr. Pruitt. And also an attorney with a law practice.

1630 Ms. DeGette. Okay. Now you lived in a second home near the
1631 state capital purchased by a shell company, Capital House LLC,
1632 from a lobbyist, Marsha Lindsey, correct?

1633 Mr. Pruitt. It was not a shell company.

1634 Ms. DeGette. Okay. But it was an LLC, Capital House,
1635 correct?

1636 Mr. Pruitt. Which is normally how you buy real estate in
1637 Oklahoma.

1638 Ms. DeGette. You know, yes or no would work.

1639 Mr. Pruitt. I am seeking to answer your question,
1640 Congresswoman.

1641 Ms. DeGette. Okay. Now what was your financial investment

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1642 in Capital House, LLC?

1643 Mr. Pruitt. It was one-sixth of the purchase price as I
1644 recall.

1645 Ms. DeGette. And so what, do you remember the amount?

1646 Mr. Pruitt. I do not. I did not negotiate the purchase
1647 price.

1648 Ms. DeGette. So you actually put that amount into the LLC.
1649 Is that right?

1650 Mr. Pruitt. That was the portion that I was responsible for,
1651 yes.

1652 Ms. DeGette. And did you actually pay that amount into the
1653 LLC?

1654 Mr. Pruitt. I did. I did.

1655 Ms. DeGette. Thank you. Now it has been reported that
1656 another lawmaker rented a room in that home and paid rent to you
1657 although you never listed your share in the shell company or that
1658 rent on your financial disclosures; is that correct?

1659 Mr. Pruitt. I don't ever recall that. No.

1660 Ms. DeGette. Okay. Was that rental income distributed
1661 among the owners of the shell company in the proportion that you
1662 contributed to the company?

1663 Mr. Pruitt. KIs were issued to each of the individual
1664 members. Those were reported as income through our tax filings
1665 and so all income was reported.

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1666 Ms. DeGette. Did you pay taxes on that income?

1667 Mr. Pruitt. We did.

1668 Ms. DeGette. Can we get that information, sir?

1669 Mr. Pruitt. I can provide you K1 --

1670 Ms. DeGette. Did you personally pay taxes on your income
1671 from that rental?

1672 Mr. Pruitt. I can provide you the K1.

1673 Ms. DeGette. That would be great. Did you pay taxes on that
1674 income?

1675 Mr. Pruitt. As I indicated, I received a K1 --

1676 Ms. DeGette. I know you received a K1. Did you pay taxes
1677 on that income?

1678 Mr. Pruitt. That was provided to my accountant in our
1679 filing.

1680 Ms. DeGette. So you are not going to answer that question
1681 either.

1682 Mr. Pruitt. I am answering the question, Congresswoman.

1683 Ms. DeGette. Yes, okay. Did you pay taxes on the income
1684 that you got for your share?

1685 Mr. Pruitt. Congresswoman, as you know, you provide
1686 information to your accountant, they determine what you pay.

1687 Ms. DeGette. So you are not going to answer that question.
1688 Now I have some other questions about your D.C. condo but I am
1689 out of time. And I just want to say to my colleagues on the other

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1690 side of the aisle and also to you, I am not doing this to hassle
1691 you. I am doing this because as elected officials and appointed
1692 officials we have the public trust. Everything we do has to be
1693 to the highest ethical standard as you just agreed with me. And
1694 when we have these transactions it brings disrespect on us as
1695 public officials --

1696 Mr. Shimkus. The gentlelady's time --

1697 Ms. DeGette. -- and as the job we do.

1698 Mr. Shimkus. -- has expired.

1699 Ms. DeGette. So I am just going to continue this and I would
1700 hope you would be forthcoming with this committee. Thank you.

1701 Mr. Shimkus. The gentlelady's time has expired. Your
1702 unanimous consent request will be respected and we will put your
1703 letter, the GAO letter, into the record.

1704 [The information follows:]

1705

1706 *****COMMITTEE INSERT 5*****

1707 Mr. Shimkus. The chair now recognizes the gentleman from
1708 Ohio, Mr. Johnson, for 5 minutes.

1709 Mr. Johnson. Mr. Chairman, you know, I served for 26-1/2
1710 years in the United States Air Force, and I do believe that public
1711 officials have a standard of conduct that should be beyond
1712 reproach, but so should Members of Congress. And, you know, I
1713 think it is shameful today that this hearing has turned into a
1714 personal attack hearing and a shameful attempt to denigrate the
1715 work that is being done at the EPA and with this administration
1716 and make this a personal attack rather than focus on what we are
1717 here to talk about which is the budget and the functioning and
1718 the policy work being done at the EPA.

1719 So I am going to redirect my questioning to you, Mr. Pruitt.
1720 Under the provision, under the previous administration the EPA
1721 put severe squeezes on job opportunities and businesses in Eastern
1722 and Southeastern Ohio which, by the way, we didn't make personal
1723 attacks when that happened, we talked about policy at the time.
1724 And this has had, you know, our district has an abundance of fossil
1725 energy resources and energy opportunities.

1726 Today we have an EPA that recognizes the importance of those
1727 jobs and is willing to work with the states like Ohio to provide
1728 a healthy balance between jobs and environmental regulations.
1729 That approach has made a real difference in my state and in my
1730 district and I applaud those efforts at restoring sensibility.

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1731 Along those lines I would like to talk a bit about New Source Review
1732 and the Agency's work to date on some of the issues surrounding
1733 New Source Review.

1734 In February, this committee held a hearing exploring the
1735 challenges that New Source Review standards pose for our energy
1736 and infrastructure investments and opportunities. We learned
1737 that many companies avoid carrying out projects to improve
1738 existing facilities because they are afraid of being targeted by
1739 an EPA enforcement action for having incorrectly interpreted New
1740 Source Review requirements. I have been encouraged to see the
1741 EPA's recently released guidance memos clarifying certain NSR
1742 program requirements and policy.

1743 So, Mr. Pruitt, from your perspective what is the goal of
1744 these NSR guidance memos and what impact are they having?

1745 Mr. Pruitt. Well, it is one of the greatest issues that I
1746 think we are dealing with at the Agency to address that which
1747 companies want to do across the country which is invest, invest
1748 in capital infrastructure to improve the reduction of emissions.
1749 And so what we want to do is provide clarity. You mentioned a
1750 couple of memo guidances we provided. One is a once in, always
1751 in approach that we took to this issue along with the project
1752 netting approach that was a second step.

1753 So we are engaged in those kinds of initial steps, but overall
1754 we are looking at a comprehensive rule that will address New Source

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1755 Review in order to provide certainty and clarity to those across
1756 the country that as they make investments to improve outcomes as
1757 far as emission reductions that they are not going to face new
1758 permitting requirements under the Clean Air Act.

1759 Mr. Johnson. Yes. Do you think the NSR program can be
1760 further reformed so that we continue to protect air quality while
1761 removing unnecessary burdens placed on industry?

1762 Mr. Pruitt. I mean I do. I think, you know, the Clean Air
1763 Act was last amended in 1990, 28 years ago, and so I think there
1764 are provisions of the Clean Air Act that should be looked at and
1765 that is one.

1766 Mr. Johnson. In regards to the Clean Air Act, how is the
1767 EPA striving to provide more flexibility and deference to state
1768 agencies?

1769 Mr. Pruitt. Well, as mentioned earlier, we are providing
1770 guidance in certain and many programs encouraging states to be
1771 active partners there. But one of the things that I think is most
1772 essential with respect to air quality is just the utilization of
1773 state improvement plans and us being responsive, responding to
1774 those Departments of Environmental Quality, Departments of
1775 Natural Resources, whatever the agency may be, to really work with
1776 them in close partnership to adopt those plans and approve those
1777 plans in a timely way. It really sends a bad message when states
1778 take those steps, invest, and then don't get a response from the

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1779 agency for years and air quality suffers as well.

1780 Mr. Johnson. Well, I have some other questions, but I am
1781 running out of time.

1782 Lastly, I know that EPA has expressed interest in finding
1783 a resolution to some of the concerns regarding EPA's current brick
1784 MACT rule which was issued in 2015. Would you commit to working
1785 with me and this committee in providing further information on
1786 this work and any potential possibilities? Compliance dates are
1787 right around the corner and it is important to provide this
1788 industry with some common-sense regulatory certainty.

1789 Mr. Pruitt. Yes, Congressman, absolutely.

1790 Mr. Johnson. Okay, thank you.

1791 And Mr. Chairman, I yield back.

1792 Mr. Shimkus. The gentleman's time is expired. The chair
1793 now recognizes the gentleman from California, Mr. McNerney, for
1794 5 minutes.

1795 Mr. McNerney. I thank the chairman.

1796 Administrator Pruitt, since becoming EPA Administrator your
1797 public calendar is filled with meetings with oil and gas
1798 companies, trade associations and lobbyists, but not with
1799 environmental groups or public health groups. It seems that deep
1800 pockets are a prerequisite to getting a spot on your calendar.
1801 Mr. Pruitt, isn't it true that you and your affiliated political
1802 organizations received nearly \$4 million in campaign

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1803 contributions from fossil fuel interests?

1804 Mr. Pruitt. Congressman, I haven't looked at those numbers
1805 in some time, so I am not sure.

1806 Mr. McNerney. Well, I can assure you that it is. And as
1807 an example of pay-to-play, on June 5th, 2017, you announced that
1808 the EPA halted implementation of the methane rule. This was an
1809 attempt to retroactively delay the rule's requirements on oil and
1810 gas industry for 90 days. A few weeks prior to that on May 24th,
1811 2017, you spoke to the American Exploration and Production
1812 Council.

1813 Mr. Pruitt, was your June 5th actions made in response to
1814 a request by the American Exploration and Production Council or
1815 any of its individual members?

1816 Mr. Pruitt. Methane is something that we take very
1817 seriously and will regulate. In fact, we have proposals that we
1818 are considering now to regulate methane going forward as part of
1819 the VOC approach. And so methane is --

1820 Mr. McNerney. So you aren't answering my question. You had
1821 a meeting --

1822 Mr. Pruitt. The actions that were taken then were unrelated
1823 to any meetings or events. It was actions to provide certainty
1824 to those in the marketplace with respect to how we were going to
1825 approach methane.

1826 Mr. McNerney. Okay. Well, I ask this because Concho

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Resources, an oil and gas exploration and production company is a member of the American Exploration and Production Council. Concho Resources also happens to be represented by the Washington, D.C. lobbying firm Williams & Jensen. You made these decisions on the methane rule that would directly benefit Williams & Jensen's client while living in a Capitol Hill condo owned by the wife of a then Williams & Jensen lobbyist with a rent of \$50 a night.

I wonder what the owners got or tried to get in return for their generosity. This is another example of pay-to-play. Arbitrarily delaying a rule is illegal and the DC Circuit Court found your actions to be in excess of statutory authority.

Mr. Chairman, I have a statement from the American Association for the Advancement of Science on the EPA Administrator's plan to disallow the use of scientific evidence in decision-making, and I would like to submit this for the record.

Mr. Shimkus. If the gentleman would pass it over to the chair so I can look at it.

Mr. McNerney. Mr. Administrator, do you have confidence in the AAAS and the Union of Concerned Scientists in deciding what would be best practices for transparency and good science?

Mr. Pruitt. I am sure their opinion is credible.

Mr. McNerney. Thank you. Then how can you justify the proposed rule disallowing science that was supported by these

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1851 agencies?

1852 Mr. Pruitt. Well, the actions that we take at the Agency
1853 are different than their responsibilities. We actually issue
1854 rules of general applicability that apply to people all over the
1855 country and we need to ensure that the science that we use that
1856 underpins those rules actually show methodology, data, and
1857 conclusions.

1858 Mr. McNerney. Science which disagrees with professional
1859 scientists that are practicing professional scientists.

1860 Mr. Pruitt, by reducing the CAFÉ standards you will both
1861 allow more pollution on American streets and make U.S. cars less
1862 competitive with overseas manufacturers. Yes or no, did the \$4
1863 million that you received from the oil and gas industry influence
1864 your decision?

1865 Mr. Pruitt. The decision we made on midterm evaluation was
1866 a decision based upon the record.

1867 Mr. McNerney. Administrator Pruitt, I find it very
1868 disturbing that you appear to personally benefit from many of your
1869 decisions and actions that will ultimately harm the people of this
1870 country, especially people who have little or no ability to defend
1871 themselves.

1872 Mr. Chairman, I yield back.

1873 Mr. Shimkus. The gentleman yields back his time. The chair
1874 recognizes the gentleman from Texas, Mr. Flores -- we got a lot

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1875 of Texans here -- for 5 minutes.

1876 Mr. Flores. That is right.

1877 Administrator Pruitt, thank you for joining us today. Let
1878 me start by echoing Chairman Shimkus' comments regarding the
1879 Renewable Fuel Standard. While I am pleased that the Agency is
1880 beginning to look at its authorities after 2022, I would like to
1881 respectfully remind the EPA that administrative actions prior to
1882 that time are limited by statute. Accordingly, I request that
1883 the Agency work with Congress, particularly Chairman Shimkus, Mr.
1884 Welch, and me as we try to develop interim and long-term solutions,
1885 fuel solutions that are good for the environment and good for auto
1886 mileage, good for the American consumers, good for the
1887 agricultural and ethanol interest, and really good for all
1888 impacted stakeholders.

1889 A few minutes ago, Mr. Ruiz was trying to defend the EPA's
1890 practice under the prior administration of using hidden science
1891 to develop policy solutions and you weren't given a chance in
1892 regard to your efforts to open that process up and become more
1893 transparent with scientific studies. Can you spend about 30
1894 seconds describing what you are trying to do to make science inside
1895 the EPA more transparent, especially because it is paid for by
1896 the American taxpayer?

1897 Mr. Pruitt. It seems to me that it is common sense that as
1898 we do rulemaking at the Agency, when we base it upon a record,

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1899 scientific conclusions that we should be able to see the data and
1900 methodology that actually caused those conclusions. That just
1901 makes common sense to me. That is the only change we are making.
1902 So any third-party study, and third-party study we are agnostic
1903 about who actually adopts the study, we are just simply saying
1904 to all third-party science they need to have methodology, data,
1905 and findings packaged together so that we can make an informed
1906 decision about the efficacy of their scientific findings.

1907 Mr. Flores. Okay. So I think you and I both agree that the
1908 American people deserve to see that science. It shouldn't be
1909 hidden as it was hidden in the prior administration. So I thank
1910 you for your efforts to make that science more transparent.

1911 Now to my questions, as the American people are well aware
1912 the EPA under the Obama administration abused environmental
1913 regulatory process by ignoring congressional statutes and by
1914 circumventing the U.S. Constitution. Fortunately, the federal
1915 court system stepped in to protect American families from this
1916 abuse of the rule of law. In this regard I have the following
1917 questions, one, I will go through the questions first and you all
1918 can respond supplementally if you would like to.

1919 Can you provide this committee with a list of those
1920 overreaching and overturned regulations that were overturned by
1921 the court systems? Can you provide this committee with the
1922 economic cost of those overturned regulations, and can you also

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1923 inform the committee about EPA's actions, if any, to modify those
1924 regulations so those overreaching regulations to conform with the
1925 rule of law?

1926 Mr. Pruitt. Yes, on all fronts.

1927 Mr. Flores. Okay. And I would ask you to do that
1928 supplementally in the interest of time.

1929 Thank you, Mr. Chairman. I yield back the balance of my
1930 time.

1931 Mr. Shimkus. The gentleman yields back his time. The chair
1932 now recognizes the gentlelady from Michigan, Mrs. Dingell, for
1933 5 minutes.

1934 Mrs. Dingell. Thank you, Mr. Chairman.

1935 Administrator Pruitt, yesterday I sent you a letter on EPA's
1936 January 25th, 2018 guidance to reverse the longstanding once in,
1937 always in policy for major sources of hazardous air pollutants.
1938 This document rolls back one of the bedrock safeguards to limit
1939 toxic air pollution from factories and industrial operations.
1940 The Clean Air Act requires EPA to control hazardous air pollutants
1941 to protect public health. These pollutants are the worst of the
1942 worst and they include many that cause cancer in children like
1943 mercury, arsenic, and lead. The law focuses on limiting these
1944 pollutions from industrial sources by requiring them to control
1945 their emissions using the maximum achievable control technology,
1946 or MACT.

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1947 The once in, always in policy ensured that polluters
1948 continued to clean up their act and didn't backslide on their
1949 progress, but in the January 25th guidance you punched a huge giant
1950 loophole in these critical public health protections essentially
1951 allowing sources to increase their toxic air emissions with no
1952 consequences. At a Senate hearing in January, you were asked
1953 about the new once in, always in guidance and indicated that,
1954 quote, it was a decision made outside of the Air Program office.
1955 It was a policy office decision, unquote.

1956 At the time, you didn't seem aware of the details and that
1957 happens when things are, you have a lot of stuff, but I am hoping
1958 now that you have had more time to familiarize yourself and I would
1959 like to ask you some questions. It is not clear whether EPA has
1960 any idea how many sources might increase their emissions of
1961 hazardous air pollutants as a result of this policy change and
1962 I would like to ask you some yes or no questions.

1963 Yes or no, did EPA determine which sources and how many would
1964 be covered by this policy change before releasing the January 25th
1965 guidance?

1966 Mr. Pruitt. Yes. There was a review of those issues,
1967 Congresswoman.

1968 Mrs. Dingell. Yes or no, thank you.

1969 Mr. Pruitt. And I would say to you that this was an incentive
1970 to companies to actually invest in emissions.

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1971 Mrs. Dingell. Okay, did you, yes or no, did EPA determine
1972 the location of these sources?

1973 Mr. Pruitt. That is something that I would have to -- I don't
1974 know about the locations.

1975 Mrs. Dingell. Please, for the record -- yes or no, did EPA
1976 -- provide that. Yes or no, did EPA assess the magnitude of
1977 hazardous air pollution that could increase as a result of the
1978 January 25th guidance?

1979 Mr. Pruitt. It is actually a benefit with respect to
1980 providing incentive as I indicated to those major emitters to get
1981 into another category.

1982 Mrs. Dingell. Yes or no. So --

1983 Mr. Pruitt. I understand that they looked at that, yes.

1984 Mrs. Dingell. Has EPA initiated or completed any of the
1985 previously mentioned analyses since the release of January 25th
1986 guidance?

1987 Mr. Pruitt. The work that was done was in support of the
1988 guidance that was issued.

1989 Mrs. Dingell. It is also not clear whether EPA has looked
1990 at the potential health effects of this decision. Yes or no, did
1991 EPA conduct an analysis of the health effects including the
1992 potential increased risk of cancer of this decision before
1993 releasing the January 25th guidance memo?

1994 Mr. Pruitt. That is something we will have to provide and

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1995 verify.

1996 Mrs. Dingell. Yes or no, did EPA conduct an analysis of the
1997 potential health effects of this policy on children, babies, or
1998 pregnant women before releasing the January 25th?

1999 Mr. Pruitt. That is something we will have to assess and
2000 provide.

2001 Mrs. Dingell. Yes or no, did EPA conduct an analysis of the
2002 potential health effects of this policy on older Americans for
2003 those with chronic health problems before releasing the January
2004 25th guidance?

2005 Mr. Pruitt. I hate to be redundant, but that is something
2006 we will have to assess and provide.

2007 Mrs. Dingell. Yes or no, did EPA conduct an analysis of the
2008 potential health effects of this policy on minority and low-income
2009 communities before releasing the January 25th?

2010 Mr. Pruitt. I would answer the same way.

2011 Mrs. Dingell. In the absence of information from EPA, a
2012 number of independent groups have taken it upon themselves to
2013 analyze the potential toxic impacts this policy would have on
2014 communities near and downwind from major sources. They found
2015 that the chemical industry stands to benefit substantially from
2016 this loophole. Have you met with any industry representatives
2017 who requested the repeal of this once in, always in policy?

2018 Mr. Pruitt. Again this was a decision to provide incentive

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2019 to companies to invest to lower emissions.

2020 Mrs. Dingell. There is no incentives for pollution. I am
2021 going to conclude with one different subject because this is very
2022 important to me. You recently concluded the midterm evaluation
2023 of fuel economy standards for model years 2022 to '25. It is my
2024 deep belief that the auto companies, their workers, and the
2025 consumer have benefited from having one national program for fuel
2026 economy and that it is critical to preserve that moving forward.
2027 The importance of these standards besides saving energy, reducing
2028 emissions, is the certainty that businesses need. I am deeply
2029 worried about reports that California doesn't matter to you.

2030 Mr. Shimkus. The gentlelady's time is expiring.

2031 Mrs. Dingell. All right. I just want to say it is my hope
2032 that we can have one national program moving forward. If you do,
2033 we work on it together, everybody wins.

2034 Mr. Shimkus. The gentlelady's time is expired.

2035 We are going to accept for submission into the record the
2036 statement from the American Association for Advancement of
2037 Sciences.

2038 [The information follows:]

2039 *****COMMITTEE INSERT 6*****

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2040 Mr. Shimkus. Just for our colleagues' note, the chief
2041 executive officer is a guy named Rush Holt who you will all
2042 remember.

2043 The chair now recognizes the gentleman from North Carolina,
2044 Mr. Hudson, for 5 minutes.

2045 Mr. Hudson. Thank you, Mr. Chairman, and thank you, Mr.
2046 Pruitt, for being here today. I have two areas of questions I
2047 want to jump into with you. The first relates to the chemical
2048 GenX and the Cape Fear River back home in North Carolina. In your
2049 testimony you highlighted the importance of safe drinking water
2050 and the EPA's efforts to proactively protect source water as well
2051 as address contamination concerns. As I am sure you are aware,
2052 my state of North Carolina is facing growing concerns over the
2053 emerging contaminant GenX. I have been engaged with you on this
2054 issue several times in the past.

2055 My concern is that we have a chemical that is spreading that
2056 we simply do not know enough about. I am worried that on the EPA's
2057 website you state that a management plan for PFOS, the related
2058 family of chemicals, won't be developed until the fall of 2018.
2059 2 days ago I received a letter from the Office of Water addressing
2060 some but not all of our questions that I have asked about GenX.
2061 I understand the EPA has posted comprehensive scientific
2062 literature related to GenX on its website, but EPA is also
2063 developing human health toxicity information on GenX to aid states

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2064 and localities in setting or refining public health goals.

2065 I would just ask, sir, what information is EPA seeking that
2066 the literature has, does not already provide, and when will the
2067 results of the EPA's information development be available to the
2068 public?

2069 Mr. Pruitt. Yes, a very important issue and I have talked
2070 to the Governor there in North Carolina and it is something that
2071 I am aware of the issues in North Carolina. We will have a
2072 toxicity review by the summer.

2073 Mr. Hudson. By the summer.

2074 Mr. Pruitt. With respect to GenX. And as you know this is
2075 an iteration beyond PFOA and PFOS. GenX was a successive, you
2076 know, chemical. I am very concerned about its impact and we are
2077 accelerating that tox review and then we will look at further steps
2078 in the fall. But we have been in communications with North
2079 Carolina and the Governor particularly about that.

2080 Mr. Hudson. Great. Well, I appreciate the attention you
2081 put on this. What were the updates to EPA's risk management of
2082 GenX based upon independent laboratory analysis of compounds
2083 found in the Cape Fear River water samples and what about those
2084 findings can you discuss now?

2085 Mr. Pruitt. With respect to the toxicity review or other
2086 studies, Congressman?

2087 Mr. Hudson. Well, there were independent laboratory

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2088 analyses of the compounds that was done.

2089 Mr. Pruitt. Yes. That is part of the work that is being
2090 done to support the tox review that will occur this summer and
2091 then there will be additional standards set in the future. But
2092 what we are trying to do is work with those states like North
2093 Carolina that have an imminent concern and trying to provide them
2094 guidance as they adopt state responses as well.

2095 Mr. Hudson. Okay. Well, then I don't know if you are able
2096 to make a conclusion yet, but was GenX used in a manner that was
2097 incompatible with the consent agreement under the Toxic
2098 Substances Control Act or are you in a position to determine that?

2099 Mr. Pruitt. That is something I am not able to speak to at
2100 this point, but we can get you the information, Congressman.

2101 Mr. Hudson. Great. Well, I appreciate the seriousness
2102 with which you have taken this and the work you are doing with
2103 our governor and also on this. So thank you for that.

2104 Mr. Pruitt. Governor Cooper has been very, very concerned
2105 about it and very focused upon it and it is important that we
2106 address it with him and the state.

2107 Mr. Hudson. Great, thank you. I would like to pivot now
2108 and discuss another area that you have highlighted as a priority
2109 for the Agency which is clean air. In the 47 years since the
2110 enactment of the Clean Air Act, the EPA has never taken an
2111 enforcement action against amateur racers who make modifications

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2112 to vehicles used exclusively on tracks for racing. Do you support
2113 this policy?

2114 Mr. Pruitt. The policy of taking no enforcement?

2115 Mr. Hudson. Yes, sir.

2116 Mr. Pruitt. I think it is wise, yes.

2117 Mr. Hudson. I appreciate that. In 2015 under the previous
2118 administration, the EPA slipped a few sentences into a 600-page
2119 unrelated rule that proposed to repeal this policy. And after
2120 a public outcry and a number of us raised concerns they backed
2121 off, but they sort of left some ambiguity there about the legality
2122 of this. Would you support legislation clarifying that vehicles
2123 can be modified for racing and that doing so does not violate the
2124 anti-tampering provisions in the Clean Air Act as long as those
2125 vehicles are not used on public roads or used exclusively for
2126 competition?

2127 Mr. Pruitt. It is always helpful to us to get congressional
2128 clarity on these issues, so absolutely.

2129 Mr. Hudson. Great. Well, I appreciate that. I appreciate
2130 the time you have given us here today and thank you for your focus
2131 on clean air and clean water, goals we all share.

2132 Mr. Pruitt. Thank you.

2133 Mr. Hudson. Thank you.

2134 With that, Mr. Chairman, I will yield back.

2135 Mr. Shimkus. The gentleman yields back his time. The chair

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2136 now recognizes the gentlelady from California, Ms. Matsui, for
2137 5 minutes.

2138 Ms. Matsui. Thank you, Mr. Chairman.

2139 Administrator Pruitt, it is widely reported at this point
2140 that most of your patrons and supporters are from the oil, gas,
2141 and coal industries. The regulations you have withdrawn,
2142 delayed, or weakened, rules on coal ash disposal, water pollution
2143 from coal-fired utilities, methane gas emissions from oil and gas
2144 operations, air pollution from glider trucks, formaldehyde
2145 emission standards, all translate into additional profits for
2146 those industries but negatively impact public health.

2147 So it doesn't come much as a surprise that you have determined
2148 in the midterm evaluation that the stronger vehicle fuel
2149 efficiency standards are too stringent. I strongly disagree with
2150 this determination. There is a very robust record to support the
2151 need for stronger standards and the availability of technology
2152 to achieve them highlighted by the 1,200-page Technical
2153 Assessment Report issued by the EPA. Administrator Pruitt,
2154 you have stated many times that you intended to operate at the
2155 EPA on the basis of cooperative federalism and the rule of law.
2156 But when it comes to California and vehicle emission standards
2157 all of a sudden neither of these concepts seem to apply. You have
2158 made it clear that you do not favor California's waiver under which
2159 the state sets greenhouse gas emission standards for vehicles and

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2160 you have stated that California should not have, quote, an
2161 outsized influence on vehicle standards. But this position is
2162 inconsistent with your preference for states' rights, and more
2163 importantly it is inconsistent with the law.

2164 California's special status with respect to vehicle emission
2165 regulation has been enshrined in federal law for over 50 years.
2166 Section 209(b) of the Clean Air Act states the Administrator
2167 shall, not may, shall grant a waiver to any state if the state,
2168 not the Agency, determines the state standards will be at least
2169 as protective of public health and welfare as the federal
2170 standards.

2171 The auto manufacturers have repeatedly said that they do not
2172 want the protracted legal fight that would inevitably occur if
2173 EPA moved to revoke California's waiver. But many of your public
2174 statements allude to the Agency moving in that direction. So I
2175 would ask you, does the Agency intend to initiate proceedings to
2176 revoke California's waiver, yes or no?

2177 Mr. Pruitt. Not at present. In fact, we work very closely
2178 with California officials on that issue. I have sent EPA
2179 representatives to California --

2180 Ms. Matsui. So that is a no?

2181 Mr. Pruitt. -- to meet with CARB and Ms. Nichols. It is
2182 important that we work together to achieve, as was indicated
2183 earlier, a national standard.

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2184 Ms. Matsui. Okay. So it is really not a yes or no. It is
2185 a --

2186 Mr. Pruitt. Congresswoman, we are working very diligently
2187 and diplomatically with California --

2188 Ms. Matsui. All right, okay. Okay.

2189 Mr. Pruitt. -- to find answers on this issue.

2190 Ms. Matsui. Okay. Okay. Well, I believe the answer
2191 should be a no because you said you have said you want a national
2192 program and you won't get this without California's agreement.
2193 The law requires you to set standards that protect public health
2194 and welfare. California standards' does just that. California
2195 agreed to a national program to enter into an agreement to
2196 accomplish that goal. If you challenge the waiver or
2197 significantly weaken the standards you are not following the rule
2198 of law.

2199 If you are, in fact, doing what you were appointed to do,
2200 what you said you were going to do, you must uphold the law and
2201 set protective standards. So far you have demonstrated little
2202 intention to do that. That is why the entire country needs
2203 California waiver to ensure that public health and the environment
2204 are protected even in the face of an Administrator who cares maybe
2205 more about repaying special interests than about safeguarding the
2206 public's interests.

2207 Now, Administrator Pruitt, I believe, to a question that you

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2208 answered from Mrs. Blackburn earlier, you said the EPA has data
2209 supporting your decision to revise emission standards for light
2210 duty vehicles. Will you commit to providing that data to both
2211 sides of the committee by the end of the day? And that is a yes
2212 or no.

2213 Mr. Pruitt. We actually have two responsibilities under
2214 this process. One is a midterm evaluation and then proposed
2215 rulemaking that will occur. And so we will provide the data to
2216 you that gave rise to the midterm evaluation.

2217 Ms. Matsui. Will you provide it at the end of the day, the
2218 day that you have --

2219 Mr. Pruitt. I will instruct our team to get that together
2220 and get that to you as soon as possible.

2221 Ms. Matsui. End of the day, yes.

2222 Mr. Pruitt. I will instruct my team to get that and get that
2223 to you as soon as possible.

2224 Ms. Matsui. As soon as possible, hopefully within a week
2225 then?

2226 Mr. Pruitt. Well, we will get it to you as soon as possible,
2227 Congresswoman.

2228 Ms. Matsui. Okay. I will hold you to that, okay.

2229 Mr. Pruitt. It is my intent to do so, yes.

2230 Ms. Matsui. I will hold you to that. Okay, thank you, and
2231 I yield back.

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2232 Mr. Pruitt. Thank you.

2233 Mr. Shimkus. The gentlelady yields back her time. The
2234 chair now recognizes the gentleman from North Dakota, Mr. Cramer,
2235 for 5 minutes.

2236 Mr. Cramer. Thank you, Mr. Chairman. And thank you, Mr.
2237 Administrator, for lots of things, first of all, for being here.

2238 And once again I never cease to be impressed with the
2239 incredible depth of knowledge you have on the details of so many
2240 things. It seems to me, however, the more details you know, the
2241 more some people demand and they expect you to know everything.
2242 And I have to say in my years both on this committee and on previous
2243 committees I have never had a Cabinet official that knew as much
2244 about the policies that your Agency is implementing as you have
2245 with yours. So thank you for that.

2246 I also want to thank you for your incredible, not just an
2247 understanding of, but commitment to, cooperative federalism. It
2248 is something that has been lost in previous administrations,
2249 including by some of your critics that were predecessors to you,
2250 and the restoration of it is no small matter. And I want you to
2251 know on behalf of the people of North Dakota how very much we
2252 appreciate your approval of our state's application for primacy
2253 over class IV wells, which is our CO2 wells, so I think it was
2254 a clear demonstration of the policy.

2255 I am also, I have to say I am somewhat struck by some of the

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2256 accusations that have come at you today. For example, you were
2257 accused of picking winners and losers with your policies. And
2258 I just have to ask, isn't the Clean Power Plan at its very core
2259 the picking of winners and losers by trying to regulate electric
2260 generation outside of the fence line? I mean isn't that a picking
2261 of winners and losers?

2262 Mr. Pruitt. Well, I mean the Agency, in response to that,
2263 Congressman, actually defined a best system of emission reduction
2264 under the statute as being able to coerce decisions being made
2265 at the local level on how you generate electricity. So I think
2266 by definition that was almost picking winners and losers.

2267 Mr. Cramer. You have also been accused of hypocrisy. You
2268 have been accused of the lack of transparency by people who in
2269 the same breath are defending secret science as a means of carrying
2270 out their political philosophy, all the while accusing you of
2271 being the ideologue in the room. The irony is rich beyond rich
2272 with me.

2273 Mr. Pruitt. And I think what, if I may for a second.

2274 Mr. Cramer. Please.

2275 Mr. Pruitt. I think what is important with respect to the
2276 scientific transparency it doesn't apply to only certain studies.
2277 It applies to all third-party studies of every type. I mean many
2278 members on this committee, I am sure, would be very concerned that
2279 if API went out and did a study, didn't provide the methodology,

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2280 didn't provide the data, provided conclusions to the EPA and then
2281 the EPA acted on rulemaking with respect to methane or other
2282 issues, there would be tremendous concerns about that.

2283 So it applies to all third-party science irrespective of the
2284 source. It just simply says data, methodology, conclusions
2285 matter and the American people need to be able to consume that.

2286 Mr. Cramer. Well, it seems to me and I appreciated the
2287 inquiry earlier and maybe you could elaborate a little bit on how
2288 personal data can be protected and is protected. Nobody is asking
2289 for the names of every victim of every, you know, of every
2290 pollution source that has ever happened in the world or that has
2291 been sourced in any study. They are not asking for personal data,
2292 we are asking simply for the science to be revealed. I mean you
2293 can protect the personal data, right?

2294 Mr. Pruitt. Both the personal data, Congressman, as well
2295 as confidential business information, both CBI and personal
2296 information can be redacted and can be addressed and still serve
2297 the purposes of the proposed rule.

2298 Mr. Cramer. I have to say I think though of all of the
2299 accusations today, it was interesting after about 4 minutes of
2300 defending the swamp one of their leaders said so much for draining
2301 the swamp.

2302 Mr. Administrator, I think the greatest sin that you have
2303 committed, if any, is that you have actually done what President

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2304 Trump ran on, what he won on, and what he has commissioned you
2305 to do in finding some balance in both carrying out the mission
2306 of environmental protection while at the same time looking out
2307 for the economy and jobs creation. And I just again for the people
2308 in North Dakota I appreciate that so much.

2309 In my remaining minute if you would take some time to just
2310 elaborate even a little bit more on the New Source Review issue,
2311 because, you know, in North Dakota we have a number of existing
2312 plants that are finding it very difficult to even meet the spirit
2313 of the intent, if you will, of New Source Review and I think it
2314 just seems to be working against itself.

2315 Mr. Pruitt. I mean I think for the American people as we
2316 talk about, I mean what New Source Review is, is when you have
2317 a company that wants to invest sometimes hundreds and millions
2318 of dollars in their facilities to reduce pollution they refuse
2319 to do so because if they invest too much it is considered a major
2320 modification to the facility which then requires what, additional
2321 permitting responsibilities which they may not get. So dealing
2322 with New Source Review is something that is very, very important
2323 to actually incentivize companies and reward companies who want
2324 to invest in better outcomes.

2325 It was talked about earlier with respect to once in, always
2326 in. That effectively is what that is because under the category
2327 of major emitters and minor emitters in what we said is that as

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2328 you are a major emitter and you invest and you actually reduce
2329 your pollution down to minor levels you can actually be rewarded
2330 for that and actually, I think, incentivized to do that.

2331 Mr. Shimkus. The gentleman's time has expired. The chair
2332 recognizes the gentleman from California, Mr. Cardenas, for 5
2333 minutes.

2334 Mr. Cardenas. Thank you very much, Mr. Chairman, for
2335 calling this hearing and also I marked your words that you said
2336 that today hopefully we are going to be talking about policy and
2337 stewardship. So I hope that we can get that on the record as well
2338 on both of those fronts.

2339 Mr. Pruitt, welcome to the people's House. The list of your
2340 failures is long and your wasteful spending is an embarrassment
2341 to government and very offensive to the taxpayers who pay all of
2342 our salaries. This administration is so packed with unethical
2343 behavior, but yet at the same time you have to understand that
2344 your power directly impacts health and well-being of vulnerable
2345 populations in this country -- seniors, our sick, and our
2346 disabled.

2347 It is tempting to ask why you spent nearly 68,000 on hotels
2348 and travel from August through February, just in 5 months, and
2349 50,000 on modifications to your office including a privacy booth
2350 that cost over \$43,000, and an oversized desk with ornate
2351 woodworking that cost over \$2,000, but we already know that some

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2352 of these purchases were made in violation of federal laws.

2353 When you appeared before the subcommittee in December, this
2354 subcommittee, you said that your phone booth is used for
2355 classified conversations and sensitive conversations with the
2356 White House. Has this \$43,000 phone booth, has it been certified
2357 as a SCIF, and also so are you using it for classified
2358 conversations, is that appropriate?

2359 Mr. Pruitt. It has not been certified as a SCIF and it does
2360 provide protection on confidential communications. And I think
2361 it is important, Congressman, to know where this originated. I
2362 did have a phone call that came in of a sensitive nature and I
2363 did not have access to secure communications. I gave direction
2364 to my staff to address that and out of that came a \$43,000
2365 expenditure that I did not approve. That is something that should
2366 not occur in the future.

2367 Mr. Cardenas. Okay, so you are not taking responsibility
2368 for the \$43,000 that was spent in your office, you are saying that
2369 staff did it without your knowledge?

2370 Mr. Pruitt. Career individuals at the Agency took that
2371 process through and signed off on it all the way through.

2372 Mr. Cardenas. Okay. So you were not involved in that is
2373 what you are saying?

2374 Mr. Pruitt. I was not involved in the approval of the
2375 \$43,000 and if I had known about it, Congressman, I would have

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2376 refused it.

2377 Mr. Cardenas. Okay. That seems a bit odd. If something
2378 happens in my office, especially to the degree of \$43,000, I know
2379 about it before, during, and after. But anyway let me get on to
2380 my next points. I am sure you can see the irony of this \$43,000
2381 expenditure even though you are saying before the public that you
2382 are not taking responsibility for it.

2383 EPA's budget is far from unlimited. When you commandeer
2384 public resources for your personal use other lifesaving agency
2385 activities do suffer. In another troubling example, Millan Hupp,
2386 an EPA appointee who came with you from Oklahoma and was recently
2387 awarded with a large raise over the White House's objections,
2388 reportedly went out to open houses in search for a condo for you.
2389 Mr. Pruitt, I hope you understand that using public employees for
2390 your private business is illegal. Turning now to your highly
2391 questionable condo lease from Vicki Hart, I find it highly
2392 concerning that you apparently never had an EPA ethics attorney
2393 review the lease before you signed it. Did you have an EPA ethics
2394 attorney look at that lease before you signed it?

2395 Mr. Pruitt. On the other issue, Congressman, I want to
2396 address that I am not aware of any government time being used by
2397 Millan Hupp. She is a friend of both my wife and myself and has
2398 been for a number of years and she is a friend. And the activities
2399 --

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2400 Mr. Cardenas. Okay. You stated for the record that you are
2401 not aware that she used her official time. Thank you very much.
2402 But did any of the attorneys at the EPA look at your lease before
2403 you signed it?

2404 Mr. Pruitt. The review that took place took place
2405 afterwards.

2406 Mr. Cardenas. Afterwards, okay. And what did they say
2407 about that lease afterwards when they reviewed it?

2408 Mr. Pruitt. They said that the rate paid was comparable to
2409 other, what I leased actually was comparable to other
2410 arrangements.

2411 Mr. Cardenas. Did they state that in writing or verbally?

2412 Mr. Pruitt. Actually in writing, in writing twice.

2413 Mr. Cardenas. In writing, okay, can you get a copy of that
2414 to the committee?

2415 Mr. Pruitt. I can get the ethics opinions to you, yes.

2416 Mr. Cardenas. Okay, thank you. It was also recently
2417 reported that as Attorney General of Oklahoma you reassigned an
2418 investigative staff of the office to be your personal driver and
2419 security team. Are those reports accurate?

2420 Mr. Pruitt. I am not aware of what you are referring to,
2421 Congressman.

2422 Mr. Cardenas. Okay. All right, to my next question, in an
2423 apparent attempt to rebut reports, your Agency published data in

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2424 February claiming a large increase in penalties against
2425 polluters, but that data included the penalties assessed by the
2426 Obama administration. In fact, 90 percent of those numbers that
2427 you reported were actually assessed by the previous
2428 administration. Did you intentionally claim credit for the
2429 enforcement actions taken by the Obama administration to obscure
2430 your weak record on enforcement, yes or no?

2431 Mr. Pruitt. In fact, the Obama administration cut into
2432 agents at that office. We have increased the number of agents
2433 in that office.

2434 Mr. Cardenas. Thank you. On my time --

2435 Mr. Shimkus. The gentleman's time is expired.

2436 Mr. Cardenas. I just want to show you a picture of the --

2437 Mr. Shimkus. The chair recognizes the gentleman from
2438 Michigan. The gentleman --

2439 Mr. Cardenas. -- that I grew up in and that is the new
2440 picture here.

2441 Mr. Shimkus. The gentleman will suspend. His time is
2442 expired. The chair will recognize the gentleman from Michigan
2443 for 5 minutes.

2444 Mr. Walberg. I thank the chairman.

2445 Mr. Cardenas. I yield.

2446 Mr. Walberg. And I would thank the Administrator for being
2447 here. I appreciate you taking the time to do

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2448 this. It is important for us as we work in our relationship, the
2449 constitutional relationship that we have time with you. So thank
2450 you for being here and thank you for your policy efforts as you
2451 perform your functions.

2452 Administrator Pruitt, the last time you were before this
2453 committee you told me then, I quote, the Great Lakes Restoration
2454 Initiative is something that we should work together to make sure
2455 is achieving good outcomes and I think it has and we will continue
2456 that discussion as we head into 2018. I appreciate those words,
2457 but we have seen a lack of support for the GLRI.

2458 Again in this fiscal year 2019 budget request, the GLRI was
2459 funded at 30 million by this administration. Obviously I was and
2460 am not okay with that level of funding and worked with my
2461 colleagues on both sides of the aisle in the Great Lakes Caucus
2462 in an effort to restore full funding, which we did, for that. And
2463 I certainly would love to stand on the banks of one of the Great
2464 Lakes in my district, Lake Erie, with you, and just have an
2465 opportunity to discuss further what is so important about 20
2466 percent of the world's fresh water resources being there in the
2467 Great Lakes and what a job we have attempted to do as Great Lakes
2468 states to make that work for us.

2469 Do you believe that 30 million is adequate funding for such
2470 a critical program?

2471 Mr. Pruitt. Well, I commend what Congress has done to

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2472 address that. I think Congress restored that level to 300
2473 million, I think, in the omnibus.

2474 Mr. Walberg. 300 million.

2475 Mr. Pruitt. And I remain personally and as Administrator
2476 of the EPA committed to you to work --

2477 Mr. Walberg. Will you make a request to the administration
2478 to work with us on that?

2479 Mr. Pruitt. I will continue to do that Congressman.

2480 Mr. Walberg. I would appreciate that because it is
2481 important and I think again it is something that we want to in
2482 the Great Lakes Region take care of that resource as good stewards
2483 and I believe you do as well.

2484 Mr. Pruitt. Well, the challenges there, the invasive
2485 species we know is an issue. We want to do all that we can. I
2486 was actually in Region 5 earlier this week and obviously they are
2487 very focused on those efforts as well. I am hopeful that we can
2488 find better outcomes as we go forward on the funding levels.

2489 Mr. Walberg. Well, with that, with invasive species and
2490 with algae bloom, which has been significant, touching my
2491 district, across the line in Ohio as well, when we discussed last
2492 time you mentioned that there would be an interest -- and let me
2493 find -- you said it is something that we ought to do going forward
2494 and ensure that there is a partnership like that and specifically
2495 referring to Agriculture and Interior. Have you had an

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2496 opportunity to talk with Sonny Perdue or Ryan Zinke about this
2497 issue of algae bloom and how to address it in the Great Lakes?

2498 Mr. Pruitt. The Secretary, Secretary Perdue and I have
2499 actually talked about issues with respect to geographical focal
2500 areas, but Ryan and I have not. And I think it is important, you
2501 know, as I indicated, for states like the Great Lakes Initiative
2502 you have states that have joined together partnering and
2503 collaborating with the federal government to achieve better
2504 outcomes and I think that is an example of true federalism.

2505 Mr. Walberg. Is there anything I can do to assist in
2506 bringing that coalition together? I would be delighted to stand
2507 on the banks of Lake Erie with you and Secretary Zinke.

2508 Mr. Pruitt. Well, yes. We ought to do that together with
2509 the other two individuals as well.

2510 Mr. Walberg. Okay, next topic is the constant threat of
2511 invasive species. I believe we have an administration right now
2512 that isn't committed to some of the shipping interests in Illinois
2513 and Indiana that there were before and I don't discredit that.
2514 But we have a water resource that could be impacted in many
2515 different ways recreationally, commercially as well, if Asian
2516 carp, one of those species were to get into the Great Lakes.

2517 Can you please provide an update on what your efforts have
2518 been with the Army Corps of Engineers that have been dragging their
2519 oars in the water for too long on this issue? Have you had any

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2520 significant contact with them in moving this issue forward?

2521 Mr. Pruitt. I have had contact with Secretary Esper as well
2522 as R.D. James there at the Corps on a multitude of issues. I don't
2523 recall speaking about this particular issue, but I appreciate you
2524 making me aware of it and we will talk to them about their
2525 involvement.

2526 Mr. Walberg. Yes, if you could get on that. That is just
2527 so significant. And it is amazing right now though we have seen
2528 DNA that have come from carp in the Great Lakes, thus far we are
2529 not seeing the impact of the fish themselves. We can't have that
2530 happen. If it happens there is no turning back, and this is an
2531 environmental protection issue. And so I hope that you will check
2532 into that further, and I certainly would like to check with your
2533 office.

2534 Mr. Shimkus. The gentleman's time is expired. The chair
2535 recognizes the gentleman from Georgia for 5 minutes.

2536 Mr. Carter. Thank you, Mr. Chairman.

2537 Thank you, Mr. Pruitt for being here. As you know, I have
2538 the honor and privilege of representing the 1st congressional
2539 district of Georgia which includes the entire coast of Georgia
2540 and it also includes the Savannah Harbor. The Savannah Harbor
2541 Expansion Project is a billion dollar project, arguably the most
2542 important economic development project in our state's history
2543 next to the Interstate System. It supports the infrastructure

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2544 and economic principles that were laid out by President Trump.
2545 It is exactly that.

2546 This is what he has been talking about when he has been talking
2547 investing in the infrastructure in our country. It is one of the
2548 most studied projects in the history of mankind.

2549 We started this project in the late 1990s. Since that time,
2550 three ports in China have been started and completed, yet this
2551 is not completed yet. Back when you were here in December, I
2552 brought to your attention the Tier 4 emission standards that are
2553 being required for the harbor pilots and for their boats and the
2554 problem that it was causing us then. You understand that unless
2555 we can get those ships in and out of port, it does us no good to
2556 invest a billion dollars into this project. We have to have those
2557 harbor pilots and their vessels in order to get these ships in
2558 and out of port.

2559 Now the Tier 4 emission standards, I spoke to you in December
2560 about those. This was after months of my staff and your staff
2561 going back and forth to discuss this. Since that time almost 5
2562 months ago, I have had the harbor pilots come up to Washington
2563 at their own expense and their own time to meet with your staff.
2564 Your staff was completely unprepared. It was complete waste of
2565 time for the harbor pilots to be here. You gave me a commitment
2566 back in December that you would look into this. I need to know
2567 where we are at with this. This is extremely important for us.

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2568 Can you give me an idea of where we are at with this?

2569 Mr. Pruitt. First, Congressman, my apologies to you and
2570 your constituents if we weren't responsive. And that is the first
2571 I have heard of that and I will check on that very issue and my
2572 apologies there.

2573 Secondly, as I shared with you recently, we are actually
2574 sending representatives, I think, to California to meet with the
2575 architect on the construction of the vessels to determine whether
2576 there is a way to modify --

2577 Mr. Carter. When will they be going to California?

2578 Mr. Pruitt. I think this month. I think it is actually this
2579 month.

2580 Mr. Carter. This month, April?

2581 Mr. Pruitt. May, I am sorry. It is happening in May.

2582 Mr. Carter. May, so next month.

2583 Mr. Pruitt. Yes.

2584 Mr. Carter. Can I have the commitment that we are going to
2585 get this fixed? Are you personally involved in this? Are you
2586 personally looking into this?

2587 Mr. Pruitt. I am now.

2588 Mr. Carter. You are now as of today.

2589 Mr. Pruitt. Yes.

2590 Mr. Carter. But you told me you were in December.

2591 Mr. Pruitt. Yes. My communication --

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2592 Mr. Carter. Now you are telling me today. I want to believe
2593 you.

2594 Mr. Pruitt. Yes. So my communications to the team in
2595 December were to take steps and apparently that has not been done.

2596 Mr. Carter. That has not been done.

2597 Mr. Pruitt. Yes. So I will be personally engaged on this
2598 going forward.

2599 Mr. Carter. I certainly hope so, because look, I want to
2600 help you, okay, because I want you to help me. This is extremely
2601 important. This is, as I said before, the largest economic
2602 development project in the state of Georgia since the Interstate
2603 System. We have got to have this done. If we don't have the bar
2604 policy, they don't have the vessels and the manufacturer is
2605 telling us that they cannot meet the Tier 4 emission standards
2606 and build these vessels that they need.

2607 Mr. Pruitt. I think it is also a competitive situation with
2608 other regulations outside of our agency that are causing a certain
2609 type of vessel along with the engine. So there is work to be done.

2610 Mr. Carter. I just need a commitment. Can I have a
2611 commitment from you that this will be resolved in 30 days?

2612 Mr. Pruitt. You have the commitment from me to get engaged
2613 on this issue with our Air Office to find answers. We will have
2614 answers --

2615 Mr. Carter. Can I have a commitment from you that you will

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2616 get this resolved as soon as you can?

2617 Mr. Pruitt. I will find answers to this within 30 days.

2618 Mr. Carter. Okay. I can't stress to you how important this
2619 is. Also, the Tier 4 emission standards are causing problems with
2620 generators. They are not able to build the large one megawatt
2621 generators. And keep in mind now I said I was representing the
2622 entire coast of Georgia. We have hurricanes in Georgia,
2623 therefore we need generators. In fact, in one 11-month period
2624 we had two hurricanes. They cannot make these. Will you commit
2625 to reviewing the Tier 4 standards to see if they are practical
2626 and if they are rational?

2627 Mr. Pruitt. Yes. I will engage in conversations around
2628 this issue with our Air Office to see what the options are.

2629 Mr. Carter. The last thing I want to ask you about is
2630 biobutanol. It is my understanding that you have --

2631 Mr. Pruitt. About what, I am sorry?

2632 Mr. Carter. I am sorry?

2633 Mr. Pruitt. About what, I am sorry?

2634 Mr. Carter. Biobutanol.

2635 Mr. Pruitt. Okay.

2636 Mr. Carter. This is one of the biofuels that is an
2637 alternative fuel and it is my understanding that you have a comment
2638 period that is about to end at the end of April; is that correct?

2639 Mr. Pruitt. I can verify that.

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2640 Mr. Carter. Okay. Well, please verify that because as you
2641 know the ethanol additives cause a lot of deterioration to marine
2642 engines. Biobutanol as I understand it is much better, much more
2643 compatible for marine engines and we need that to come to market.
2644 When this comment period is up I hope that you will act on it.

2645 Mr. Shimkus. The gentleman's time is --

2646 Mr. Pruitt. Pathway for advanced categories under the RFS,
2647 is that what you are referring to?

2648 Mr. Carter. Yes.

2649 Mr. Pruitt. Okay.

2650 Mr. Shimkus. The gentleman's time is expired.

2651 Mr. Carter. Thank you, Mr. Chair.

2652 Mr. Shimkus. The chair recognizes the gentleman from
2653 Mississippi for 5 minutes, Mr. Harper.

2654 Mr. Harper. Thank you, Mr. Chairman.

2655 Administrator Pruitt, welcome. It appears that it has
2656 become a political blood sport to try to destroy anybody
2657 associated with the Trump administration, and I want to say thank
2658 you for what your Agency has done and the attention that they have
2659 given to the New Source Performance Standards for residential wood
2660 heaters. That was very helpful to some, you know, employers that
2661 were in real danger of not being able to meet a particular deadline
2662 and I appreciate the work that your Agency has done on that.

2663 And I also want to ask you a few questions and I need to ask

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2664 you about a series of media reports that I found particularly
2665 concerning. According to these reports at least five EPA
2666 officials have been reassigned, demoted, or requested to switch
2667 jobs because they raised concerns about your spending and
2668 management of the Agency. You know, you have already testified
2669 this morning that these actions were based on other reasons, but
2670 even the implication of retaliation can have an impact on the
2671 morale of EPA employees. Will you explain these allegations and
2672 tell us what steps EPA takes to investigate allegations brought
2673 forward by EPA employees?

2674 Mr. Pruitt. First, there is no truth to the assertion that
2675 decisions have been made about reassignment or otherwise as far
2676 as employment status based upon the things that you reference.
2677 I am not aware of that ever happening and it is something I want
2678 to make very, very clear. The individuals, I don't know to whom
2679 you reference across the board, but the folks that I am aware of
2680 two of those individuals are SES individuals that are serving in
2681 other capacities. They are actually still employees of the
2682 Agency.

2683 So I think that is important to note, but I just want to
2684 emphasize very, very clearly to you that there is no actions that
2685 we have taken that I am aware of related in any way to the issues
2686 you raise as far as reassignment or employment action based upon
2687 that.

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2688 Mr. Harper. Can you assure me and the employees of EPA that
2689 all whistleblower complaints are taken seriously at EPA and that
2690 you will make your best efforts to ensure that whistleblowers are
2691 protected from any kind of retaliation?

2692 Mr. Pruitt. Absolutely, and I think that is how we get
2693 better. I think that is how we improve outcomes and processes.
2694 And this is not one of those situations, Congressman, in this
2695 situation, but absolutely, prospectively that is something that
2696 I can commit to you and will commit to you.

2697 Mr. Harper. You know, I have had some of my constituents
2698 raise an issue regarding oil spill response training and I am told
2699 that the funding for certain training courses for federal and
2700 local responders involved in inland oil spill prevention and
2701 cleanup have been eliminated and that the EPA Environmental
2702 Response Team is no longer able to consistently make these courses
2703 available. With an increase in oil production across the country
2704 there remains a need for oil spill response training for local,
2705 state, and federal responders.

2706 Would you be willing to commit to looking into whether
2707 funding can and will be made available for what we believe is a
2708 very important training?

2709 Mr. Pruitt. Yes. Yes, Congressman, I agree with that.

2710 Mr. Harper. Over the last 6 years, EPA has used its
2711 discretion to reduce and perhaps eliminate the effectiveness of

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the on-site technical assistance appropriated by Congress to small and rural communities in my home state of Mississippi including terminating funding for my state's two full-time EPA funded circuit rider positions. My rural and small communities have told me numerous times, however, that this is the best and most helpful assistance with EPA water standards and unfunded mandates.

So to address this problem in 2015, Congress passed and the President signed a version of my bill, the Grassroots Rural and Small Community Water Systems Assistance Act, solely to stop this problem that was caused by EPA and still continues today. So this bill requires EPA to give preference to the technical assistance that small and rural communities find the most beneficial and effective.

So on April 11th of 2018, EPA announced the award of technical assistance grants. It was my hope that this announcement would have returned the two full-time circuit rider positions funded by EPA to Mississippi and the other states, yet I am told that there is less help with EPA mandates to small and rural communities. So did EPA conduct a review of what small communities find is the most beneficial and will you look into this for possible necessary correction?

Mr. Pruitt. Yes. So those TAG grants are so important. And when you reference small and rural communities, some of our

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2736 water infrastructure we think about the dense markets as far as
2737 the age in infrastructure across the country but those rural
2738 communities also need tremendous assistance. So those TAG grants
2739 are something that should be a focus in that area that you raised
2740 and I will look into the status of that for you.

2741 Mr. Harper. Thank you very much for what you are doing for
2742 the country.

2743 Mr. Shimkus. The gentleman's time is expired. The chair
2744 recognizes the gentleman from Illinois, Mr. Rush, for 5 minutes.

2745 Mr. Rush. Administrator Pruitt, I must say unlike my
2746 colleagues, no, thank you, no, thank you, to the policies of the
2747 Environmental Protection Agency under your tenure. But in my
2748 home city of Chicago we are in the middle of a dire situation as
2749 reported in a recent Tribune article entitled, "Brain-damaging
2750 lead found in tap water in hundreds of homes tested across Chicago,
2751 results show," and this article is written on April the 12th, 2018.
2752 The article went on to state that in the nearly 2,800 homes tested
2753 between 2015 and to 2017, close to 70 percent were found to contain
2754 elevated levels of lead. Additionally, three of every ten homes
2755 tested contained lead concentration higher than 5 parts per
2756 million, the maximum amount allowed in bottled water by the FDA.
2757 I understand that EPA is currently considering revisions to
2758 the lead and copper rule. This rule was supposed to have been
2759 issued last year, but the Agency under your leadership has

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repeatedly delayed any action on this. You have also delayed action on the lead renovation, repair, and painting rule for commercial buildings. And your recent proposal on scientific data could block the EPA from considering landmark studies, what you misleadingly have termed, quote, secret science, end of quote. These important studies are critical in identifying potential risks to public health including those related to lead contamination, cancer as it related to smoking, as well as the health impacts associated with other dangerous contaminants.

And I would like to hear from you on how the Agency will move to phase out lead in drinking water such as require replacements of lead service lines as well as your justification for your attacks on established scientific data. I have also been concerned by some of your public statements expressing a belief that there might be a safe level of lead and suggesting that lead contamination of drinking water is caused by Superfund sites as opposed to lead piping.

Mr. Administrator, as you well know, even your own Agency has declared that there are no safe levels of lead for consumption. According to the Center for Disease Control and Prevention, even consuming tiny amounts of lead can permanently damage the developing brain of children and contribute to kidney failure, heart disease, and other severe health problems. I also understand that this issue of replacing lead piping will require

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2784 billions of dollars to remediate this problem on a national level.
2785 So I am curious to hear from you on ways that the EPA might provide
2786 financing and other mechanisms to help address this issue.

2787 As you know, the administration's fiscal year 2019 budget
2788 proposed \$863 million on Drinking Water State Revolving Funds
2789 which is an \$81.2 million decrease from the fiscal year 2017
2790 enacted levels. However, the most recent EPA Needs Survey
2791 estimates that it will cost over some \$472 billion for capital
2792 improvements between the years 2015 and 2034. I will be meeting,
2793 Mr. Administrator, with senior state officials in the near future
2794 to discuss these and other issues, but I would like to hear from
2795 you on what steps the EPA will be intending to address these
2796 critical issues which have of course --

2797 Mr. Shimkus. The gentleman's time has expired.

2798 Mr. Pruitt. If I may, Mr. Chairman?

2799 Mr. Shimkus. Just for a short minute.

2800 Mr. Pruitt. There is no safe level of lead in our drinking
2801 water. It is something we need to act aggressively upon as an
2802 Agency and as a country. We have estimated it is about \$45 billion
2803 to replace the lead service lines across the country, and with
2804 WIFIA and the authority this Congress has given the EPA, I really
2805 believe that we can prioritize funding in the WIFIA program up
2806 to four billion a year in over a 10-year process, or thereabouts,
2807 achieve tremendous results.

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2808 Mr. Shimkus. Okay, the gentleman's time is expired. The
2809 chair now recognizes the gentleman from Virginia, Mr. Griffith,
2810 for 5 minutes.

2811 Mr. Griffith. Thank you very much, Mr. Chairman.
2812 Continuing along these lines, thank you, Administrator Pruitt.
2813 And, Mr. Chairman, if we could submit for the record the article
2814 from the Roanoke Times from today, the article came out yesterday
2815 but it is in today's electronic clips, "Virginia Tech team gets
2816 EPA grant to engineer citizen-science water quality project."

2817 As you will recall, in the previous administration there was
2818 a regional EPA administrator who looked the other way. The Flint,
2819 Michigan problem became a problem but it was exposed by Marc
2820 Edwards, the professor at Virginia Tech, because he went out there
2821 on his own dime with his own monies and started doing the studies
2822 that needed to be done. Now your EPA has granted his group \$1.9
2823 million to have folks test their water and send it in so we can
2824 find out exactly where the hot spots are whether they be in Mr.
2825 Rush's district of Chicago or elsewhere.

2826 And Professor Edwards says he calls this the largest
2827 engineering citizen-science project in American history. The
2828 3-year grant will support his team and some other universities
2829 that are involved and he said that all the work we did with
2830 consumers over the years and the students at the Virginia Tech,
2831 this bottom-up, organic science phenomena it created a tidal wave

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2832 of understanding that couldn't be ignored. This is how science
2833 is supposed to work to me, Marc Edwards, Virginia Tech. If we
2834 could have that article put in the record by unanimous consent?

2835 Mr. Shimkus. The Democrats have looked at it and they have
2836 approved. Without objection, it is submitted for the record.

2837 [The information follows:]

2838

2839 *****COMMITTEE INSERT 7*****

2840 Mr. Griffith. Thank you very much. Now I am going to switch
2841 gears, but I couldn't help but think Mr. Rush's comments were so
2842 timely for that.

2843 All right, I am going to switch now to the final rule for
2844 Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium
2845 and Heavy Duty Engines and Vehicles - Phase 2 that was approved
2846 in the prior administration. You all are taking some action in
2847 regard to one part of that which I want to talk about in a minute,
2848 but I first want to talk about trailers. And I asked these
2849 questions of the prior folks at the EPA and I don't know how they
2850 have authority to regulate trailers when the Clean Air Act clearly
2851 says that the term "motor vehicle" means any self-propelled motor
2852 vehicle designed for transporting persons or property on a street
2853 or a highway and a trailer is not self-propelled, nor is it a motor
2854 vehicle, nor does it have an engine. It might have a compressor
2855 if it is a refrigerator truck.

2856 You would agree with me that this needs attention and that
2857 we need to make sure that trailers are not being declared by the
2858 EPA to be self-propelled motor vehicles, yes or no?

2859 Mr. Pruitt. Yes. We are in process --

2860 Mr. Griffith. Thank you. I have to move on to the next one
2861 because I have a more complicated one. You are also in the process
2862 of looking at the situation in that same regulation related to
2863 gliders and to big trucks. And I have a problem because my

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2864 district has the Volvo North America truck manufacturing site,
2865 thousands of jobs, billions of dollars were spent to meet the new
2866 requirements. Now I would agree with you in that, that the law
2867 does not say the EPA can do what they did because they went after
2868 gliders and they didn't, they went after it and just said you
2869 basically can't do it, which they don't have authority to do
2870 because it is not a new motor vehicle engine which is defined in
2871 the code in similar sections to what I just read on the trailers,
2872 utility trailers in my district as well.

2873 And, but what is interesting is, I do believe that there ought
2874 to be something because, you know, Volvo and other truck
2875 manufacturers spent billions upgrading. And what the code says
2876 is, is that you really don't have any authority over used motor
2877 vehicles during the useful life of that motor vehicle, but that
2878 is 11 years and 120,000 miles. So what is happening is in some
2879 cases the gliders are not being used just on wrecked trucks or
2880 other trucks that might be, you know, within that time frame, but
2881 they are being used on trucks outside of their useful life.

2882 Don't you think that it would be appropriate to take a look
2883 at -- and all that is in the law, you have that authority. Take
2884 a look at it and see what can be worked out so that we don't have
2885 trucks that are just being overhauled by the glider companies that
2886 are decades old and nowhere near meeting the emission standards
2887 of the United States, but at the same recognizing they have a right

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2888 to do that if the truck has not used up its useful life as defined
2889 already as 11 years and 120,000 miles.

2890 Mr. Pruitt. So that alternative is something that we
2891 haven't reviewed yet, but I appreciate you bringing it to my
2892 attention. We have been focused upon the statutory analysis both
2893 for gliders and trailers, but this is something we need to add
2894 to the evaluation.

2895 Mr. Griffith. And I just have to say what is interesting
2896 is, is I think about 80 to 85 percent of what the previous
2897 administration wanted to accomplish could have been accomplished
2898 if they hadn't done sloppy legal work. I yield back.

2899 Mr. Shimkus. The gentleman yields back his time. The chair
2900 recognizes the gentleman from South Carolina, Mr. Duncan, for 5
2901 minutes.

2902 Mr. Duncan. Thank you, Mr. Chairman.

2903 Administrator Pruitt, thank you for being here today and I
2904 apologize for the abrasiveness of some of my colleagues who would
2905 rather tarnish your character than really try to delve into the
2906 issues facing this great nation.

2907 I would like to spend a few minutes discussing the Obama
2908 administration's Waters of the U.S. rule, otherwise known as
2909 WOTUS. And I know Congresswoman Blackburn brought it up earlier,
2910 but I want to go into a little more detail. As you know, this
2911 flawed regulation sought to expand federal control over 60 percent

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2912 of our country's streams, millions of acres of wetlands that were
2913 previously non-jurisdictional. It has allowed the EPA and the
2914 Army Corps to regulate almost every water from manmade conveyances
2915 to large rivers.

2916 The rule has created an unnecessary confusion and suffering
2917 for farmers, ranchers, job creators, and private property owners,
2918 and in reality the regulations have done very little to benefit
2919 environmental stewardship. WOTUS is by far the largest issue for
2920 agriculture in South Carolina, and I know on your multistate
2921 action tour this past summer hosted by, I think, Super-Sod there
2922 in Anderson, you saw the real negative impact that WOTUS
2923 regulations had on farmers and local businesses.

2924 These regulations are emblematic of the aggressive and
2925 unconstitutional overreach by the federal government under the
2926 Obama administration and the habitual undermining of state and
2927 local authority regarding environmental matters. It is our
2928 responsibility in Congress to use our lawmaking power to enact
2929 legislative and permanent fix.

2930 Mr. Administrator, I appreciate your attention and efforts
2931 to curtail the WOTUS rules. We talked about that the last time
2932 you were in front of this committee about the President's
2933 executive order, and I just want to ask this question. I saw
2934 earlier this month that you issued a memo taking control of
2935 decision-making from the EPA's regional administrators on

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2936 important matters to streams and wetland jurisdictions. Can you
2937 elaborate on the intentions of this document and why you issued
2938 that memo?

2939 Mr. Pruitt. Yes. There has been many decisions made at the
2940 regional level through delegation, as I was talking about earlier,
2941 utilizing that definition historically, you know, that 2015
2942 decision and then even prior to that in 1986 and the 2008 guidance.
2943 And so we had inconsistency across the country with respect to
2944 what jurisdiction we had, and this was an effort to draw that back
2945 to make sure we had uniformity and how we review our responsibility
2946 on the Clean Water Act and make sure that every region is
2947 implementing that the way that they should.

2948 Mr. Duncan. So why is this important to Waters of the U.S.?

2949 Mr. Pruitt. Well, certainty is, certainty and clarity
2950 around the Waters of the United States rule is terribly important
2951 because, you know, if you have landowners across this country
2952 guessing about whether the EPA or the Corps of Engineers or any
2953 other agency at the federal government has jurisdiction over their
2954 decision, meaning that they have to seek a permit, then they don't
2955 want to find out years later that they should have got that permit
2956 and then face fines each day for those number of years. So clarity
2957 and certainty around where federal jurisdiction begins and ends
2958 really is at the heart of our efforts this year with respect to
2959 the Waters of the United States rule.

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2960 Mr. Duncan. All right. Is there any effort by the Agency
2961 to go back and look at these maps that were drawn? Because when
2962 I look at the Waters of the U.S. ruling and I look at streams or
2963 doggone ditches in my district that were falling under the
2964 jurisdiction, these are ditches that only hold water in an
2965 increment rain event that aren't navigable waterways in anybody's
2966 opinion. And if you came out there and looked at some of these
2967 areas you would go, why in the world is that covered? Is there
2968 any attempt by the Agency to go back and review these maps and
2969 really pull some of those designated areas back in?

2970 Mr. Pruitt. Well, that is part of our objective and effort
2971 with the rewrite of the Waters of the United States rule. It is
2972 not just that there was rescission, repeal in the marketplace.
2973 It is also what is coming next? Where is the clarity? Where does
2974 jurisdiction begin and end? Because these jurisdictional
2975 determinations you are referring to, you are right, they have been
2976 so inconsistent, so different in certain parts of the country that
2977 ephemeral drainage ditches, dry creek beds, puddles, prairie
2978 potholes in North Dakota, you know, considered Waters of the
2979 United States, which I believe looking at the text of the Clean
2980 Water Act clearly was not within the intent of Congress.

2981 So that is something that we are going through that process,
2982 providing that clarity, and then those jurisdictional
2983 determinations will take effect or maybe change after that.

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2984 Mr. Duncan. Just the last question, during my time as a
2985 state legislator we had instances where areas were considered
2986 isolated wetlands and these were areas where logging loading decks
2987 were loaded, were situated, and they sat there for a while. Water
2988 settled, no wetland, no streams, but bulrushes popped up because
2989 water settled in there from where the equipment had set and all
2990 of a sudden this area was designated an isolated wetland and wasn't
2991 able to be replanted, wasn't able to be developed.

2992 Is there anything the EPA is doing to look at those isolated
2993 wetland issues like that?

2994 Mr. Pruitt. Yes, and also prior converted crop lands. I
2995 mean there are similar issues around that issue, so absolutely
2996 we are.

2997 Mr. Duncan. Okay, thank you.

2998 Mr. Chairman, I yield back.

2999 Mr. Shimkus. The gentleman yields back his time. The chair
3000 recognizes the gentlelady from California, Ms. Eshoo, for 5
3001 minutes.

3002 Ms. Eshoo. I thank the chairman for holding today's hearing
3003 and for extending the legislative courtesy for me to participate
3004 at your subcommittee which I am not a member of. I am very glad
3005 to be here.

3006 Administrator Pruitt, public officials and public office
3007 have a public trust to live up to. We are called to hold ourselves

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3008 to the highest ethical standards so that the people that we serve
3009 have the confidence that we work for them. Not for ourselves,
3010 not for special interests, but for them. In front of your title
3011 Administrator, is U.S. EPA, an agency that Richard Nixon founded.
3012 And I think if a public official loses the trust of people and
3013 his or her ability is then becomes crippled because of the trust
3014 factor.

3015 Now you have a solid record of breaking ethics rules from
3016 the state level right up to the federal government. It is a long
3017 list and it includes wasteful spending. I think it is an
3018 embarrassment to our country and I think it is offensive to
3019 constituents. My constituents raise a lot of questions about and
3020 say how can he be doing this? So the question that I want to ask
3021 you might be a little unusual one, do you have any remorse for
3022 the excessive spending on behalf of yourself, the expensive air
3023 tickets, stopping in Paris, the amounts of dollars that you have
3024 expended at the Agency for an expensive telephone booth? I know
3025 you said it is for a SCIF, but there is a SCIF at the EPA. Do
3026 you have any remorse about this? Do you --

3027 Mr. Pruitt. Let me say to you, Congresswoman.

3028 Ms. Eshoo. Well, you can answer it yes or no. Do you have
3029 any remorse?

3030 Mr. Pruitt. I echo your comments. I think that what you
3031 said is absolutely true about the importance of public trust --

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3032 Ms. Eshoo. No, I want you to answer me. I have -- sir, I
3033 have 2 minutes and 38 seconds.

3034 Mr. Pruitt. -- and I endeavor to achieve to live in a way
3035 that respects that.

3036 Ms. Eshoo. Do you have any remorse?

3037 Mr. Pruitt. I think there are changes I have made already,
3038 the change from first class to coach travel. That is a change
3039 I have made. I learned about the pay raises.

3040 Ms. Eshoo. All right. Well, sir, you are not going to
3041 out-talk me. You are not going to out-talk me. You claim that
3042 Steven Hart, the lobbyist who owned the condominium where you paid
3043 below-market rent, never lobbied you. However, we now know this
3044 isn't true. Mr. Hart's firm disclosed that he met with you
3045 regarding cleanup of the Chesapeake Bay. Did you have any other
3046 official meetings with Mr. Hart, yes or no?

3047 Mr. Pruitt. The meeting that you referred to was not a
3048 meeting --

3049 Ms. Eshoo. Did you have any other meetings with him?

3050 Mr. Pruitt. -- it was with respect to an individual --

3051 Ms. Eshoo. All right, I am moving on. Did you ever discuss
3052 Mr. Hart's clients or EPA business with him outside of official
3053 settings?

3054 Mr. Pruitt. There was no other meeting with Mr. Hart except
3055 for nonprofit.

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3056 Ms. Eshoo. Do you have any other lobbyists or
3057 representatives of industries with business before the EPA
3058 provided you with similar personal favors that you haven't
3059 previously disclosed?

3060 Mr. Pruitt. Congresswoman, as I have indicated with respect
3061 to this situation with Mr. Hart and Mrs. Hart, the only event that
3062 took place was a meeting with a nonprofit Chesapeake Bay --

3063 Ms. Eshoo. Are there any other instances in which you
3064 granted --

3065 Mr. Pruitt. -- and I am not aware of any other instances.

3066 Ms. Eshoo. Are there any other instances in which you
3067 granted access to donors or lobbyists to whom you owed personal
3068 favors?

3069 Mr. Pruitt. I am not aware of any instances.

3070 Ms. Eshoo. Your travel including regular upgrades to first
3071 class at the taxpayers' expense has cost over \$200,000 since you
3072 became Administrator. Are you reimbursing the taxpayer for any
3073 of that?

3074 Mr. Pruitt. We can provide you the analysis that occurred
3075 in June of last year with respect to what caused the change to
3076 first class.

3077 Ms. Eshoo. I don't need any analysis. I know what airline
3078 tickets cost. I fly across the country every week.

3079 Mr. Pruitt. And I have changed that recently.

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3080 Ms. Eshoo. No, so what are you going to -- you didn't answer
3081 my question. I asked you if you were going to reimburse the
3082 taxpayers for the overage and this includes ten trips to Oklahoma
3083 as well. So are you going to reimburse or what are you going to
3084 do about it?

3085 Mr. Pruitt. The travel office and the security team
3086 determine where I sit on a plane and all trips that I have taken
3087 with respect to EPA dollars have been for official trips.

3088 Ms. Eshoo. Well, you know what. With all due respect I may
3089 be elected, but I am not a fool. That is really a lousy answer
3090 from someone that has a high position in the federal government.
3091 I mean this is not a dodge-question day. We ask these questions
3092 on behalf of our constituents and I don't really find you
3093 forthcoming.

3094 So the last few questions that I would like to ask with 5
3095 seconds left is when you traveled to your home state --

3096 Mr. Shimkus. The gentlelady's time has expired.

3097 Ms. Eshoo. -- did you attend political fundraisers during
3098 any of these visits?

3099 Mr. Shimkus. The gentlelady's time is expired.

3100 Ms. Eshoo. I would like an answer.

3101 Mr. Shimkus. The chair recognizes the gentleman from
3102 Pennsylvania. The gentleman from Pennsylvania?

3103 Mr. Costello. Thank you, Mr. Chair.

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3104 Mr. Pruitt, I have, I think the opprobrium that you generated
3105 on some of these spending decisions is actually warranted and I
3106 have reviewed your answers and I find some of them lacking or
3107 insufficient. And I believe you have demonstrated, or you have
3108 not demonstrated the requisite degree of good judgment required
3109 of an appointed executive branch official on some of these
3110 spending items and I would like to follow up on a couple of specific
3111 instances.

3112 It has been reported that EPA officials who have challenged
3113 your spending decisions and who have been reassigned or demoted
3114 were not reassigned or demoted over the challenging of your
3115 spending decisions but they all had performance issues. Have in
3116 each of those instances, those performance issues, been
3117 documented prior to them being reassigned or demoted?

3118 Mr. Pruitt. I am not sure to what you are referring as far
3119 as a conclusion that they had been performance related. I talked
3120 about this earlier. I am aware of two individuals being
3121 reassigned because they were in the SES category and that
3122 routinely happens in that category. I know of no instance where
3123 there were decisions made at the Agency based upon counts or
3124 otherwise on spending with respect to employment related
3125 decisions. I said that earlier and I say it again to you.

3126 Mr. Costello. Are there instances where current EPA
3127 officials have objected to spending decisions that you have made

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3128 who still remain in their present positions?

3129 Mr. Pruitt. I am not aware of any employment action taken
3130 with respect to anyone and spending related counsel. These
3131 individuals to whom you refer, I had limited interaction with
3132 them. They did not spend meaningful time with me with respect
3133 to spending and recommendations around spending. One of the
3134 individuals was the head of Advance. The most of the time I spent
3135 with him was in the field and not at headquarters. So there is
3136 really no factual connection whatsoever in employment status with
3137 those individuals and any counsel regarding spending.

3138 Mr. Costello. Now the issues of the two close aides who used
3139 to work for you in Oklahoma and their pay raises, are you saying
3140 that you were not aware that those pay raises were provided to
3141 them until after the fact?

3142 Mr. Pruitt. I was not aware of one of those individuals even
3143 seeking a pay raise. I was aware of another person going through
3144 the process, but I was not aware of the amount that was provided
3145 or the process that was utilized to evaluate that. And that is
3146 what I have spoken to historically.

3147 Mr. Costello. The other issue that has received a lot of
3148 attention is the \$43,000 phone booth. And you are saying that
3149 at no time from the point between when you learned that it was
3150 \$13,000 to the time that it became \$43,000, you were never apprised
3151 of the additional cost related to that?

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3152 Mr. Pruitt. I was not aware if it, 13,000, 8,000, or 43,000.
3153 I gave a simple instruction to my leadership team to address secure
3154 communications in the office and then a process began and we have
3155 documentation we can provide you on that, Congressman. Career
3156 individuals were involved in that process from beginning to end
3157 and made the decision that you see in that with the \$43,000
3158 allocation.

3159 Mr. Costello. Now I tend to be very conscientious of those
3160 who have personal security related concerns. And I don't know
3161 who has said what to you or when, but I do think that there is
3162 a lot more to that than some people may realize in the general
3163 public.

3164 Having said that, it has been reported that, I believe the
3165 IG has indicated or at least someone in the IG's Office has not
3166 found some of the personal security concerns that you have
3167 proffered in relation to the enhanced security that you have
3168 received to be either warranted or credible. Would you kindly
3169 provide a little bit more detail on why you think you need -- and
3170 I am just going to be very honest with you. When folks read about
3171 trips to Disneyland, professional basketball games, Rose Bowl,
3172 and the additional security detail related to that, that doesn't
3173 sit well with a lot of people.

3174 Mr. Pruitt. So I can, Congressman, I can read directly from
3175 an Inspector General threat investigation and I can provide this

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3176 to you. There are several on here listed with respect to threats
3177 and I will just read you two. "The threats were directed toward
3178 her father. The threat stated, I hope your father dies soon,
3179 suffering as your mother watches in horror for hours on end."

3180 There is another entry, correspondence between the subject
3181 and individuals. "Pruitt, I am going to find you and put a bullet
3182 between your eyes. Don't think I am joking. I am planning this."

3183 Mr. Shimkus. The gentleman's time has expired.

3184 Mr. Pruitt. So these are threats that the IG has documented.
3185 We can provide this to you. The IG has said that the threats
3186 against me as Administrator --

3187 Mr. Shimkus. The gentleman --

3188 Mr. Pruitt. -- are unprecedented --

3189 Mr. Shimkus. If the Administrator, if you will suspend, I
3190 think the point has been made. The gentleman's time has expired.
3191 The chair now recognizes the gentleman from New York.

3192 Mr. Engel. Thank you, Chairman Shimkus and Ranking Member
3193 Tonko.

3194 Mr. Pruitt, the person appointed to run the EPA needs to be
3195 someone who cares about protecting the health and safety of people
3196 all across the country, and until now both sides, both Presidents
3197 on both parties, we have had a pretty good track record with our
3198 EPA Administrators. But your time in office really has been
3199 different. Your tenure has been stained by repeated abuses of

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3200 public trust and violations of ethical guidelines, guidelines
3201 that are designed to ensure that the government's business is
3202 conducted with impartiality and integrity.

3203 But what really bothers me perhaps even more on top of that
3204 your agency is willfully ignoring sound science and stripping the
3205 protections that keep millions of Americans safe. You are making
3206 our water less safe to drink and our air less safe to breathe.
3207 You are increasing our exposure to more dangerous chemicals and
3208 you are making our planet less healthy for our children and our
3209 grandchildren.

3210 And that is not just hyperbole. Under your leadership, Mr.
3211 Administrator, the EPA has weakened standards for ozone
3212 pollution, proposed a repeal of the Clean Power Plan, announced
3213 a repeal of the Waters of the United States rule, abandoned the
3214 once in, always in policy that aimed to lock in reductions of
3215 hazardous air pollution from industrial sources, withdrew the
3216 mercury effluent rule, delayed the implementation of safety
3217 procedures at chemical plants to prevent explosions and spills,
3218 withdrew a proposal to track emissions of methane and volatile
3219 organic compounds from oil and natural gas facilities, proposed
3220 eliminating the Lead Risk Reduction Program, announced a
3221 reconsideration of a rule regarding coal ash, announced a
3222 reconsideration of vehicle emission standards for model years
3223 2022 to 2025 -- and we did a lot of work in this committee on these

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3224 vehicle emission standards.

3225 You proposed repeal of emission standards for heavy duty
3226 vehicles. You announced a plan to weaken emission standards for
3227 brick and tile manufacturers. You proposed a rule reducing air
3228 pollutants at sewage treatment plants. You have scrubbed the
3229 content of your website including the page devoted to explaining
3230 climate change. You have removed the word "science" from the
3231 mission statement of your Office of Science and Technology. You
3232 have dismissed 12 of the 18 members of the Board of Scientific
3233 Counselors.

3234 You stayed silent when counties failed to meet new ozone
3235 standards by an October 2017 deadline. Your EPA has collected
3236 far fewer fines from polluters than any of the last three
3237 Administrators during the same time, and more staff and funding
3238 cuts are looming which means even fewer toxic chemicals and other
3239 environmental hazards will be measured and the statutes that
3240 protect all Americans will not be enforced.

3241 There is so much here, Mr. Administrator, that I wish I had
3242 more time. But instead I will focus on an issue that is in the
3243 headlines now and has profound implications for our future, the
3244 Paris Agreement. By announcing that we will abandon our
3245 commitment to the Paris Agreement, and we heard this from Mr.
3246 Macron yesterday being critical of it, this administration is
3247 setting the clock back on U.S. climate action and forfeiting our

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3248 nation's position as the global leader in developing the clean
3249 energy economy of the future. The move will only open the door
3250 for others to take our place.

3251 This decision is bad for the planet and bad for public health.
3252 Scientists at the EPA and the U.S. Global Change Research Program
3253 have found that climate change is a significant threat to the
3254 health of the American people, increasing exposure to disease,
3255 increasing the risk of illness and death from extreme heat and
3256 poor air quality, and increasing dangerous extreme weather
3257 events. The Paris Agreement was and still is our best chance to
3258 address these risks for all Americans but we can't do it alone.
3259 Mr. Pruitt, you have supported the President's decision to
3260 announce a withdrawal from the Paris Agreement.

3261 President Trump and you have said that the deal unfairly puts
3262 constraints on the U.S. coal industry and that it somehow is a
3263 threat to our sovereignty. It doesn't make any sense because the
3264 Paris Agreement is voluntary. It imposes absolutely no
3265 constraints on U.S. trade policy or U.S. domestic energy policy,
3266 but there is an historic economic opportunity for American
3267 companies and workers to lead the world in creating and providing
3268 newer, cleaner forms of energy.

3269 Again, yesterday French President Macron reminded us that
3270 there is no planet B -- that is a quote -- but turn to our future.
3271 And he said, quote, I am sure one day the United States will come

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3272 back and join the Paris Agreement and I am sure we can work together
3273 to fulfill with you the ambitions of the global compact on the
3274 environment. I certainly hope he is right for the sake of our
3275 children and our grandchildren.

3276 To me, an Administrator should be someone who cares about
3277 these things, not someone who is going to ruin these things. Not
3278 someone who is going to make our future more dangerous for our
3279 families. And that is what bothers me, because you are not doing
3280 --

3281 Mr. Shimkus. The gentleman's time has expired.

3282 Mr. Engel. You are instead -- I am finishing, Mr. Chairman.
3283 You are instead --

3284 Mr. Shimkus. Finish quickly.

3285 Mr. Engel. -- you are going against the tenets of what your
3286 job is supposed to do and that makes me very, very angry.

3287 Mr. Shimkus. The gentleman's time has expired. The chair
3288 recognizes the gentleman from New Jersey for 5 minutes, Mr. Lance.

3289 Mr. Lance. Thank you, Mr. Chairman, my thanks to you and
3290 the ranking member for allowing me to participate. I am a member
3291 of the committee, but not of this subcommittee.

3292 Administrator Pruitt, the EPA has a long and distinguished
3293 history established by President Nixon as you know better than
3294 anybody. I represent a district in northern New Jersey outside
3295 New York and we are concerned about some of the allegations

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3296 regarding the overspending, and in particular the \$43,000 for the
3297 security of the phone booth. As you know, this has been
3298 criticized by the Government Accountability Office. The general
3299 counsel, Mr. Armstrong, said that you had a responsibility to
3300 notify lawmakers. You have indicated that you believe this is
3301 not part of renovations.

3302 Having said that, isn't there other secure locations within
3303 your Agency and why did we need to spend taxpayer funds to build
3304 a new secure place for making of telephone calls?

3305 Mr. Pruitt. First, on the GAO matter, we have in fact
3306 notified the GAO with respect to those issues and rightfully so
3307 based upon their determination. And I do want to say that the
3308 Office of General Counsel at the Agency, career individuals,
3309 interpreted the expenditure as not being within the guidelines
3310 of the statute and that is the reason the Agency acted as they
3311 did. And those were all individuals, career individuals, that
3312 were part of that process.

3313 Mr. Lance. The GAO disagrees with you, the General Counsel
3314 disagrees with you?

3315 Mr. Pruitt. That is right. But steps were taken to notify
3316 irrespective of that.

3317 Mr. Lance. I tend to agree with the GAO General Counsel.
3318 I want that on the record. Why did we need another SCIF or
3319 SCIF-like facility when there was already one at your Agency?

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3320 Mr. Pruitt. So it is not a SCIF and it was not intended to
3321 be. As I shared earlier, Congressman, in an earlier question,
3322 I simply requested for a secure communication, a secure line in
3323 my office based upon phone calls that occur that are confidential
3324 in nature. And so, based upon that instruction a process ensued
3325 where this investment took place. And that is --

3326 Mr. Lance. Did any of your predecessors suggest that this
3327 be needed, Republican or Democratic?

3328 Mr. Pruitt. I am not sure, Congressman.

3329 Mr. Lance. Well, I think the answer is no. It is either
3330 a yes or a no. And I don't demand just a yes or no, you are willing
3331 to elaborate. But did any of your predecessors suggest this?

3332 Mr. Pruitt. I am not sure.

3333 Mr. Lance. And I am not a person here who requires a yes
3334 or no. I would like you to answer in detail, did any of your
3335 predecessors require that?

3336 Mr. Pruitt. I am just not aware of any requests of previous
3337 --

3338 Mr. Lance. Well, I have the honor of representing a
3339 predecessor of yours, Christine Todd Whitman. She is a
3340 constituent of mine. She was the Administrator for the second
3341 President Bush, and she has indicated that she saw no need for
3342 such an enhanced telephone system when she was Administrator and
3343 there was secure communications then and she has indicated that

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3344 she did not think this was appropriate. And respectfully, I do
3345 not think it is appropriate. And I think that there are already
3346 secure locations and I think it was a waste of funds.

3347 Regarding a completely different issue, in a March 30th memo
3348 you stated, you signed a directive to give more authority to your
3349 office over environmental regulations for a project near regional
3350 waterways. It is my view that taking this authority may supplant
3351 the role of local representatives and experts, water quality
3352 boards. You have relied heavily and when you were Attorney
3353 General of Oklahoma on federalism and perhaps appropriately so
3354 for local and state control over suits against the EPA. Yet, it
3355 appears to me that your directive supplants local control and that
3356 it would give you as Administrator final decision-making
3357 authority over the protection of streams, ponds, and wetlands
3358 under the Clean Water Act.

3359 I would be interested in your views. It impresses me that
3360 your views may have changed, Administrator, now that you are the
3361 Administrator, from your position as Attorney General of
3362 Oklahoma.

3363 Mr. Pruitt. They haven't changed with respect to the
3364 collaboration with the states in that regard. I think what you
3365 are referring to is a decision to bring that delegation back from
3366 the regions. And what we have seen, Congressman, is a great
3367 variation, inconsistency from one region to another with respect

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3368 to the issues that you have described. And so this is an effort
3369 at the Agency to get uniformity and to get consistency across the
3370 regions. Collaboration, consultation will continue both at the
3371 regions and with the states.

3372 Mr. Lance. Thank you. I end my questioning by saying that
3373 I am concerned about what I believe is overspending. I am
3374 particularly concerned about the secure location. It is my
3375 judgment that that was not needed and that is the judgment
3376 certainly of at least one of your predecessors, a constituent of
3377 mine, Christine Todd Whitman.

3378 Mr. Pruitt. And, Congressman, I agree with your statement.
3379 I believe that that was an amount of money that should not have
3380 been spent and was never authorized by myself.

3381 Mr. Shimkus. The gentleman's time is expired.

3382 Mr. Lance. Thank you very much, Mr. Chairman.

3383 Mr. Shimkus. The chair recognizes the gentlelady from
3384 Illinois, Ms. Schakowsky, for 5 minutes.

3385 Ms. Schakowsky. Thank you. I would like to thank the chair
3386 and ranking member for allowing me, a member of the committee but
3387 not this subcommittee, to be here today.

3388 There is a lot of interest, Secretary Pruitt, in your
3389 testimony. And I also have been troubled by certain behaviors.
3390 And it has been reported that your decision to abandon the planned
3391 fuel efficiency standards was heavily influenced by Samantha, is

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3392 it Dravis or Dravis, one of the employees you brought with you
3393 from Oklahoma who is now under investigation for receiving a
3394 salary from taxpayers despite not coming to work for 3 months.
3395 You personally brought Ms. Dravis on the job at EPA when you became
3396 Administrator. Is that correct?

3397 Mr. Pruitt. She is not from Oklahoma, and yes, she came in
3398 upon the start of our administration. And are you referring to
3399 the midterm evaluation, the decision reached on the midterm
3400 evaluation?

3401 Ms. Schakowsky. I am going to continue with my questions
3402 and maybe I will get to that. She was hired using the same Safe
3403 Drinking Water Act authority that was used to give unapproved
3404 raises to other staff that you did bring from Oklahoma. Is that
3405 correct?

3406 Mr. Pruitt. I am not aware if she was hired under that Safe
3407 Drinking Water Act authority. There is authority on the Safe
3408 Drinking Water Act to administratively determine certain
3409 individuals. It is legal, authorized, it has been used by
3410 previous Administrators and it could have been used in that
3411 instance. I am just not aware.

3412 Ms. Schakowsky. How much was Samantha Dravis paid for the
3413 3 months during which she did not report to work?

3414 Mr. Pruitt. Well, I am not aware. There is a pending
3415 investigation, as you have indicated, review of that and I am not

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3416 aware that she did or did not appear for work. So that is
3417 something that is being reviewed at this point.

3418 Ms. Schakowsky. Senator Carper has stated on the basis of
3419 information, I believe, from a whistleblower, has stated that he
3420 worked with you on a deal to preserve fuel efficiency standards.
3421 He has said that you abandoned that deal at the urging of Samantha
3422 Dravis. Did Samantha Dravis urge you to abandon the potential
3423 deal with Senator Carper?

3424 Mr. Pruitt. I am just not aware. I don't know if you are
3425 speaking of the midterm evaluation or another issue. I just
3426 don't, I am not sure what you are asking.

3427 Ms. Schakowsky. Well, regardless of what the source of the
3428 -- I mean these are pretty straightforward questions about her
3429 and the 3 months that she -- are you contesting that she did not
3430 work for 3 months?

3431 Mr. Pruitt. No, I am not speaking to that at all. I am not
3432 --

3433 Ms. Schakowsky. So I don't know what your point is about
3434 asking where it came from. I am asking if she worked for 3 months
3435 without any -- she did not work for 3 months, with pay.

3436 Mr. Pruitt. But your question was about fuel efficiency and
3437 I am not entirely sure what the question was with respect to her
3438 influence in that regard. So that is what I was trying to
3439 determine, what area you were talking about. I am not aware of

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3440 --

3441 Ms. Schakowsky. Okay.

3442 Mr. Pruitt. I will just say it to you this way, I am not
3443 aware of any decision around fuel efficiency, CAFÉ or otherwise,
3444 was an influence in that way.

3445 Ms. Schakowsky. Are you aware that she was paid and did not
3446 work for 3 months?

3447 Mr. Pruitt. I am not aware of any, I know it is under review
3448 at this point and those facts will bear out.

3449 Ms. Schakowsky. I wanted to ask you also, I have a little
3450 time left, about your vehicles. At the same time that the EPA
3451 has moved to increase fuel costs for American households, you have
3452 reportedly asked taxpayers to cover the cost of a luxury SUV for
3453 your use. Is it true that as Administrator you upgraded from a
3454 Chevy Tahoe, which I know your predecessor used, to a Chevy
3455 Suburban with leather interior and other luxury features?

3456 Mr. Pruitt. As I understand it, the decisions to add a
3457 vehicle to the fleet was something that was in process prior and
3458 they asked for input about the vehicle, that I did not give
3459 direction to start that process or end that process, they just
3460 asked for consultation.

3461 Ms. Schakowsky. It isn't the first time in public service
3462 that you have upgraded your official vehicle. As Oklahoma
3463 Attorney General you upgraded to a big, black SUV when your

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3464 predecessor used a sedan. Is that correct?

3465 Mr. Pruitt. The sedan was something that went out of service
3466 and we had to replace that with an SUV, yes.

3467 Ms. Schakowsky. You had to replace it with an SUV?

3468 Mr. Pruitt. There was a replacement that occurred because
3469 of the other one coming out of service.

3470 Ms. Schakowsky. So it is not just that it had to be replaced.
3471 It had to be replaced with a bigger, less fuel efficient and
3472 larger, more expensive car. So it just seems to me that this
3473 pattern that we have been hearing today of behavior --

3474 Mr. Shimkus. The gentlelady's time --

3475 Ms. Schakowsky. -- is very concerning. And I thank you
3476 for your answers.

3477 Mr. Shimkus. The gentlelady's time is expired. The chair
3478 recognizes the gentleman from southwest Missouri, Mr. Long, for
3479 5 minutes.

3480 Mr. Long. Thank you, Mr. Chairman, and thank you,
3481 Administrator Pruitt, for being here today. And I think that it
3482 has been well established today that you have the most famous cone
3483 of silence since Agent 86.

3484 But that is not where my questioning is going to go today.
3485 I have a 30-year career, had a 30-year career as a real estate
3486 broker before I came here and part of being a real estate broker,
3487 it was very important to people the energy efficiency of their

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3488 homes. And when they were looking for a new home they looked at
3489 that Energy Star certified program, things that complied with
3490 that. In your testimony you talk about the Energy Star program
3491 and how it helps businesses and consumers save money by reducing
3492 their energy use. The Energy Star program provides consumers
3493 with accurate information about what products and systems deliver
3494 high quality energy savings, as you know.

3495 I am wondering if you can talk about the process involved
3496 with updating the Energy Star standards to include the most
3497 innovative and up-to-date technologies such as high performance
3498 HVAC systems which can outperform current Energy Star-approved
3499 equipment.

3500 Mr. Pruitt. Well, the program to which you refer,
3501 Congressman, has been extremely successful from the
3502 public-private partnership and there is actually a rulemaking
3503 schedule that will occur in January of next year, as I understand,
3504 to establish fees that will, you know, support that program. I
3505 think the concern has been just the long-term stability and
3506 viability of the program. So we are in the process now of
3507 preparing for that and it is something we are committed to and
3508 I think it has been very successful.

3509 Mr. Long. Okay. I think that it is important to both the
3510 regulating community and the public that the government speak with
3511 one consistent voice. I know from experience, you talk to people,

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3512 if they call an IRS office they may call 7 different days and get
3513 eight different answers and depending on which office they call.
3514 What are your plans for ensuring the EPA's policy positions are
3515 implemented consistently across government including the EPA
3516 headquarters and the EPA regional offices in litigation and
3517 enforcement? And I was just using IRS as an example because that
3518 is somewhere a lot of people get a lot of different answers, so
3519 for the EPA.

3520 Mr. Pruitt. It is a very important question because we have
3521 ten regions across the country and what we have seen from a
3522 compliance and assistance prospective, enforcement, permitting,
3523 many, many issues, a great inconsistency. And so we are in the
3524 process of going through a Lean program at the Agency evaluating
3525 metrics.

3526 Mr. Long. I am sorry, what program?

3527 Mr. Pruitt. It is a management program to ensure that we
3528 are committed to metrics.

3529 Mr. Long. What did you call it? What was the --

3530 Mr. Pruitt. It is Lean.

3531 Mr. Long. Lean, okay.

3532 Mr. Pruitt. Yes. It is a private, but I have a person, a
3533 COO that is dedicated to ensuring that we are setting metrics
3534 objectives at each of the regions and that there is verticality,
3535 uniformity from headquarters to the regions and across the country

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3536 to ensure on compliance, assistance, permitting, all these
3537 various issues that we don't see this dispersion and great
3538 variety.

3539 Mr. Long. On these EPA proposed rule revisions which
3540 recognize the importance of the states overseeing the
3541 implementation of the program regulating coal combustion
3542 residuals, I believe that oversight is critical. Has your agency
3543 given more thought to adjusting deadlines imposed under the
3544 existing federal rules so the states have time to get their
3545 programs developed and approved by the EPA?

3546 Mr. Pruitt. There has been consideration of that yes, and
3547 I think you make a great point about the timeline that states need
3548 to develop their own programs. We provide a guidance in that
3549 regard to the states, but they need time to adopt and implement
3550 those programs. And so both are very important trying to address
3551 the impending deadlines but also work with the states to achieve
3552 the startup of their programs.

3553 Mr. Long. With Oklahoma being a neighbor to Missouri, I am
3554 sure that you know that electric power providers in Missouri rely
3555 on a balanced portfolio of energy inputs including a large amount
3556 of coal for our energy. Is it still your plan to undertake a
3557 timely repeal of the carbon regulations for power plants?

3558 Mr. Pruitt. If you are referring to the Clean Power Plan
3559 of the previous administration, you know, that is in the

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3560 marketplace today, yes.

3561 Mr. Long. Okay. And those regulations were dependent on
3562 the last EPA's official finding that carbon endangers the
3563 environment. Is EPA planning on revisiting that endangerment
3564 finding also?

3565 Mr. Pruitt. You know, our focus has been in the Clean Power
3566 Plan and addressing that from a rulemaking perspective. So that
3567 has been our focus today.

3568 Mr. Long. Okay. And Mr. Chairman, I yield back.

3569 Mr. Shimkus. The gentleman yields back his time. The chair
3570 recognizes the gentleman from North Carolina, Mr. Butterfield,
3571 for 5 minutes.

3572 Mr. Butterfield. Thank you very much, Mr. Chairman.

3573 Mr. Administrator, I have been listening to your testimony
3574 here in the committee room, and back in my office I have been
3575 watching it very constantly on television. And I must tell you
3576 this is very disturbing what I am hearing today. One of the most
3577 alarming aspects that I have heard concerns your expenditures.
3578 I am going to call them your outlandish expenditures on security.

3579 And what is even more alarming to me is the fact that there
3580 has been an obvious practice of retaliation against EPA employees
3581 who question your spending. And you are a lawyer, I read your
3582 bio. You have been a civil servant for many years and you have
3583 done a lot of great things. You must certainly know that

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whistleblower protections are essential to ensuring fairness and good government. But according to press accounts, five EPA staff members were fired or reassigned after questioning your spending or advising you that you need to notify Congress of expenditures over \$5,000. Now the nonpartisan GAO office has now validated those employees finding that you broke the law. That is not the Democrats or any other political group. That is the nonpartisan Government Accountability Office has now validated those employees, finding that you broke the law in failing to notify the Congress. Now do you intend to hold yourself or your staff accountable for this action?

Mr. Pruitt. First, I want to say I know of no instances, Congressman, where a decision has been made on employment status related to spending or any recommendations regarding spending. I have said that earlier and I will say it again to you now.

With respect to the accountability --

Mr. Butterfield. But my point is notifying Congress.

Mr. Pruitt. That is an issue that I have addressed already a couple of times here. Office of General Counsel, career individuals at the Agency advised those folks going through the expenditure process that they did not need to notify Congress. GAO came out recently and said otherwise. That notification has taken place. Those individuals, those career individuals that made the decision on that expenditure were following the advice

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3608 in counsel and the direction of what they knew to be right at the
3609 time.

3610 Mr. Butterfield. So it is your position that you had no
3611 responsibility to notify Congress of these expenditures?

3612 Mr. Pruitt. No, I believe that the decision has been
3613 remedied and it should have been done at the beginning. But it
3614 was not done and the question is as they made those decisions who
3615 guided that and it was career individuals at the Agency.

3616 Mr. Butterfield. I was further alarmed that the pattern was
3617 extended to the head of the Office of Homeland Security at EPA
3618 who signed off on a February memo finding that you did not face
3619 direct death threats. That person was removed from his role, I
3620 am told, the day that the Senate Democrats revealed the existence
3621 of the memo. The timing of the move clearly suggests an effort
3622 to intimidate, in my opinion, and to deter staff who might share
3623 their concerns with Congress. Any truth to that?

3624 Mr. Pruitt. And I think Donna Vizian at the office who heads
3625 our Human Resources area would say the contrary to that. The
3626 reference I made earlier to a previous question about Inspector
3627 General and their actual recitations of threats I can provide to
3628 you, Congressman. The person to whom you refer does not have all
3629 the information with respect to the collection of threats.

3630 Mr. Butterfield. Let me take you to question 2, I am running
3631 out of time. Last month you moved to weaken protections from

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3632 toxic coal ash which poses serious risks to human health and the
3633 environment. I had a coal ash spill in my state of North Carolina
3634 and they are still mitigating that damage. The spill that
3635 occurred in Kingston, Tennessee caused 30 premature deaths, 200
3636 serious illnesses among workers who cleaned up the spill.

3637 Amazingly, you have proposed weakening the protections
3638 despite the hard science proving the dangers caused by the spills.
3639 This is unacceptable. Were you aware of these severe worker
3640 impacts when you proposed weakening the coal ash rule?

3641 Mr. Pruitt. The specific examples that you refer to, no,
3642 I was not aware of those specific examples.

3643 Mr. Butterfield. Last January you delayed the essential
3644 protections for farm workers from dangerous pesticides, including
3645 delaying protections for minors. That delay has now been thrown
3646 out. My staff says thrown out. You and I as lawyers, I guess
3647 we would call it something different, dismissed by the courts.
3648 Is that true or not true?

3649 Mr. Pruitt. No, it is my understanding that there is a
3650 proposal to deal with those age requirements that are being
3651 considered but there has not been any final action on that.
3652 States, as you know, have age requirements as well and we are
3653 contemplating in that process whether those age requirements
3654 should be deferred to in this process. But I am not aware of it
3655 being final at this point, Congressman.

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3656 Mr. Butterfield. Well, let me thank you for your testimony.
3657 I have listened to as much as I could today and again I say I am
3658 very disappointed with your record at the Agency. It is not
3659 commensurate with your record over many, many years in other
3660 capacities and your lack of concern for workers is what concerns
3661 me most of all. You have wasted taxpayer money. You --

3662 Mr. Shimkus. The gentleman's time has expired. The chair
3663 recognizes the gentleman from Florida, Mr. Bilirakis, for 5
3664 minutes.

3665 Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate it.
3666 And thank you for allowing me to sit on this subcommittee. Of
3667 course as you know I sit on the full committee.

3668 Administrator Pruitt, I want to talk about the environmental
3669 review and approval process for local projects. With the
3670 significant portion of my constituents living on Florida's west
3671 coast, I am always concerned about hurricanes as you can
3672 understand as well as flooding. However, our area only has two
3673 evacuation routes to move residents inland during an emergency.
3674 To alleviate this problem, the Pasco County government initiated
3675 the Ridge Road Extension Project to create a third evacuation
3676 route, but you know they have been working on this since 1997.
3677 Can you believe that? Since 1997, for over 20 years, the county
3678 has been treading through regulations, filling out forms, and
3679 meeting with federal officials to get this public safety project

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3680 up and running. Okay, so we are talking about again a public
3681 safety project we need to save lives, God forbid we had a disaster.

3682 So while they have met with some recent success, and I have
3683 been working to help them out, the project still has not received
3684 final approval. Administrator Pruitt, what has the Agency done
3685 under your leadership to streamline the review of projects
3686 particularly when they involve public safety where lives could
3687 be on the line, in this case they definitely are on the line, and
3688 is permitting improvements something that your EPA workforce
3689 assessment, are they addressing these issues?

3690 Mr. Pruitt. It is absolutely a priority. In fact, we began
3691 an effort last year before we arrived at the Agency. They didn't
3692 know how long it took to actually go through the permitting
3693 process, in fact I asked that question upon arrival to give me
3694 an idea about the length that it took for permitting and they
3695 didn't know the answer. So we have evaluated that data. And I
3696 know this won't surprise you but it takes a long time. You have
3697 already cited your example.

3698 And so by the end of 2018 we are making changes internal to
3699 the Agency. The decision that we make on permits up or down will
3700 occur within 6 months starting in January of '19. So that is the
3701 effort that we are engaged in. But as you know this is an
3702 interagency approach as well and we are collaborating with the
3703 Corps of Engineers around some of these issues in making sure that

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3704 we have consistency in working with them.

3705 Mr. Bilirakis. Okay, so you say within 6 months beginning
3706 in 2019?

3707 Mr. Pruitt. At the end of this year we will have a plan in
3708 place to execute upon as we begin January of '19.

3709 Mr. Bilirakis. Okay. On the same point, the President
3710 released an infrastructure plan, of course as you know, which
3711 included sections on permitting improvement. One of the
3712 proposals is that one agency, one decision. Is that what you are
3713 referring to, environmental review structure? Another is
3714 allowing for localities to complete a single environmental review
3715 document for a project. Are these things that you could support?

3716 Mr. Pruitt. I do support and I think these are great
3717 recommendations that have been made as part of the infrastructure
3718 package the President and something I hope Congress adopts. But
3719 whether it is adopted or not, we are advancing this 6-month review
3720 process internal to the Agency.

3721 Mr. Bilirakis. Okay. As far as, you know, there are a lot
3722 of local governments that can't afford to hire high priced
3723 consultants, as you know. So this is very, very important to them
3724 and they shouldn't be penalized because they can't afford to hire
3725 these high priced consultants. You know, in my area over the
3726 years they have spent a lot of money on this project and but I
3727 am sure that there are examples all over the country where it has

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3728 taken many, many years. So I appreciate you working with me on
3729 this and hopefully we get approval soon.

3730 Mr. Pruitt. Thanks, Congressman.

3731 Mr. Bilirakis. I thank you very much and I yield back.

3732 Mr. Shimkus. The gentleman yields back his time. The chair
3733 recognizes the gentlelady from Florida, Representative Castor,
3734 for 5 minutes.

3735 Ms. Castor. Well, thank you, Chairman Shimkus, for allowing
3736 me to participate in the hearing today.

3737 Mr. Pruitt, your pattern of unethical conduct and conflicts
3738 of interest are now very well known, but I am very troubled by
3739 your failure to take personal responsibility for your actions.
3740 You simply dismissed all of the ethical lapses at the beginning
3741 of your testimony as troubling media reports so I think that is
3742 a failure in leadership.

3743 But the point I want to make today is that those costs, your
3744 wasteful spending, those costs pale in comparison to the damage
3745 you are doing to the health of American families and the assault
3746 on our clean air and clean water protections, our protections
3747 against dangerous chemicals and pesticides. Mr. Pallone
3748 highlighted the issue of the dangerous paint stripper, methylene
3749 chloride, at the beginning, that is known to have caused over 50
3750 deaths and yet the EPA under your administration now has, you say
3751 we are stalled, we don't have a final decision, but in essence

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3752 you have turned a blind eye to those families.

3753 There is also the case of chlorpyrifos which is a dangerous
3754 nerve agent. It is in the same chemical class as sarin. There
3755 was a recommendation by EPA scientists when you came in, in fact
3756 the last administration had said we are going to propose very
3757 significant restrictions especially to protect babies, children,
3758 young people under 18. You came in and turned that around. You
3759 said oh, well this, well it is not final.

3760 But you have set a pattern here. America's pediatricians
3761 are outraged. Public health advocates are outraged and so am I,
3762 because we are talking about the development of brain in babies
3763 and children. We are talking about not just children that might
3764 be in farmlands, but they live and work or they live and play in
3765 those areas. There were a lot of kids in the audience today and
3766 parents who care about this a great deal. It is Take Your Child
3767 to Work Day. That was good to have them in here.

3768 So my first question is why are corporate polluter profits
3769 more important to you than the health of families and children?

3770 Mr. Pruitt. Well, on the issue that Ranking Member Pallone
3771 brought up and this issue that you have raised, I would ask you
3772 not to jump to conclusions that there is a final process there.
3773 As you know, the previous administration --

3774 Ms. Castor. But there is a pattern. There is a pattern.
3775 And --

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3776 Mr. Pruitt. I am trying to respond.

3777 Ms. Castor. And, you know, your actions belie what you say
3778 when your EPA scientists and public health advocates and
3779 pediatricians all say here is the ban and you come into office
3780 and time and time and time again you are siding with the special
3781 interests and not with the public.

3782 Mr. Pruitt. Yet that solvent that you are referring to is
3783 actually one of the ten priority chemicals that we are reviewing
3784 under TSCA that you authorized. And so we are --

3785 Ms. Castor. You are right. And that was a recommendation
3786 that was the action of this committee and you have set the pattern.
3787 And, really, whatever you could say today, I think people need
3788 to look at your actions rather than your rhetoric.

3789 But in addition to your failure to take any responsibility,
3790 I have to say that I am disappointed in a lot of my colleagues
3791 on the other side of the aisle that have let the Administrator
3792 off the hook today by barely asking any tough questions. There
3793 were a few exceptions and my hat is off to them. Maybe they are
3794 trying to save his job because they are worried if he doesn't
3795 perform well today he could be fired.

3796 Several congressional Republicans have already publicly
3797 called for your firing, but unfortunately not on this committee.
3798 Either way it is embarrassing that most of the Republicans refuse
3799 to take this committee's oversight responsibility seriously and

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3800 hold you accountable. They claim to have requested documents
3801 from the administration regarding Administrator Pruitt's
3802 misconduct and conflicts of interest, but there is no evidence
3803 of any investigation.

3804 Meanwhile, the Democrats on this committee, we have sent
3805 numerous inquiries to EPA, the Office of Inspector General, the
3806 GAO, the Office of Special Counsel, and some of those have borne
3807 out and you have been found in violation of the law.
3808 Unfortunately, we have yet to see any real effort from my
3809 colleagues on the other side of the aisle.

3810 So I have been keeping a list today as well, Mr.
3811 Administrator, of the unanswered questions because you often say
3812 it is not final, we are looking at this, the jury is out. But
3813 you failed to give direct responses on a number of questions.

3814 So, Mr. Chairman, I would like to submit this list for the
3815 record of the endless string of questions that Administrator
3816 Pruitt has not answered today.

3817 Mr. Shimkus. Let us look at that. Pass it over here,
3818 please.

3819 Ms. Castor. Will do.

3820 And finally close out by saying --

3821 Mr. Shimkus. The gentlelady's time has expired.

3822 Ms. Castor. -- Mr. Pruitt, you violated --

3823 Mr. Shimkus. The gentlelady's time has expired. The chair

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3824 recognizes the gentleman from Maryland for 5 minutes.

3825 Mr. Sarbanes. Thank you, Mr. Chairman.

3826 Thank you for being here, Mr. Pruitt. I have been watching
3827 you during the hearing and you certainly have the bearing of a
3828 man who thinks he is untouchable. I don't know if that is true
3829 or not, but I would be careful of that because I don't think
3830 Americans go for that and in your position they just want you to
3831 protect their air. They want you to protect clean water and they
3832 want you to conserve the land.

3833 As has been said by many of my colleagues, EPA under your
3834 tenure has been cloaked in secrecy and swamped with ongoing legal
3835 and ethical failures. You have refused to release detailed
3836 information from your calendar, often provide no advanced notice
3837 of where you are going to be, agency career staff we are told have
3838 been instructed not to take notes or carry their cell phones, and
3839 this level of secrecy has forced a lot of citizens to take the
3840 avenue of filing Freedom of Information Act requests. I
3841 understand that EPA political leadership has added a new layer
3842 of so-called awareness reviews to those requests which can delay
3843 the release of information to the public and also limit the amount
3844 of information redacted in the responses.

3845 Are you aware that your political appointees are conducting
3846 these reviews before information is released to the public, yes
3847 or no?

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3848 Mr. Pruitt. First, let me say that there has been no
3849 instruction not to take notes or to carry phones. That is simply
3850 fabricated. With respect to the process you are referring to,
3851 the FOIA process is governed by statute. And --

3852 Mr. Sarbanes. But you have set up these political
3853 appointees to do reviews, are you aware of that?

3854 Mr. Pruitt. The Office of General Counsel is conducting
3855 FOIA reviews.

3856 Mr. Sarbanes. Okay, all right. You are not aware of that.
3857 I am going to move on because as you know we are limited here.
3858 But if that was done that is a pretty clever move. We wrote to
3859 you last year with concerns about Carl Icahn's role as special
3860 advisor on regulations, potential conflict of interest due to his
3861 financial holdings and outspoken positions on the Renewable Fuel
3862 Standards programs. So here we are a year later, the EPA's
3863 implementation of the RFS programs, specifically the small
3864 refinery waiver provision, is under fire from both farmers and
3865 refiners.

3866 My colleague Mr. Green raised the issue of secret waivers.
3867 I want to build on that a little bit. I want to know about CVR
3868 Energy in which Carl Icahn owns a majority stake. Administrator
3869 Pruitt, you met with representatives from Carl Icahn's company,
3870 CVR Energy, in June of 2017. Is that correct?

3871 Mr. Pruitt. If that is what the calendar represents.

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3872 Mr. Sarbanes. Okay. Did Carl Icahn's company apply for a
3873 waiver from ethanol blending requirements for any of its refining
3874 facilities?

3875 Mr. Pruitt. I am unsure.

3876 Mr. Sarbanes. Okay. We will look at the record for that.
3877 And did Carl Icahn's company receive a waiver for any of its
3878 refining facilities?

3879 Mr. Pruitt. These exemptions are governed by statute as you
3880 know.

3881 Mr. Sarbanes. Okay. Well, you are going to find that out
3882 for us and we appreciate your following up because that is
3883 important to know because it raises serious questions about
3884 conflicts of interest. I have had the privilege of chairing here
3885 in the Congress the Democracy Reform Task Force. We have been
3886 trying to keep up with the ethical lapses of the Trump
3887 administration, which I will tell you is kind of a full-time job,
3888 and you certainly have been at the center of some of that focus.
3889 To date, five independent federal investigations have been
3890 initiated at this committee's request and more than eight
3891 independent federal reviews are currently underway with respect
3892 to your office.

3893 Yesterday, the Democracy Reform Task Force released another
3894 report in a series that is looking at failures and ethical lapses
3895 within the Trump administration. This one was detailing your

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3896 wasteful spending and favors for your friends. It put the
3897 interests of dirty polluters ahead of the American people. So
3898 this is now available for people to take a look at. It goes
3899 through the litany of ethical violations that have come to
3900 characterize and be the hallmark of your time in office.

3901 You have really become, I mean it is sad to say it, but you
3902 have become in many respects, and you ought to take this to heart
3903 as somebody who holds an office in the public trust, you are
3904 wearing that mantle today that office of public trust as head of
3905 the EPA, something people care deeply about. If you are going
3906 to wear that mantle you have to exercise the office with attention
3907 to the public interest and not to private interest.

3908 But, unfortunately, you have become the poster child for the
3909 abuse of public trust and this goes back a long way. You brought
3910 your way of approaching these public offices to the EPA and it
3911 has undermined the credibility of that organization. But it is
3912 a hallmark of the Trump administration and we are going to continue
3913 to demand answers and we are going to continue to hold you
3914 accountable in every hearing that you choose to be up here.

3915 I give you credit for coming today, but we are going to
3916 continue to hold you accountable for the dereliction of duty that
3917 we see. With that I yield back my time.

3918 Mr. Shimkus. The gentleman's time has expired. The chair
3919 recognizes the gentleman from Vermont for 5 minutes, Mr. Welch.

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3920 Mr. Welch. Thank you, Mr. Chairman. Mr. Chairman, you,
3921 with Mr. Flores and I have been working on ethanol.

3922 Mr. Pruitt, I have heard reports, read reports that as a
3923 result of the pressure on Midwest ag in response to the retaliatory
3924 tariffs by China that there is a move by some to increase ethanol
3925 usage. Can you comment on that very briefly?

3926 Mr. Pruitt. Well, are you referring to the RVP waiver?

3927 Mr. Welch. That is correct.

3928 Mr. Pruitt. Yes. We have been actively evaluating the
3929 legal authority under the statute to grant the RVP waiver for the
3930 last several months. And the reason it is taking some time,
3931 Congressman, is because --

3932 Mr. Welch. I want to interrupt because actually what I am
3933 talking about, I appreciate the work on ethanol that my colleagues
3934 have done, but what is reported is that as a result of the tariffs
3935 that China is imposing on soybeans and grain that there is going
3936 to be a concession from the Trump administration to go to E15,
3937 so I will just leave it there.

3938 I do want to ask you some questions along the lines of how
3939 you have been running your department. Is it the case that any
3940 of your predecessors, Republican or Democrat, who have had the
3941 high responsibility as Administrator of the EPA have had a
3942 20-person security detail?

3943 Mr. Pruitt. I am unaware of previous considerations in that

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3944 regard.

3945 Mr. Welch. Is it not at all relevant to you what the
3946 precedents have been with Republican and Democratic
3947 administrators in the past?

3948 Mr. Pruitt. I am just not aware, Congressman, of processes
3949 prior to my time at the Agency on what was considered and what
3950 wasn't considered.

3951 Mr. Welch. All right. Did the taxpayers spend \$30,000 for
3952 a security detail to accompany you on the trip to Disneyland?

3953 Mr. Pruitt. I am unsure about that. I mean we took --

3954 Mr. Welch. That is knowable.

3955 Mr. Pruitt. Yes. The records show that.

3956 Mr. Welch. All right. So you can determine this. It is
3957 not like secret stuff.

3958 Mr. Pruitt. The detail, the law enforcement make those
3959 determinations on what type of security should be provided,
3960 whether --

3961 Mr. Welch. You know, I have been listening to a lot of the
3962 answers and the answers are somebody else knows it, and it really
3963 is starting to seem like there is something on your desk with a
3964 motto that says the buck stops nowhere, and you are the guy who
3965 is in charge.

3966 Mr. Pruitt. Yet, Congressman, I have made decisions to
3967 switch and make sure, make changes from first class back to coach.

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3968 I rescinded the pay raises to those individuals.

3969 Mr. Welch. No, I get it.

3970 Mr. Pruitt. In fact that has happened.

3971 Mr. Welch. Let me ask you just about this phone booth
3972 because it is a metaphor. Are you aware that at the EPA
3973 headquarters there are two secure facilities where private phone
3974 calls could be secure?

3975 Mr. Pruitt. And again I didn't request a SCIF. I requested
3976 a secure communication that was not accessible to my office and
3977 --

3978 Mr. Welch. I understand that. But you are the boss. So
3979 you tell your folks that you want a secure way of communicating,
3980 reasonable request, they are going to accommodate it. The boss
3981 is the one who has to make certain that it is a reasonable
3982 imposition on taxpayers, or do you disagree with that?

3983 Mr. Pruitt. And in this instance the process failed. As
3984 I indicated in my opening statement, those processes will be
3985 changed going forward.

3986 Mr. Welch. Did you ask the question -- here is the question
3987 that I think a lot of people would ask, Republican or Democrat,
3988 how can I make a secure phone call, and the answer would be well,
3989 Mr. Pruitt, there happens to be two places in this building right
3990 close to your office where you can do that. Had you asked that
3991 --

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3992 Mr. Pruitt. They are not right close to my office.

3993 Mr. Welch. Pardon me?

3994 Mr. Pruitt. They are not right close to my office.

3995 Mr. Welch. Well, how often do you have to use your secret
3996 phone booth?

3997 Mr. Pruitt. It is for confidential communications and it
3998 is rare.

3999 Mr. Welch. Okay. So on those rare occasions is it too much
4000 to ask you to walk whatever distance it takes for you to get to
4001 that secure line?

4002 Mr. Pruitt. I guess it depends on the nature of the call
4003 and how urgent the call is.

4004 Mr. Welch. The point is that you have two locations that
4005 you can go to when you have to make those rare secure phone calls.
4006 This is taxpayer money. It is taxpayer money. Let me ask you
4007 this. Did you have installed or were there installed biometric
4008 locks on your office?

4009 Mr. Pruitt. There were problems with locks on two of the
4010 three doors and changes were made to those locks. No instruction
4011 was given for biometric locks, but that was a decision made by
4012 those individuals.

4013 Mr. Welch. So these things just happen.

4014 Mr. Pruitt. There was a process at the Agency in that regard
4015 and there was an evaluation.

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4016 Mr. Welch. Well, what is a biometric lock?

4017 Mr. Pruitt. I am not entirely sure.

4018 Mr. Welch. So do you know, is it the case you don't know
4019 how to open your door?

4020 Mr. Pruitt. I just know how to put a code in. Excuse me?

4021 Mr. Welch. No, seriously. What is a biometric lock?

4022 Mr. Pruitt. I don't know. I just put a code in.

4023 Mr. Welch. A biometric lock, it responds as I understand
4024 it to like fingerprints or some other, your eyes, some physical
4025 characteristic.

4026 Mr. Pruitt. That is my understanding as well.

4027 Mr. Welch. All right, so you have them, right?

4028 Mr. Pruitt. Those are on, those have been added to the
4029 office, yes.

4030 Mr. Welch. Why?

4031 Mr. Shimkus. The gentleman's time has expired. The chair
4032 recognizes the gentleman from Iowa for 5 minutes, Mr. Loeb sack.

4033 Mr. Loeb sack. Thank you, Mr. Chairman. Thank you for
4034 allowing me to waive on to this subcommittee. I do appreciate
4035 that.

4036 Mr. Pruitt, I share a lot of the concerns my colleagues have
4037 voiced today on the ethics front, but I am actually here to talk
4038 about an issue that as you might imagine I am from Iowa so of utmost
4039 importance to my state, to my district. During your confirmation

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4040 process you stated that you would work to uphold the Renewable
4041 Fuel Standard and over the last 2 years President Trump has pledged
4042 on numerous occasions to support the RFS, in fact time and time
4043 again he has pledged to support it. However, over the last
4044 several weeks, information has been revealed that makes me
4045 question that commitment as you might imagine.

4046 Various reports have indicated that the EPA has granted
4047 so-called economic hardship exemptions to numerous refiners who
4048 appear to be neither small nor financially distressed. You know
4049 what the law says, it has to be 75,000 gallons or less to be granted
4050 that economic hardship waiver. I can tell you I have heard
4051 directly from my constituents, farmers and many others, and from
4052 farmers across the country who are extremely troubled by this
4053 action. And this comes at a particularly difficult time in farm
4054 country as you know when we have had low prices, we have seen farm
4055 income trending downward, and industry profits are soaring.

4056 I am extremely disappointed in the action as you might
4057 imagine and the lack of transparency and accountability in the
4058 process is also unacceptable. Under section 211 of the Clean Air
4059 Act, the EPA administrator is required to reassign gallons that
4060 are waived under the small refinery exemption to other obligated
4061 parties. Because this entire waiver process has happened,
4062 really, without any transparency whatsoever, I am disappointed,
4063 my constituents are disappointed, and we really have no idea

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4064 whether those gallons have been reassigned as required by law.

4065 So my first question, Mr. Pruitt, yes or no, have you
4066 reassigned these gallons as required by law?

4067 Mr. Pruitt. It is my understanding that the process has
4068 happened as it is supposed to under the statute.

4069 Mr. Loeb sack. Well, we are going to need that. And how do
4070 you plan to reassign then the gallons you waive for going forward
4071 for the 2019 RVO?

4072 Mr. Pruitt. And I do think your question is very important
4073 with respect to the volume obligation, Congressman. And when you
4074 think about the commitment of this administration to the RFS, the
4075 point of obligation was denied as you know. That was a big issue.

4076 Mr. Loeb sack. But that is not my point. I am talking about
4077 the waivers.

4078 Mr. Pruitt. No, I know. I understand.

4079 Mr. Loeb sack. And I would like to move on to my next question
4080 if I could. Yes or no, do you intend to inform this committee
4081 and the public about the details behind these waivers such as which
4082 refiners received a waiver?

4083 Mr. Pruitt. Subject to the confidential business
4084 information or other information that would be the only thing that
4085 would not be available.

4086 Mr. Loeb sack. Well, Mr. Pruitt, we just want to know who
4087 got these waivers, not why necessarily, and I can't understand

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4088 why that would be considered confidential business information.
4089 Reports have indicated that 25 refiners received waivers from
4090 their obligations. Is that number accurate?

4091 Mr. Pruitt. That was actually in 2017, I think. The
4092 applications are still pending in 2018.

4093 Mr. Loeb sack. What is the number at the moment?

4094 Mr. Pruitt. It is over that number for 2018, as I understand
4095 it.

4096 Mr. Loeb sack. Did you discuss these exemptions with the
4097 White House?

4098 Mr. Pruitt. There is ongoing discussions with the White
4099 House on various issues around the RFS program.

4100 Mr. Loeb sack. Who at the White House specifically was
4101 involved?

4102 Mr. Pruitt. I think the NEC in consultation with the Air
4103 Office.

4104 Mr. Loeb sack. Did you brief the President on these waivers?

4105 Mr. Pruitt. Well, as I indicated this was a dialogue amongst
4106 staff members, NEC and Air Office, at our shop. So.

4107 Mr. Loeb sack. Has anybody explained to the President the
4108 substantial impact that these waivers have on the ethanol
4109 industry? Some have estimated a billion gallons.

4110 Mr. Pruitt. I am sure it has come up in many discussions.

4111 Mr. Loeb sack. And moving on, you told me and many others

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4112 that EPA is studying whether it has the legal authority to grant
4113 the RVP waiver. That was the last time that I waived on to this
4114 committee and we talked about that issue. And that seems like
4115 it is taking quite a while as you might imagine for many of us
4116 in corn country, and with the President's recent remarks which
4117 were referenced here about his interest in year-around E15, I am
4118 wondering what the holdup is on this at this point.

4119 Mr. Pruitt. It is just trying to ensure that the legal basis
4120 is solid because there will be litigation that will ensue.

4121 Mr. Loeb sack. Well, do you plan to move forward and grant
4122 the RVP waiver and allow year-round sales of E15?

4123 Mr. Pruitt. I intend to finish that process very soon to
4124 make --

4125 Mr. Loeb sack. Yes. Hopefully, the sooner the better
4126 because this is something that obviously is very important not
4127 only to my state and my district, many folks around the country.
4128 So we are looking forward to that. And of course refinery
4129 executives have called your action on the hardship waivers, to
4130 go back to that, quote, giving out trick or treat candy, unquote,
4131 to their industry. And I am here to tell you that farmers are
4132 very disappointed by this. They have been waiting for years for
4133 the E15 waiver year-around.

4134 And, Mr. Chairman, I think this program is in need of
4135 substantial oversight, the waiver program and certainly the E15

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4136 as well. And these actions I don't think can happen in secret.
4137 I know that was addressed earlier in this hearing. We need to
4138 make sure that these waivers are not abused as a financial windfall
4139 for special interests and I look forward to working with you, Mr.
4140 Chairman, on this further. And I yield back. Thank you very
4141 much.

4142 Mr. Shimkus. The gentleman yields back his time. The chair
4143 recognizes the gentleman from New Mexico, Mr. Lujan, for 5
4144 minutes.

4145 Mr. Lujan. Thank you, Mr. Chairman.

4146 Administrator Pruitt, you seem to view the EPA budget as a
4147 personal slush fund, redirecting resources to your personal
4148 travel that should go to environmental protection. During your
4149 tenure you have spent more than \$160,000 on travel in first class,
4150 on private jets, and on military craft. Public office is a public
4151 trust and I think flying coach is the least we can do to deserve
4152 that trust.

4153 My question for you is this. When you are paying for your
4154 own airfare with personal funds do you fly coach?

4155 Mr. Pruitt. I follow the security recommendations of my
4156 team when I pay for it personally as well.

4157 Mr. Lujan. Will you commit to reimbursing taxpayers for
4158 your luxury travel?

4159 Mr. Pruitt. You refer to it as luxury travel and the

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4160 \$160,000 that you refer to pales in comparison to the previous
4161 administrations. I think you are referring to international
4162 travel. I took two international trips. Previous
4163 administrations took multiple trips and spent far more than that.
4164 These decisions about security detail, who attends and what they
4165 do to provide protection happened according to law enforcement
4166 recommendations and that is what I followed.

4167 Mr. Lujan. It has been recently reported by EPA ethics
4168 officials that on at least two personal trips you flew in coach
4169 on Southwest Airlines using a companion pass from Ken Wagner, your
4170 subordinate at the EPA. Clearly a plane ticket has more than
4171 nominal value. Are you aware that federal ethics rules prohibit
4172 you from accepting gifts from subordinates?

4173 Mr. Pruitt. And that is not represented accurately what you
4174 said. We actually flew like carpooling. We shared costs from
4175 Oklahoma --

4176 Mr. Lujan. Did Ken Wagner give you the boarding pass?

4177 Mr. Pruitt. There was no gift whatsoever.

4178 Mr. Lujan. All right, well, I think that those ethics
4179 officials will continue to look into that.

4180 Mr. Pruitt, your travel since becoming administrator has
4181 taken you to Morocco, Italy, and to luxury resorts around the
4182 United States. We have even heard from Kevin, a political
4183 appointee who worked in your office that you told staffers to,

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4184 quote, find me something to do, close quote, in order to schedule
4185 travel to your desired destinations. Unfortunately, it seems
4186 your desired destinations have rarely included low-income
4187 communities and communities of color facing serious environmental
4188 risks.

4189 The biggest problem with the pay-to-play system is that those
4190 most at risk are also the most unable to pay for your attention
4191 and concern. Of your extensive travel spending how much would
4192 you say you spend visiting low-income communities and communities
4193 of color?

4194 Mr. Pruitt. I wouldn't consider East Chicago, which I have
4195 made trips there, I was in Region 5 recently this week, and San
4196 Jacinto in Houston as indicated earlier. The trip to Italy was
4197 a G7 trip occurring a week after the Paris decision. I was there
4198 for 4 days around the G7. There is a free trade agreement that
4199 is in existence in Morocco and the ambassador of Morocco invited
4200 me to Morocco to negotiate the environmental chapter on that free
4201 trade agreement. Both of those things are very important to the
4202 scope of our duties at the EPA.

4203 Mr. Lujan. Mr. Administrator, you have gone to great
4204 lengths to keep your calendar secret but what has come out is it
4205 is clear that most of your meetings and stakeholders have been
4206 with industry and not impacted communities. I think we can agree
4207 with that. Do you see the problem with granting greater access

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4208 to polluting industries than impacted communities?

4209 Mr. Pruitt. I have met with stakeholders across the country
4210 on these issues, people that we regulate that their voices have
4211 not been heard for many years. Those farmers and ranchers that
4212 I have met with, they are our first environmentalists and first
4213 conservationists.

4214 Mr. Lujan. Do you understand that you have a responsibility
4215 to protect the health and environment of low-income, minority,
4216 tribal, and indigenous communities?

4217 Mr. Pruitt. Absolutely.

4218 Mr. Lujan. Throughout your brief tenure as EPA
4219 Administrator you have directed significant policy changes made
4220 with disproportionately harm to low-income, minority, tribal, and
4221 indigenous communities. The repeal of the once in, always in
4222 policy mentioned by my colleague, Ms. Dingell, for example, the
4223 weakening of coal ash regulations is another. But Mr. Pruitt,
4224 today you repeatedly blamed your chief of staff, your chief
4225 counsel, career officials, and others. Yes or no, are you the
4226 EPA Administrator?

4227 Mr. Pruitt. I said that in my opening statement,
4228 Congressman. And I didn't blame anyone. I just simply shared
4229 facts with you as --

4230 Mr. Lujan. Mr. Administrator, it is just a simple yes or
4231 no question, sir. Are you the EPA Administrator?

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4232 Mr. Pruitt. I said in my opening statement that I take
4233 responsibility. I have made changes historically and making
4234 changes going forward and I simply have not failed to take
4235 responsibility. I have simply recited the facts of what has
4236 occurred.

4237 Mr. Lujan. It is a simple question, Mr. Pruitt. Are you
4238 the EPA Administrator?

4239 Mr. Pruitt. Yes.

4240 Mr. Lujan. Just to be clear, do you run the EPA?

4241 Mr. Pruitt. I do.

4242 Mr. Lujan. Yes or no, are you responsible for the many, many
4243 scandals plaguing the EPA?

4244 Mr. Pruitt. I have responded to many of those questions here
4245 today with facts and information.

4246 Mr. Lujan. Are you able to answer that in yes or no?

4247 Mr. Pruitt. That is not a yes or no answer, Congressman.

4248 Mr. Lujan. It is pretty simple that it is a yes or no answer
4249 here. There is clear concern with what has been happening not
4250 just by the entire Congress. And I appreciate you being here
4251 today, but these questions need to be asked and answered.

4252 Mr. Pruitt. And we have answered them today.

4253 Mr. Lujan. And you are not the only one that has been doing
4254 these ugly things, these horrific things, these scandal-plagued
4255 things in this administration, and I hope this is one of many

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4256 hearings that this committee will have so we can get to the bottom
4257 of this and make sure taxpayers are made whole.

4258 Mr. Shimkus. The gentleman's time has expired.

4259 Seeing there are no further members wishing to ask questions
4260 I would like to thank our witness for being here today. Before
4261 we conclude I would like to ask unanimous consent to submit the
4262 following documents for the record, I just want to make sure I
4263 get them all in, letter to the chairman and ranking member from
4264 Lauren Atkins; report from GAO on EPA's use of fiscal year 2017
4265 appropriations; letter from the American Association for the
4266 Advancement of Science; Mr. Rush Holt; article from the Roanoke
4267 Times; questions from Ms. Castor; letter from the American
4268 Geophysical Union; letter from 985 scientists.

4269 In pursuant to committee rules, I remind members that they
4270 have 10 business days to submit additional questions for the
4271 record and I ask that witnesses submit their questions within 10
4272 business days upon receipt of the questions.

4273 Without objection, the subcommittee is adjourned.

4274 [Whereupon, at 1:41 p.m., the subcommittee was adjourned.]