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6 CRITICAL MISSION: FORMER

7 ADMINISTRATORS ADDRESS THE DIRECTION

8 OF THE EPA

9 TUESDAY, JUNE 11, 2019

10 House of Representatives

11 Subcommittee on Oversight and Investigations

12 Committee on Energy and Commerce

13 Washington, D.C.

14

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17 The subcommittee met, pursuant to call, at 10:01 a.m.,

18 in Room 2123 Rayburn House Office Building, Hon. Diana

19 DeGette [chairwoman of the subcommittee] presiding.

20 Members present: Representatives DeGette, Schakowsky,

21 Kennedy, Ruiz, Castor, Sarbanes, ~~McNerney~~, Tonko, Clarke, _

22 McNerney, Soto, O'Halleran, Pallone (ex officio), Guthrie,

23 Burgess, McKinley, Brooks, Mullin, Duncan, and Walden (ex

24 officio).

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1 Staff present: Kevin Barstow, Chief Oversight Counsel;
2 Billy Benjamin, Systems Administrator; Jeff Carroll, Staff
3 Director; Waverly Gordon, Deputy Chief Counsel; Tiffany
4 Guarascio, Deputy Staff Director; Judy Harvey, Counsel; Chris
5 Knauer, Oversight Staff Director; Brendan Larkin, Policy
6 Coordinator; Jourdan Lewis, Policy Analyst; Perry Lusk, GAO
7 Detaillee; Jon Monger, Counsel; Elysa Montfort, Press
8 Secretary; Alivia Roberts, Press Assistant; Tim Robinson,
9 Chief Counsel; Jennifer Barblan, Minority Chief Counsel, O&I;
10 Mike Bloomquist, Minority Staff Director; Jerry Couri,
11 Minority Deputy Chief Counsel, Environment & Climate Change;
12 Melissa Froelich, Minority Chief Counsel, CPAC; Brittany
13 Havens, Minority Professional Staff, O&I; Peter Kielty,
14 Minority General Counsel; Bijan Koohmaraie, Minority Counsel,
15 CPAC; Brandon Mooney, Minority Deputy Chief Counsel, Energy;
16 Brannon Rains, Minority Staff Assistant; Zach Roday, Minority
17 Communications Director; and Alan Slobodin, Minority Chief
18 Investigative Counsel, O&I.

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1 Ms. DeGette. The Subcommittee on Oversight and
2 Investigations hearing will now come to order.

3 Today, we are holding a hearing entitled "Critical
4 Mission: Former Administrators Address the Direction of the
5 EPA.'" The purpose of today's hearing is to address the
6 mission and future of the U.S. Environmental Protection
7 Agency, and I particularly want to thank all of our former
8 administrators for joining us today.

9 You may see an empty chair. That's not for effect.
10 That's because Administrator McCarthy is trying to make her
11 way here. She has had now three planes canceled because of
12 mechanical difficulties this morning.

13 And so with the assent of the minority, what we will do
14 is the members will have their opening statements and then we
15 will recess until Administrator McCarthy gets here, which
16 should be fairly soon. And I think what we will do we will
17 probably recess until 11:00 o'clock to be respectful to the
18 members.

19 And so the chair now is going to recognize herself for
20 purposes of an opening statement.

21 As I said, I am particularly pleased to welcome our four
22 former EPA administrators back to the Energy and Commerce
23 Committee this morning.

24 I know at least Administrator Whitman appeared in front

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1 of this committee when I was in my early days on this
2 committee. The other two, I fear, were before my time. But
3 I am happy to have all of you here today.

4 I think it's really noteworthy that we are having a
5 hearing in the House with four former EPA administrators
6 testifying together on the future of the EPA.

7 All of these four administrators have dedicated their
8 careers both before and after their service to leading on
9 environmental issues, serving in both Democratic and
10 Republican administrations, going all the way back to
11 President Reagan. They worked tirelessly to ensure that the
12 EPA, working with its partners both here in the U.S. and
13 abroad, tackled the environmental challenges of the day head
14 on.

15 There has never been a more important time for our
16 environment and our planet. Communities across the country
17 are facing grave environmental threats. Homes and businesses
18 are being lost to historic flooding, hurricanes, and
19 wildfires.

20 Our oceans are rising, threatening coastal communities.

21 Our coral reefs are disappearing, along with vast swaths of
22 forest and habitat across the globe, and we are seeing
23 biodiversity facing yearly declines.

24 Across the globe and here in the U.S. we are seeing

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1 record temperatures year after year, increasing the risk of
2 severe agricultural drought and leading to deadly heat waves.

3 In my home state of Colorado, we have seen once year-
4 round glaciers retreat while wildfire season only seems to
5 grow in length.

6 And just last week, a new report by the National Oceanic
7 and Atmospheric Administration found that carbon dioxide
8 levels in the Earth's atmosphere hit a record level and,
9 according to the Intergovernmental Panel on Climate Change,
10 current CO2 levels are likely at the highest level in human
11 history.

12 Let me say that again. The levels are currently at the
13 highest level in human history. Now, more than ever, we need
14 environmental leadership that rises to the challenges of our
15 time.

16 We need an EPA that will strengthen existing efforts to
17 fight climate change because we know that states, businesses,
18 and cities cannot address this crisis on their own.

19 We need an EPA that's committed to protecting public
20 health and the environment and we need an agency that can
21 help the U.S. lead on the international stage.

22 The global issues we are facing today not only threaten
23 our quality of life but increasingly are becoming national
24 security issues.

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1 As the administrators here today know all too well,
2 strong environmental leadership requires an EPA with
3 unimpeachable scientific credibility. The EPA must
4 constantly be strengthening its science to make sure that the
5 policies are driven by science and not the other way around.

6 Strong environmental leadership also means an EPA that's
7 transparent and accountable to the public so that Americans
8 can understand and participate in the processes that affect
9 contamination in their communities, and environmental
10 leadership also means holding polluters accountable by
11 enforcing laws that are already on the books.

12 Instead of leading on human health and environmental
13 protection, the track record of the current EPA has been
14 abysmal. This EPA has abandoned action on air quality and
15 climate change.

16 It has done away with sensible carbon reduction limits
17 and automobile standards that would save consumers thousands
18 of dollars at the pump.

19 It attacked mercury and air toxic standards that protect
20 communities from deadly mercury and other hazardous air
21 pollution, which even industry supports leaving in place.

22 And the EPA has ceded global leadership and effectively
23 been forced off the world's stage. And now again, the Trump
24 administration has proposed cutting the funding of the EPA.

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1 Of course, EPA's talented career staff heard this
2 message, too. In the first 18 months of the Trump
3 administration we saw over 1,600 career employees leave the
4 EPA, resulting in staffing levels not last seen in decades.

5 And against this backdrop, seven former EPA
6 administrators who served under Democratic and Republican
7 administrations sent this committee a letter calling for
8 renewed oversight of the agency.

9 Their message of unity and bipartisan support was here.

10 Four of these administrators are sitting right here today,
11 and so we can learn what happened with them when they were at
12 the agency.

13 The committee continues to conduct oversight on a broad
14 range of EPA issues including rollbacks of clean air and
15 climate protections, the drop in EPA enforcement activity,
16 drinking water safety, EPA's attack on science and ethical
17 issues.

18 Now is the time for a strong and renewed EPA that will
19 protect American communities from the many environmental
20 threats of our time and I am pleased to hear what additional
21 oversight that those here today think that we can have.

22 So I hope this morning our former administrators will
23 discuss these serious issues facing EPA and I am very pleased
24 to now recognize the ranking member, Mr. Guthrie, for five

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1 minutes for purposes for purposes of an opening statement.

2 Mr. Guthrie. Thank you, Chair DeGette, for holding this
3 hearing to focus on the future of the U.S. Environmental
4 Protection Agency and thank all of our witnesses for taking
5 the time to be here today.

6 Today's hearing is an important discussion for us to
7 have in order to build on the important work that the Energy
8 and Commerce Committee has done, especially in the last
9 Congress.

10 We held hearings focused on reducing carbon emissions,
11 boosting renewable energy options, including emissions-free
12 nuclear power, modernizing our power generation, and
13 empowering industry to lead the way through innovation.

14 Additionally in the 115th Congress, the committee led
15 legislative efforts on numerous bills including the
16 reauthorization of the Brownsfields program, nuclear energy
17 innovation and modernization, hydropower, and increasing
18 compliance for drinking water infrastructure, which all
19 passed the House and was signed into law.

20 Further, there were additional bills that passed the
21 House including ozone standards, energy efficient government
22 technology, advanced nuclear technology, new source
23 performance standards, and nuclear waste policy, just to name
24 a few.

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1 There are exciting new ideas in sight, like carbon
2 capture technology that can capture up to 90 percent of the
3 carbon dioxide emissions that come from the use of fossil
4 fuels and power generation and other industrial sources.

5 This technology means that the carbon dioxide emissions
6 do not even make it to the atmosphere to begin with. Since
7 fossil fuels will be used to power our country for decades to
8 come, the EPA should be working with its other federal,
9 state, and local partners to help speed the way for
10 innovative new technologies such as this.

11 I want to be clear. We all want clean air, clean water,
12 and environmental protection. But those things do not have
13 to be achieved at the expense of jobs, prosperity, and
14 national security.

15 We are ready and willing to continue to have serious
16 solutions-oriented discussions about how to address issues
17 facing our public health and environment such as climate
18 change risks through American innovation rather than massive
19 takeover of the federal government.

20 In addition to this committee evaluating ways for U.S.
21 to be leaders in the environmental protection space, today we
22 will hear from members and the witnesses about concerns
23 regarding the current direction of the EPA.

24 Where there may be differences of opinion on how to best

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1 approach some of the issues facing the agency today is not
2 out of the desire to have a polluted environment.

3 Let us not forget the EPA's nearly 50 years of age. It
4 might be appropriate to think beyond the model of the last
5 five decades to contemplate an agency poised to tackle
6 problems of today and tomorrow not armed for those of
7 yesterday.

8 I think it is an important opportunity for this
9 committee to broadly examine structural and legal areas where
10 Congress may need to provide the agency with clearer
11 direction on its responsibilities.

12 That is, after all, one of the main functions of
13 congressional oversight. Additionally, I am expecting that
14 we will hear concerns from the witnesses regarding changes to
15 regulations and how the ebb and flow of regulations from
16 administration to administration could have a negative impact
17 on industry.

18 I think that this highlights the importance of
19 bipartisan policy solutions, consistently transparent
20 administrative practice, and agency regulations that
21 appropriately balance the goals of regulation with the cost
22 of implementation.

23 Finally, it is no secret that much of rural America
24 views the EPA with -- views it with distrust and has for

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1 quite some time.

2 Many members of Congress have heard stories from their
3 district about family farmers and other small businesses
4 attempting to comply with federal environmental regulations
5 and feeling that the EPA was not a helpful partner.

6 I am particularly interested in learning from our
7 witnesses today about what can be done to earn back the trust
8 of these communities.

9 Ultimately, to truly succeed we need stronger local,
10 state, federal, tribal, and private partnerships where we can
11 team up and leverage all available resources to accomplish
12 the goals of cleaner water, air, and soil.

13 I hope that we can have a thorough and honest discussion
14 to inform the future of the EPA, its mission, and how we can
15 best protect the environment.

16 I thank our witnesses for being here today and sharing
17 their perspectives, giving each of their experiences as
18 former EPA administrators.

19 And I yield back.

20 Ms. DeGette. The chair now recognizes the chairman of
21 the full committee, Mr. Pallone, for five minutes for
22 purposes of an opening statement.

23 The Chairman. Thank you, Madam Chair, and welcome to
24 our former EPA administrators. We really appreciate your

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1 being here today.

2 I think we are going to have four -- because I think
3 Gina's on her way -- who served under four different
4 presidents and, obviously, you're uniquely qualified to share
5 your opinions with us on President Trump's EPA and whether
6 it's fulfilling the agency mission of protecting human health
7 and the environment.

8 I want to thank you for your efforts and the actions of
9 previous administrations, both Republican and Democrat.
10 Because of that -- because of them, our air and water is
11 cleaner, our land is better protected, and that's true not
12 just here in the United States but around the world as other
13 countries followed America's example of strong environmental
14 leadership.

15 EPA's record of accomplishment over the years has shown
16 that protecting the environment and public health is not only
17 good policy but also good for the economy.

18 This is a challenging moment in history. The United
19 States must decide whether we are going to sit on the
20 sidelines or do everything we can to combat climate change
21 and a host of other environmental threats facing our planet.

22 You don't have to look too far to see the risks
23 communities across America are facing. Historic floods
24 threatening farms and cities in the Midwest, a permanent

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1 wildfire season that now regularly decimates vast amounts of
2 land in the West, destroying homes and businesses, rising
3 oceans making coastal communities even more vulnerable to
4 extreme weather events, and record high temperatures year
5 after year, which can be deadly, particularly for vulnerable
6 populations.

7 Governor Whitman and I saw firsthand the tragic
8 devastation of Superstorm Sandy in New Jersey in 2012. I had
9 never seen worse storm damage in our area in my lifetime.

10 For many, the storm was the worst case scenario. Lives
11 were lost. Businesses and homes were destroyed. As Governor
12 Whitman points out in her testimony, according to a recent
13 report, 35 U.S. cities could be uninhabitable by the end of
14 ~~the~~ this century because of climate change, and nine of those
15 cities are in our state, New Jersey.

16 Just a week ago, the National Oceanographic and
17 Atmospheric Administration reported that the Earth's levels
18 of carbon dioxide have now jumped to a record high.

19 More than ever before we need a strong EPA that can
20 protect public health and the environment against today's
21 many threats and help lead this effort on the international
22 stage.

23 Unfortunately, we have seen over and over again that the
24 Trump administration is failing to rise to this challenge.

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1 In the past ~~22~~two and a half years we have seen our country
2 abdicate our role as a global leader on meaningful climate
3 action and ignore consensus science that humans are now a
4 major driver of global warming.

5 We have seen the Trump EPA roll back common sense limits
6 on pollution from power plants, attack protections which keep
7 American families safe from mercury and other toxic
8 pollution.

9 The Trump administration has also moved to weaken
10 successful automobile efficiency standards, a decision that
11 17 of the world's largest automakers just last week
12 threatened to cut -- they say threatens to cut their profits
13 and produce untenable instability in the manufacturing
14 sector, and these actions seriously undermine our ability to
15 reduce greenhouse gas pollution, making the climate crisis
16 even worse.

17 We have also seen the Trump administration propose
18 extreme cuts, in my opinion, to the EPA's budget, which would
19 eliminate key agency programs, cut money for states and
20 tribes, and eviscerate the agency's science apparatus.

21 Now, fortunately, Congress, on a bipartisan basis, has
22 not accepted those cuts. And not only is the Trump EPA
23 sidelining science, in some cases it's purging it altogether.

24 As these events unfolded at EPA in April, the committee

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1 received a letter from seven former EPA administrators who
2 served under presidents of both parties as far back as
3 President Nixon.

4 The former administrators, four of whom are with us this
5 morning, urged oversight of EPA, offered to be a resource,
6 and affirm the vital bipartisan mission of the EPA, and
7 during this Congress the committee has already conducted
8 oversight on a range of key issues affecting EPA including
9 rollbacks of clean air and climate protections, continued
10 attacks on science, lack of enforcement of environmental
11 laws, failure to protect workers from chemical risks and the
12 impact of the Trump administration's drastic proposed cuts to
13 EPA's budget.

14 And so we are looking forward now to hearing from this
15 distinguished bipartisan panel. The four former
16 administrators with us this morning truly know what is at
17 stake because they were there and how to accomplish EPA's
18 mission.

19 So more than ever our communities, families, and planet
20 need a robust EPA that is fully committed to protecting human
21 health and the environment, and we appreciate all the fact
22 that, you know, what you did in your distinguished service
23 and want to see what lessons there are to tell us for today.

24 Thank you, and I yield back, Madam Chair.

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1 Ms. DeGette. The chair now recognizes the ranking
2 member of the full committee, Mr. Walden, for five minutes
3 for purposes of an opening statement.

4 Mr. Walden. Thank you, Madam Chair.

5 Regardless of whether you're in government or not, we
6 must always keep in mind the EPA's core mission tasked by
7 Congress in statute: clean air for Americans to breathe, safe
8 water for our citizens to drink, soils free from pollution.
9 That is the core mission.

10 Too often people fall into the trap of assuming a clean
11 environment is incompatible with economic growth and job
12 creation. But we can and must have both.

13 We need common sense regulations that protect the
14 public, actually clean up the environment and do so in a way
15 that doesn't unnecessarily suffocate the economy or fail to
16 consider the impact on American consumers and taxpayers.

17 To this end, the EPA should focus on innovative problem
18 solving and partnerships with states, tribes, communities,
19 the private sector, and other stakeholders that leverage
20 their resources and enterprise.

21 I anticipate much of the discussion today will focus on
22 climate change and the appropriate role of the EPA in
23 combating it.

24 I want to be clear -- climate change is real, and as I

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1 have stated numerous times, Republicans on this committee
2 stand ready, willing, and able to work with Democrats in a
3 bipartisan way to continue to tackle climate change in a
4 prudent and thoughtful manner.

5 I ask unanimous consent to enter in the record a
6 February 13th letter to Chairman Pallone and Environment and
7 Climate Change Subcommittee Chairman Tonko from myself and
8 Mr. Shimkus asking to do just that.

9 [The information follows:]

10

11 *****COMMITTEE INSERT*****

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1 Mr. Walden. We can and must address climate change
2 risks through American innovation, conservation, as well as
3 adaptation and preparation, which should be focused on
4 continuing to reduce emissions, developing and exporting
5 clean energy technologies, and making our communities more
6 resilient by adapting what we grown and how we build.

7 The EPA has an important role to play in that by
8 collecting emissions information and setting meaningful
9 standards and regulations within the bounds of statutory
10 authority granted to the agency by the Congress.

11 We should continue to make progress on reducing global
12 climate risks without adding unnecessary regulatory burdens
13 by promoting policies favoring clean energy like nuclear,
14 hydropower, natural gas, wind, solar, and carbon capture
15 technologies, and by removing barriers to development and
16 deployment of new technologies and innovation. I think we
17 could all agree on that.

18 Republicans have a clear record of bipartisan
19 legislation from this committee to do just that. Over the
20 past several Congresses we have removed regulatory barriers
21 to new technological advances in power generation from
22 hydroelectric power to small modular nuclear, from carbon
23 capture and storage incentives to power grid reforms.

24 Because innovation is where the long-term solutions to

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1 climate change are, we want America to lead the world in
2 innovation as we always have, especially on clean energy and
3 environmental cleanup.

4 It also never hurts to work hard to root out unnecessary
5 red tape, to provide greater regulatory transparency so that
6 stakeholders including the regulated community better know
7 what is expected of them and to promote prompt, even, and
8 fair enforcement of the law.

9 So let's work together as we have in the past to reduce
10 the barriers to innovation, to unleash American ingenuity, to
11 develop new technologies to help confront the climate and
12 other environmental and public health challenges of the
13 future.

14 For example, the previous Republican-led Congresses have
15 seen bipartisan responses to address contaminated drinking
16 water in Flint, Michigan -- need I say the EPA kind of
17 dragged its feet and got that one wrong -- renew important
18 drinking water programs including those to address lead
19 pipes; reinforce the essential federal-state dynamic in
20 environmental protection; and update toxic chemicals review
21 and management. Those were all done in a Republican-led
22 Congress in a bipartisan way.

23 Moving forward, there is much that we could do right now
24 in a bipartisan way. For example, we could improve new

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1 source review permitting, essential to ensuring more
2 efficient cleaner-operating stationary sources and we could
3 streamline the air quality standards process to ensure more
4 effective implementation by states and localities.

5 This hearing is also a good opportunity to discuss
6 whether and how the EPA itself and its legal authority need
7 to be modernized to face 21st century challenges.

8 We are beginning another wildfire season in Oregon and
9 on the West Coast. Last summer smoke filled the air across
10 large parts of Oregon and California, giving us the worst air
11 quality short of Beijing for almost a month.

12 The Clean Air Act was last updated in 1990. Does this
13 nearly 30-year-old statute stand up in the face of issues the
14 EPA confronts today?

15 I think on nearly every EPA's watch there has been
16 failure to update legally mandated programs by Congress and
17 that's a question we should be asking today as well as we go
18 forward. The EPA itself has never been authorized by
19 Congress. Never. So how should we do that?

20 I thank your witnesses for being here today. I know you
21 each have -- had difficulties on your watches, challenges on
22 your watches. You always tried to do the right thing for the
23 American people.

24 But it's hard to always get it right. And so we want to

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1 work with you and with our colleagues on the other side of
2 the aisle to get it right more often for the American people
3 and do the right thing for our environment.

4 And with that, Madam Chair, I yield back.

5 Ms. DeGette. I thank the gentleman.

6 The chair now asks unanimous consent that the members'
7 written statements be made part of the record.

8 Without objection, so ordered.

9 And the committee will now stand in recess until 11:00
10 o'clock sharp.

11 [Recess.]

12 Ms. DeGette. The hearing will come to order and the
13 chair will thank everybody for their comity and welcome Ms.
14 McCarthy, who has had quite a morning of travel to get here,
15 and we appreciate it.

16 I now want to introduce the panel of witnesses for
17 today's hearing. Ms. Gina McCarthy, administrator of the
18 U.S. Environmental Protection Agency from 2013 to 2017,
19 Governor Christine Todd Whitman, administrator of the U.S.
20 Environmental Protection Agency from 2001 to 2003, Mr.
21 William R. Kelly, the administrator of the U.S. Environmental
22 Protection Agency from 1989 to 1993.

23 Mr. Reilly. It's Reilly.

24 Ms. DeGette. Kelly. Reilly. I am sorry.

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1 [Laughter.]

2 Ms. DeGette. Reilly. Kelly. They are all good Irish
3 names. Mr. Lee M. Thomas, administrator of the U.S.
4 Environmental Protection Agency from 1985 to 1989, and I do
5 want to again thank all of you for coming today.

6 I know you're aware that the committee is holding an
7 investigative hearing, and when doing so we have the practice
8 of taking testimony under oath.

9 Do any of you object to testifying under oath today?

10 Let the record reflect that the witnesses have responded
11 no. The chair advises you that under the rules of the House
12 and the rules of the committee you're entitled to be
13 accompanied by counsel.

14 Do you desire to be accompanied by counsel today?

15 Let the record reflect the witnesses have responded no.

16 If you would, please rise and raise your right hand so
17 that you may be sworn in.

18 [Witnesses sworn.]

19 Ms. DeGette. Let the record reflect that the witnesses
20 have responded affirmatively and you may be seated. You're
21 now under oath and subject to the penalties set forth in
22 Title 18 Section 1001 of the U.S. Code.

23 The chair will now recognize our witnesses for a five-
24 minute summary of their written statements. In front of you

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1 -- I think you all know the drill, having testified in front
2 of this committee many times.

3 There's a microphone and a series of lights. The light
4 will turn yellow when you have a minute left and a red to
5 indicate your time has come to an end.

6 And so, Administrator McCarthy, you are now recognized
7 for five minutes.

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1 STATEMENTS OF THE HONORABLE GINA MCCARTHY, ADMINISTRATOR
2 (2013-2017), U.S. ENVIRONMENTAL PROTECTION AGENCY; THE
3 HONORABLE CHRISTINE TODD WHITMAN, ADMINISTRATOR (2001-2003),
4 U.S. ENVIRONMENTAL PROTECTION AGENCY; THE HONORABLE WILLIAM
5 K. REILLY, ADMINISTRATOR (1989-1993), U.S. ENVIRONMENTAL
6 PROTECTION AGENCY; THE HONORABLE LEE M. THOMAS, ADMINISTRATOR
7 (1985-1989), U.S. ENVIRONMENTAL PROTECTION AGENCY

8
9 STATEMENT OF MS. MCCARTHY

10 Ms. McCarthy. First of all, I want to thank -- send my
11 thanks to Chairman Pallone and Ranking Member Walden for
12 holding the hearing, Chair DeGette and Ranking Member Guthrie
13 for asking me to speak today about the important work of EPA,
14 and I apologize for keeping everybody waiting. I appreciate
15 it very much that you waited for me.

16 I have spent all of my professional life working to
17 protect people from the dangers posed by pollution. As a
18 kid, I could literally see, taste, and feel pollution.

19 I can remember my 3rd grade classmates and I at St.
20 John's Elementary School, running to shut windows when the
21 stench from the Plymouth Rubber Company started wafting in
22 the windows.

23 What amazed me most was that the nuns never stopped
24 marching us through our times table, even when we were

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1 holding our noses.

2 It wasn't until years later when I finished graduate
3 school and became the first full time Board of Health agent
4 in my hometown that I figured out just how many people in and
5 around that plant had died from brain cancer.

6 And it was only 12 years or so after that when a dear
7 friend of mine died of brain cancer and I wondered whether
8 her classmates had just been a bit slower than me at shutting
9 the windows.

10 I know pollution kills and it is not an equal
11 opportunity killer. It attacks our children and the elderly,
12 the poor and the powerless. That's why environmental
13 statutes have been enacted to provide layers of protection
14 between pollution and the people that we love, so they have
15 the fighting chance to live healthy lives.

16 And for nearly 50 years we have been so lucky to have
17 dedicated public servants at EPA who are smart and amazing
18 human beings that we can rely on to implement those laws and
19 political leaders like the three that I am sitting with today
20 who help to lead the agencies.

21 And I am here today for one reason and one reason only,
22 and it is not to weep about all my precious rules being
23 rolled back, although I admit that the constant rollback is
24 beginning to tick me off a bit, maybe even more than just a

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1 bit.

2 But this is not the real message for me this morning. I
3 am here to remind the political leadership at EPA that what
4 they do matters and it is time for them to step up and to do
5 their jobs.

6 So just do your jobs. Right now, this administration is
7 trying to systematically undo health protections by running
8 roughshod over the law, by obfuscating the science while only
9 paying lip service to public disclosure and transparency, and
10 that is just not good enough.

11 EPA's mission is to protect public health and the
12 natural resources that we all depend on. EPA's success is
13 measure in human lives saved, fewer kids with asthma attacks,
14 and how well we protect those most vulnerable from human
15 exposures to pollution and arm the public with information
16 and opportunities so they can live better, healthier, safer,
17 and more just lives.

18 That is worth standing up for, and I am here to ask the
19 committee to hold EPA accountable to its mission and its duty
20 to American families across the country who fully expect that
21 laws will be implemented, science will be followed, and
22 people will be given a chance to engage in decisions that
23 matter to them and their children and their future.

24 Right now, it feels like the fox is minding the

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1 henhouse. EPA's political leadership is filled with
2 conflicts that put special interests and former clients ahead
3 of our kids and hardworking families.

4 Ethics investigations are ongoing across the agency
5 while EPA rollbacks and divestments continue, with science
6 being sidelined, policies not being publicly vetted, and
7 efforts ongoing to change the way the agency conducts its
8 business, and it's all designed to mask increases in
9 pollution and to deny health benefits of pollution
10 reductions.

11 What does this all mean? Well, if we allow more
12 pollution to be emitted, if we stop supporting and listening
13 to the best available science, and if we start limiting EPA's
14 ability to monitor and enforce pollution standards, then we
15 are putting at risk the health and the future of every single
16 child in our country.

17 And make no mistake, our children are watching and we
18 need to deliver for them, especially when it comes to climate
19 change, which has the ability to literally rob them of their
20 future if we don't act and don't act now.

21 If the American dream is about giving the next
22 generation a better life than the one we have, I fear with
23 this administration that dream may be slipping away, and I
24 cannot sit on the sidelines and allow that to happen.

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1 I have a nine-month-old grandson and I have a
2 granddaughter on the way. They are my face of climate
3 change. They are my moral compass and my reason to sit here
4 today.

5 So we know what we are all fighting for and we need to
6 remind ourselves of that every day. At times like these, the
7 onslaught of controversies creates us an overwhelming
8 problem.

9 But we mustn't lose sight of the core values that bind
10 us together. Surely, one of those values must be protecting
11 the health and wellbeing of our kids. It's time for this EPA
12 to do what is right for American families and start doing
13 their jobs.

14 Thank you for your attention, and you can find many more
15 specifics in my written testimony.

16 [The prepared statement of Ms. McCarthy follows:]

17

18 *****INSERT 1*****

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1 Ms. DeGette. Thank you very much, Administrator
2 McCarthy.

3 I am now pleased to recognize Governor Whitman for five
4 minutes for purposes of an opening statement.

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1 STATEMENT OF MS. WHITMAN

2

3 Ms. Whitman. Thank you, Chairman.

4 Chairman Pallone, Chairwoman DeGette, Ranking Member
5 Guthrie, all members of the subcommittee, thank you very much
6 for inviting us here today.

7 I believe you have a copy of my written testimony, which
8 I would like accepted into the record. Thank you.

9 I am here today because I am deeply concerned that five
10 decades of environmental progress are at risk because of the
11 attitude and approach of the current administration.

12 I would like to touch briefly on several areas of
13 particular concern to me about EPA's current direction.

14 First is the agency's retreat from science. The current
15 administration has been on a steady march to reduce if not
16 eliminate the role of science in developing and implementing
17 environmental policy.

18 There are numerous examples, but none illustrates this
19 retreat better than the understandable confusions among
20 members of the EPA Science Advisory Board at a meeting held
21 just last week.

22 At this meeting, the members of the Advisory Board were
23 told that the administration's effort to roll back certain
24 clean water standards for the waters of the United States

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1 proposal was strictly a policy call and had little to do with
2 science.

3 That seems surprising to me.

4 Second is the influence of the regulated community. All
5 stakeholders should be heard as EPA develops policy. But
6 none should be heard at the relative exclusion of any others.

7 A study published last year found that the Trump
8 administration has explicitly sought to reorient the EPA
9 toward industrial and industry-friendly interests, often with
10 little or no acknowledgment of the agency's health and
11 environmental missions.

12 This is wrong. It's wrong for the agency, it's wrong
13 for the environment, and it's wrong for public health. It
14 skews policy making away from EPA's mission and diminishes
15 public confidence in its decision making. This trend must be
16 reversed.

17 Third is an apparent decline in concern by EPA's
18 leadership about EPA's public health mission. The United
19 States has made significant progress in improving the
20 environment and safeguarding public health from pollution.

21 But millions of Americans, especially children, continue
22 to suffer from the effects caused by pollutants. That is why
23 it is almost impossible for me to understand EPA's failure to
24 commit to continue to fund the research projects at the 13

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1 Children's Environmental Health and Disease Prevention
2 Centers -- Research Centers.

3 EPA's own Children's Health Protection Advisory
4 Committee has urged the EPA to continue to fund these
5 centers. Inexplicitly, the administration has refused to
6 commit to doing so.

7 Children are not small adults. They metabolize
8 differently. They need different sets of protections. This
9 isn't an isolated example. It's part of a troubling trend
10 that must be addressed.

11 Fourth is the erosion of the morale at the EPA. This
12 has been documented by studies and I have observed it myself.

13 It is also reflected in the large number of departures of
14 career scientists and others from the agency.

15 The hostility of EPA leadership to its own mission is
16 driving people out and keeping new people away.

17 Finally is the EPA's denial of the importance of climate
18 change. The Earth's climate has always changed, but never
19 before has that change been accelerated by human activity.

20 We are not the sole cause of climate change but we are
21 having a real effect. But the White House is still not
22 convinced and is reportedly going to require certain federal
23 scientists to debate whether the widely-held accepted
24 scientific consensus on climate change is correct.

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1 These researchers are concerned that participating in
2 such an exercise might harm their credibility and their
3 careers. And yet, they stand to be forced to participate.

4 Putting the administration's doubts aside, I am
5 especially concerned about the effects of climate change on
6 the world's oceans. As a former governor and lifelong
7 resident of a coastal state, I cannot help but focus on the
8 damage climate change is doing to our oceans.

9 Oceans bear the brunt of climate change. From the sea
10 level rise, growing acidification, and coral bleaching to
11 increased coastal flooding, expanding dead zones and an
12 increase in marine diseases, our oceans are in trouble, and
13 what threatens the health of our oceans threatens life on
14 Earth.

15 Climate change is real and the administration is
16 abdicating its responsibilities by denying it.

17 Madam Chair, members of the committee, there is no doubt
18 in my mind that under the current administration the EPA is
19 retreating from its historic mission to protect our
20 environment and the health of the public from environmental
21 hazards.

22 Therefore, I urge this committee in the strongest
23 possible terms to exercise Congress's oversight
24 responsibility over the actions and directions of the

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1 Environmental Protection Area -- Agency in the areas I have
2 raised and especially when it comes to climate change.

3 Thank you, and I look forward to taking your questions.

4 [The prepared statement of Ms. Whitman follows:]

5 *****INSERT 2*****

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1 Ms. DeGette. Thank you so much, Governor.

2 I am now very pleased to recognize Administrator Reilly
3 for five minutes for an opening statement.

4 Sir, if you can push the button it'll turn on the
5 microphone.

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1 STATEMENT OF MR. REILLY

2

3 Mr. Reilly. -- Congressman Guthrie, Mr. Chairman
4 Pallone, Congressman Walden, thank you for the opportunity to
5 appear here today. I will try not to recapitulate, though,
6 in fact, I could because my prepared testimony very much
7 tracks the testimony that you have just heard of two of my
8 admired predecessors, or successors.

9 I want to say in my five minutes, first of all,
10 something about science. The Science Advisory Board, which
11 has been vital through several administrators, was
12 particularly important to mine when I asked in the early
13 weeks of my term that they rank the priorities in terms of
14 health and ecology to the people of the United States -- what
15 are the most serious threats -- and then estimate the degree
16 to which the budget priorities of the agency corresponded to
17 those priorities.

18 They did that, and we followed that as a template
19 throughout, and I think the last time I acted on one of their
20 recommendations it was that we pay more attention to indoor
21 air. And so we declared side stream smoke a Class A
22 carcinogen.

23 Within one year, almost 500 communities in the United
24 States enacted laws forbidding smoking indoors. We didn't

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1 have the statutory authority to regulate that. Peculiarly,
2 we regulated the air where people spend 10 percent of their
3 time, not where they spend 90 percent of their time.

4 But that is a measure of the degree to which the people
5 of the United States trusted EPA and trusted the science.
6 That is a vital jewel of our system.

7 It is a characteristic of the EPA historically. It is
8 at risk. Say no more about it now, but I would love to talk
9 about it. There are other things that EPA has done without
10 having any particular regulatory authority to move on it.
11 ENERGY STAR is the best example.

12 I recall talking to one of the large developers in
13 California who built Dodger Stadium and he said, you know,
14 the most powerful regulation that I've ever encountered that
15 you have is not even a regulation -- it's ENERGY STAR.

16 Can't get a loan for a significant building in
17 California if it's not ENERGY STAR. The EPA created that as
18 part of its responsibility, in essence, for being the
19 environmental conscience of the country.

20 Second point I want to say is with respect to oversight,
21 I think there are a number of important measures. There's
22 budget and staffing, and I compliment the previous Congresses
23 of the last two years for not accepting the proposals to gut
24 EPA's staffing by a third and its budget by a third, and

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1 maintaining the amount of support, the resources available to
2 the agency, for its vital missions at just about where they
3 were.

4 It's significantly below in inflation adjusted terms
5 where it was in my time. But it's sure a lot better than
6 what the administration proposed.

7 Budget and staffing, enforcement numbers, regulatory
8 justifications -- these are the measures of integrity of a
9 regulatory agency, which fashions itself in deregulatory
10 mode.

11 Look at the justifications for the mercury rule, the
12 methane rule, the coal ash rule, the waters of the United
13 States. The administrator said in his testimony and
14 confirmation that they are very proud of having some 33 major
15 regulations or deregulations efforts proposed or completed.

16 Look at the language that justifies and explains those
17 measures. Look for the environment and health and ecology as
18 a priority. They are invariably presented in terms of their
19 economic advantages and he said that they in fact would
20 reduce by \$2 billion the burdens on industry to conform to
21 those rules.

22 With all due respect, EPA is supposed to pay attention
23 and tries to, with its cost benefit, to the economic impact
24 of its regulations. But the environment health come first.

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1 They don't even come first in the justifications for most of
2 the actions affecting the matters I described.

3 Finally, I just want to say something relative to the
4 future. As we address, if we ever do -- and I certainly hope
5 that we will do it in this Congress -- the climate challenge,
6 it will be vital to have the Environmental Protection Agency
7 play a key role I think both in mitigation and in adaptation.

8 Therefore, I am particularly mistrustful of the proposal
9 to have a \$40 carbon tax associated with the -- a group of
10 very respectable people -- progressive people concerned about
11 the environment, and a carbon tax, I think, is a positive
12 thing. I don't think \$40 is anywhere near what it's going to
13 have to be to really transform behavior.

14 But the fine print says that EPA would be removed -- its
15 regulatory authority -- from any actions affecting climate if
16 that proposal were enacted.

17 By the same token, so would the courts. Well, the two
18 federal institutions that have addressed the climate problem
19 are EPA and the courts, and to immunize major emitters for a
20 \$40 tax is, in my view, very unwise and I would keep a close
21 eye on the efforts to remove the authority -- the regulatory
22 authority -- from the agency, the one agency that has really
23 tried to address that problem.

24 Ms. DeGette. If you could sum up.

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1 Mr. Reilly. I guess I've run out my clock, Madam Chair.

2 I appreciate your time. But I want to say how much I
3 respect and admire the attention that you are paying to
4 oversight of EPA. There has never been a time when it was
5 more urgently needed.

6 Thank you.

7 [The prepared statement of Mr. Reilly follows:]

8

9 *****INSERT 3*****

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1 Ms. DeGette. Thank you so much, Administrator Reilly.

2 And now I am pleased to recognize you, Administrator

3 Thomas, for five minutes for an opening statement.

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1 STATEMENT OF MR. THOMAS

2

3 Mr. Thomas. Thank you. Chair DeGette, Ranking Member
4 Guthrie, and other members of the committee.

5 I appreciate the opportunity come and talk about the
6 mission of EPA and particularly to talk about the role of
7 this committee as far as oversight is concerned.

8 You know, I was at EPA for six years, first as assistant
9 administrator, then administrator, from '83 to '89. At that
10 time, I went into business after 20 years in government.
11 I've been in business for 30 years and I have directed
12 companies, particularly in the natural resource area and
13 industrial manufacturing.

14 So I have seen regulation and environmental regulation
15 as a regulator and I have seen it as a regulated. I can tell
16 you in both instances EPA, as the agency who in fact has the
17 charge for protecting our environment, needs to be a strong
18 credible agency. The public demands it. The public deserves
19 it.

20 Business needs it. It needs a consistent credible set
21 of rules to operate by, I would say, not only nationally but
22 internationally if possible. So the leadership of EPA at a
23 national level and international level is critical from
24 business's point of view just like it is from the public's

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1 point of view.

2 So given this mission, you look at the law and what you
3 find is Congress has given EPA over the last 50 years
4 incredibly broad and deep set of authorities. Built into
5 those authorities are natural tensions.

6 It is the tension between the regulator and the
7 regulated. There's tensions between individual rights and
8 the community's rights. There's tension between cost of
9 regulation and benefits to the environment and the public.

10 Well, you have told EPA, look, you're going to have to
11 make the tough decisions. You're going to have to come to
12 grips with these kind of tensions. Well, the only way they
13 can do that in an adequate way and a somewhat balanced way --
14 and it's balanced in the different laws in different ways --
15 is if they have the capacity to do it: scientific capacity,
16 economic analysis capacity. Have they got that kind of
17 capacity in the agency.

18 Well, in fact, I am very concerned about do they have
19 that capacity. Very concerned about whether they in fact are
20 tapping into the kind of external scientific expertise that
21 we always used that's critical to the decision making in the
22 agency.

23 I am very concerned about are they in fact doing the
24 kind of intergovernmental coordination that needs to be done.

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1 We can't operate in this country from a business point of
2 view if we've got 50 different sets of standards trying to
3 regulate how we are going to operate.

4 I am very concerned about are they taking a leadership
5 role as far as global issues are concerned. In many cases, I
6 think they're stepping back from the global issues as opposed
7 to taking on the global issues.

8 So, overall, I would say this committee as far as an
9 oversight committee has a critically important role to play
10 in looking at those kind of issues.

11 Now, let me just drop back and tell you how I got to
12 EPA. I was the deputy at FEMA. It was an independent agency
13 at that point in time.

14 EPA, in 1983, was in the middle of chaos and turmoil.
15 There were six different congressional committees that were
16 investigating what was going on at EPA. I was asked to come
17 over to EPA on a 90-day detail to help the administrator as
18 far as management is concerned. I ended up staying six
19 years, so I must have liked it.

20 But in fact what I found was the agency at that point in
21 time and the committees that were investigating the agency
22 there was a deregulatory agenda. It was an attack on science
23 at many levels as far as the agency is concerned and a debate
24 going on about how you get scientific input or should you

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1 have scientific input.

2 There were major requests for budget cuts of EPA. It
3 was a division between political and career staff as far as
4 the -- the allegations of inappropriate contacts by the
5 regulated industry. There was a lack of transparency in
6 terms of how the agency was making its decisions.

7 Does all that sound familiar? Well, there's an awful
8 lot of that going on today. Well, I can tell you Congress
9 played a major role in highlighting those kinds of issues,
10 bringing to light those kind of issues. The media picked
11 right up on it, played a major role.

12 I remember being told how many days in a row the
13 Washington Post had a story about that on the front page
14 every day. Well, what happened?

15 The president said, that's not how I want this agency to
16 operate. The president made a major change. He brought Bill
17 Ruckelshaus back, who had been the first administrator.

18 I had the opportunity then to work with Bill for the
19 next two years and then I became administrator. I will tell
20 you what Bill did. He put a new management team in place.
21 He said, we are recommitted to the mission of EPA, protecting
22 the environment.

23 We are recommitted to implementing the laws the way they
24 are. We are going to have the most transparent operation

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1 possible. We are going to pull in as much scientific
2 knowledge as possible.

3 We are going to make sure we've got capability within
4 our agency to make the kind -- support to make the kind of
5 decisions that need to be made.

6 So this committee, in my opinion, plays a vital role in
7 trying to correct what I see as some of the issues that are
8 going on in that agency today.

9 The other thing this committee plays a role in is
10 looking at and determining where is there ambiguity -- where
11 is there lack of direction as far as existing law is
12 concerned.

13 We worked on a bipartisan basis with Congress. We
14 reauthorized all the law related to hazardous waste. We
15 reauthorized Superfund. We reauthorized clean water.

16 We reauthorized the Safe Drinking Water Act. We did all
17 of that over that six-year period of time I was there. In
18 each case, there was total --

19 Ms. DeGette. If you can sum up, please.

20 Mr. Thomas. There was total bipartisan support to get
21 those things done. That's what EPA is all about. It needs
22 bipartisan support and clear direction under the law.

23 And, in fact, it needs that because in order to make the
24 tough calls it has to make it needs broad support.

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1 Thank you for the opportunity to be here.

2 [The prepared statement of Mr. Thomas follows:]

3

4 *****INSERT 4*****

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1 Ms. DeGette. Thank you so much.

2 Now it's time for the members to ask you questions. I
3 want to thank all of you for your opening statements. The
4 chair will now recognize for five minutes.

5 As I noted in my opening statement, I am deeply
6 concerned about the direction of the EPA and the Trump
7 administration, as are you as signatories of the letter.

8 I would like to draw on your wisdom this morning to hear
9 from each of you what you think the EPA and Congress can do
10 to better address the serious environmental issues we are
11 facing.

12 I only have five minutes. Some of you probably heard
13 John Dingell say this so I would like to channel that. So if
14 you can be brief that would be great.

15 And I will start with you, Administrator McCarthy. Now,
16 during your tenure, the EPA set the first ever national
17 standards for reducing carbon emissions from existing power
18 plants and this really underscored the United States'
19 commitment to climate action and spurred international
20 efforts.

21 I am assuming when you said that you had a lot of
22 frustrations with the Trump administration the efforts to
23 roll back those standards are one of them. I am wondering if
24 you can talk about those standards and any others that you

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1 feel are at risk and why you are concerned about this.

2 Ms. McCarthy. Well, it is not just the ACE -- the ACE
3 rule, which is replacing the Clean Power Plan. It's not just
4 the Mercury Air Toxic Standard. It's not just the car rules.

5 It is basically the fact that I believe they're
6 undermining the science and the law in how they are trying to
7 roll back those rules.

8 I do not dispute any administration coming in with
9 different policies. But the challenge I think we are facing
10 is they are really changing the rules of the road.

11 Ms. DeGette. And why --

12 Ms. McCarthy. They are not using sound science.
13 They're not looking at cost benefits. They're trying to
14 inflate the cost and lower the benefits in order to justify
15 rules that simply don't make sense under the law.

16 Ms. DeGette. Thank you.

17 And, Administrator Whitman, that kind of goes to what I
18 was going to ask you about. In your testimony today you
19 talked about the importance of science, and just to let you
20 know, when I took over the chairmanship of this committee I
21 announced that our agenda this year was science. So perfect.

22 But I am wondering if you can -- if you can tell us with
23 respect to the rules that Administrator McCarthy was talking
24 about with the others, why is it important for the agency to

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1 make rules from a science-based perspective? It seems -- it
2 seems almost a given that we should look at those standards.

3 But I think it's important to say why science is important
4 and not political impetus or something else.

5 Ms. Whitman. Well, science underpins it all. Yes,
6 there are always political considerations. Yes, there need
7 to be cost benefit analysis. It's appropriate in some places
8 under the Clean Air Act.

9 In others you may use cost benefit analysis. Some you
10 must and others you cannot use cost benefit analysis. That
11 was part of the enabling legislation that determined that.

12 But for the agency -- since the agency's mission is to
13 protect public health and the environment, that's based on
14 science. That's not politics. That's not political. You do
15 your best advice and then the political decision is made --
16 is layered on top of that.

17 But, really, if you don't have access to pure science,
18 to clear science -- not science that is purely coming from
19 one side or the other but balanced science that is based on
20 the facts -- you're not going to get to the kind of position
21 that's protective of public health and the environment.

22 Ms. DeGette. And that's the bottom line.

23 Ms. Whitman. And that's why it's so critical.

24 Ms. DeGette. Yes.

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1 Mr. Reilly, when you were administrator, you really
2 solidified the EPA's reputation as an international leader by
3 working with international partners on environmental programs
4 like decreasing greenhouse gas emissions.

5 I am wondering if you can tell us briefly why it's so
6 important for the U.S. to be an active international partner.

7 Mr. Reilly. Well, first of all, we cannot alone, even
8 as large and powerful as we are, solve the climate problem.
9 We are the number two emitter in the world. China is number
10 one.

11 In my time we dealt with upper atmospheric ozone, which
12 the Chinese did not want to deal with and were planning to
13 introduce some hundred million refrigerators over the course
14 of the next 10 years, all containing CFCs, which would have
15 blown away everything that we had.

16 EPA was the key actor in dissuading them from doing
17 that. We were able to do that because of EPA's own
18 reputation for solid science and integrity, and I remember
19 Secretary of State Baker saying to me once when we had been
20 active in China.

21 He said -- and we were not allowed to go there because --
22 -- at my level, at least, because of Tiananmen Square -- he
23 said, I don't know what you're doing with the Chinese and I
24 don't need to know. Keep it up. They love you.

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1 I said, well, what we are doing is addressing methane
2 reduction and cement kiln pollution control and very
3 practical engineering problems that are essential their
4 developing economy.

5 Ms. DeGette. Thank you.

6 I apologize, but I have very little time and I do want
7 to get to Mr. Thomas, and what I want you to ask is you
8 talked about your role and Mr. Ruckelhaus's role in
9 increasing the professionalism of the EPA and building
10 morale.

11 What have -- why is that important and what have you
12 seen in the recent EPA that gives you pause?

13 Mr. Thomas. Well, it's critically important that the
14 EPA staff understand that there's an overall commitment to
15 the mission of the agency: protection of public health and
16 the environment.

17 And in fact, you're going to work hard with them not
18 only to ensure that there are adequate resources but you're
19 going to work hard with them to ensure that their voices and
20 the voices of external particularly scientists are heard in
21 the process of decision making.

22 It's critical if the agency is going to have the
23 credibility in its decisions that in fact will enable the
24 public, the regulated community, to have confidence in what

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1 they're doing.

2 So morale basically flows from does the staff understand
3 that there is an overall commitment -- are you working with
4 the staff to provide them with the tools and the resources
5 they need to do their job and do they in fact feel like this
6 is an open and transparent agency and our decisions -- and in
7 fact our decisions will be supported by the public because
8 the public had sufficient input into us making those
9 decisions.

10 Ms. DeGette. Thank you so much.

11 The chair now recognizes Mr. Guthrie for five minutes.

12 Mr. Guthrie. Thank you, Madam Chair. Thank you all for
13 being here.

14 And Mr. Reilly, in your testimony you mentioned rural
15 America is where EPA is mistrusted. I represent the 2nd
16 District of Kentucky -- several rural areas, several
17 counties. A lot of represent rural America. So I am
18 interested in that comment you made, and why do you think the
19 EPA is mistrusted in rural America?

20 Mr. Reilly. First of all, I think that the intrusive of
21 some of the regulatory priorities, particularly with regard
22 to ephemeral wetlands, impacts especially hard on farmers and
23 ranchers, and they encounter controls they don't fully
24 understand and when they do they don't often agree with them

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1 because these are areas that may not be wet for some part of
2 the year.

3 Many of the states we are talking about, though, have
4 already lost 90 percent of their wetlands and wetlands, in
5 fact, have critical roles with respect to habitat and species
6 and the rest.

7 I think it may also be true that we've got to learn
8 better the lessons of things like total quality management in
9 terms of how to interface with people who are affected
10 directly by regulation.

11 Mr. Guthrie. So what do you think EPA could do? I know
12 you're just -- it sounds like you are starting to get that,
13 but what do you think EPA should do to become more
14 trustworthy with rural America?

15 Mr. Reilly. Well, I think it's got to do a better job
16 of communicating the validity of some of the priorities that
17 they have and particularly how they act to enforce them.

18 I know the kind of anger that I've encountered in some
19 parts of the country has surprised me and it's not an
20 accident that the president can say the kinds of things he
21 said about wanting to break up EPA into little bits, because
22 of the existing anger.

23 Rural America has its own problems that go well beyond
24 the environment and far beyond EPA. But any regulatory

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1 agency that affects farmers -- I have a farm -- I am on my
2 way to my farm tomorrow in Illinois -- is particularly
3 dealing with an independent community of people who don't
4 like to have their use of their land interfered with.

5 That's a given, that it has to be to respect some of
6 these values and administer some of these laws. No net loss
7 of wetlands was a priority of my president, President George
8 H. W. Bush, whom I served. But it's not a popular one.

9 Mr. Guthrie. I need to get to a couple more questions.
10 I understand.

11 Mr. Reilly. Sure.

12 Mr. Guthrie. So you also mentioned frictions are
13 evident in state relations with EPA. What kind of frictions
14 are you -- were you referring to in your testimony and -- you
15 said frictions are evident between state -- in your testimony
16 you said that -- between state and federal.

17 Mr. Reilly. Oh. Well, the structure of our laws
18 anticipates the cooperative relationship between the federal
19 government and the states and particularly lays upon the
20 states minimal requirements that EPA is in charge of
21 overseeing.

22 That is, obviously, a fraught relationship, in many
23 cases, with states having either different priorities or
24 different sense of their own resources.

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1 We all, I think -- all four of us here who had to deal
2 with states that had a different opinion on the
3 administration of laws, perhaps, than we had, and sometimes
4 they were successful in preventing. Sometimes we were. But
5 that -- I don't consider that in any way --

6 Mr. Guthrie. You mentioned in your opening statement
7 WOTUS particularly, and I know that's where -- from the rural
8 area and my rural areas a lot of people talk about the WOTUS
9 rule that was coming down.

10 Mr. Reilly. Yes.

11 Mr. Guthrie. And, you know, the statute clearly uses the
12 word navigable, and navigable means something. Does
13 navigable mean something in that law or was it something --
14 so that's a friction where the federal government seems to be
15 encroaching on what Congress clearly wanted the states to do.

16 Or the word navigable means nothing.

17 Mr. Reilly. My sense is that navigable is part of the
18 Rivers and Harbors Act but not necessarily the authority that
19 they're drawing on here.

20 But I am very aware of those differences of opinion and
21 certainly aware that the agriculture community sees them very
22 differently from the environmental community but -- and have
23 the sense myself, frankly, that a hierarchy of wetlands
24 characterization would probably make the administration of

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1 wetlands regulation more popular or at least less unpopular
2 in the rural areas.

3 Mr. Guthrie. And, Mr. Thomas, I know we have to clarify
4 this and I appreciate you saying this is the committee that
5 needs to be looking at this. I think Congress does need to
6 step in.

7 And a question: Should EPA's role with regulated
8 entities be collaborative, adversarial, or impartial?

9 Mr. Thomas?

10 Mr. Thomas. You know, my own sense is it needs to be a
11 very disciplined process that EPA uses in terms of its
12 decision making. There then --

13 Mr. Guthrie. I am almost out of time so I was going to
14 add "and with environmental groups.'" So if you will throw
15 that together. I was going to ask you that next.

16 Mr. Thomas. I would like to see -- I would like to see
17 special interest groups as a part of that process, having
18 their input. I would also like to see a broader community
19 having their input as far as the agency is concerned.

20 And so you have got interest as far as the regulated
21 community. You have got interest as far as environmental
22 interests. All of that needs to have a process for input as
23 part of dialogue.

24 One of the things I did, by the way, is on a number of

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1 rules I set up a regulatory negotiation process as opposed to
2 going through the typical process. We actually got
3 stakeholders around the table with a mediator and we actually
4 tried to work through a negotiation process.

5 And in some cases we were pretty successful. It
6 eliminated litigation down the road. It gave us a good rule
7 that allowed us actually to implement things more quickly.

8 So I think you can use different approaches. The one
9 thing you don't want to do because of credibility is you
10 don't want to have one side or the other side have unfettered
11 access -- inappropriate access. It needs to be open and
12 equal.

13 Mr. Guthrie. I absolutely agree with what you just
14 said. So thank you very much, and my time has expired and I
15 yield back.

16 Ms. DeGette. Thank you so much.

17 The chair now recognizes the chairman of the full
18 committee, Mr. Pallone, for five minutes.

19 The Chairman. Thank you, Madam Chair.

20 I wanted to get Governor Whitman and Administrator
21 McCarthy to elaborate a little more on what they think needs
22 to be done by the EPA with regard to climate change and
23 science.

24 So let me start with Governor Whitman. Do you believe

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1 that the current administration is doing enough to combat
2 climate change, and if not, what is preventing them from
3 playing a more active role?

4 Ms. Whitman. Well, I think what we've seen from the
5 administration is actually the opposite. When they have told
6 scientists that they can't participate in various meetings
7 that have anything to do with climate change -- that they're
8 not allowed to mention climate change in many of their
9 reports.

10 It's a denial that doesn't make any sense. We need to
11 be at the table. It's understood and the American people
12 understand that the climate is changing.

13 We can debate over how much is human action or not, but
14 we certainly know that humans are having an impact on the
15 climate and a serious one.

16 We can't deny it. It won't go away because we are not
17 talking about it and, unfortunately, what we are seeing today
18 is there are a number of communications that have been put
19 out and things that have been made known to staff that they
20 are not to engage in climate change.

21 They are not to talk about it, and it's not just at EPA.
22 DOA, DOE -- we've seen it at the Department of Interior.
23 Throughout the administration there's the attitude that we
24 don't want to talk about climate change and that's going to

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1 hamper us in the long run from our ability to truly look at
2 the science and see what's underneath it, see what can we do.

3 We are not going to stop it. It's a natural phenomenon.

4 We are not going to stop climate change. But we need to
5 know what we can do to slow it down and how do we prepare for
6 it because it has very significant implications for us, New
7 Jersey particularly, being a coastal state.

8 But it's a national security issue and the Joint Chiefs
9 of Staff have agreed that it's a national security issue, and
10 actually it was Ronald Reagan as I understand it who put it
11 on the National Security Council agenda for the first time.

12 Not that he fully believed that humans were the cause,
13 but he knew it was something coming at us, it was important,
14 and we needed to keep our eye on it, and I am afraid we are
15 taking our eye off that ball.

16 The Chairman. Thank you.

17 Ms. McCarthy, what are your concerns about how this
18 administration is using or not using science to guide its
19 climate change policies at EPA?

20 Ms. McCarthy. You know, I am concerned that they are
21 limiting science to disallow the agency from looking at some
22 of the best science available.

23 I am worried that they are dismantling expert panels at
24 a time when their expertise is needed most. I am worried

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1 that they're looking at programs like New Source Review,
2 which is a significant permitting program to ensure that
3 excess pollution isn't unfettered and they're under the radar
4 screen doing memos about this and letters to industry without
5 any potential for public input.

6 I am worried about many things at EPA now about
7 transparency as well as the science. I am worried that they
8 won't let academic scientists on the Science Advisory Board
9 or expert panels, if they've taken any resources in terms of
10 grants from the agency while they're not applying that same
11 standard in terms of looking at all at industry scientists
12 and whether they have potential conflicts of interest.

13 I am worried about the fact that there seems to be, you
14 know, industry communications in a way that's not made
15 public. Decisions are being made by letters, by policies, by
16 memo that normally would have had public interest -- public
17 participation and should.

18 And I am worried about the fact that all of the ways in
19 which the agency has traditionally since the Reagan
20 administration looked at cost benefit is being tossed on its
21 head.

22 We are throwing out the rules of the road that have
23 given stability, that have taught the industry that they can
24 rely on how we implement and enforce. I am worried about

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1 enforcement. You know, enforcement now is the weakest it's
2 been in 20 years.

3 It's the lowest number ever in terms of civil penalties.

4 That matters. It sends signals to the industry and it
5 upsets them. I am really concerned about -- one more thing,
6 if I may, because I know I am taking probably too long.

7 The Chairman. No, go ahead.

8 Ms. McCarthy. But one other thing is that -- is that
9 you have three rules. The Mercury and Air Toxics rule; you
10 have the clean car rules, and you have a decision to not
11 actually move forward to regular hydrofluorocarbons, where
12 the industries themselves differ.

13 The regulated industry differs from the agency outlook
14 and they're actually -- look at the automakers. They're
15 saying this is absolutely tremendously bad for them -- for
16 their profits, for their stability.

17 I have never seen an administration come in and instead
18 of having new policies their sole goal seems to reverse
19 everything that has ever been done.

20 The instability in industry is palpable right now. The
21 signal it sends is don't worry about anything, but you also
22 can't have the guarantee of a level playing field.

23 Those things are important.

24 The Chairman. Thank you. Thank you, Madam Chair.

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1 Ms. DeGette. Thank you so much.

2 The chair now recognizes Mr. Walden for five minutes.

3 Mr. Walden. Thank you, Madam Chair, and I want to thank
4 you all for being here and for your service to the American
5 people in the cause of better health and cleaner air and
6 water.

7 I agree with many of the statements you made regarding
8 the importance of sound science. I believe we can not only
9 support the use of good science or public input when it
10 guarantees our preferred policy solutions. We should always
11 support that science.

12 I also believe it should be transparent to the public.
13 We've had fights in this committee and in this Congress over
14 that. I think it ought to be peer reviewed so we know it's
15 not politically biased.

16 I fought for that when it came to listings in ESA.
17 Usually got push back by my friends on the other side of the
18 aisle. But I think we are better served, whether we agree or
19 disagree with the outcome, when it's actually science we can
20 believe in and trust and that it's publicly available.

21 And so you will always find me on that side of it. Do
22 you think -- I am going to ask you each kind of a yes or no -
23 - this isn't a gotcha, by the way. It's just a yes or no.

24 Should Congress substitute its own judgment on a matter

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1 of scientific concern or truncate the time EPA has to review
2 a matter, therefore, shortcutting consideration of solid
3 scientific data needed to inform policy and regulatory
4 decisions before the scientific research is complete?

5 Because we have those debates here.

6 Should we step in before EPA and the professionals you
7 have all talked about have finished their work? Can you just
8 -- I know it's a wide-ranging question but maybe just right
9 to left.

10 Mr. Thomas? Yes or no.

11 Mr. Thomas. There's such a thing as a precautionary
12 principle, which I think underlies a lot of the decisions at
13 EPA. You won't reach a point where all the uncertainty has
14 been defined.

15 Mr. Walden. Correct.

16 Mr. Thomas. You have to begin. I did that.

17 Mr. Walden. All right.

18 Mr. Thomas. Hopefully we did that with the
19 stratospheric ozone approach when we negotiated the Montreal
20 Protocol. There was debate on that. But we used a
21 precautionary principle and, fortunately, we were absolutely
22 right.

23 Mr. Walden. All right. So but should Congress truncate
24 EPA's scientific efforts? That's the question here.

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1 Mr. Thomas. No.

2 Mr. Walden. Mr. Reilly?

3 Mr. Reilly. My answer is to say that what you want is
4 an Environmental Protection Agency or any agency working on a
5 problem that's doing so vigorously, seriously, with an end to
6 getting an answer.

7 And if you have that kind of agency then Congress should
8 not substitute itself.

9 Mr. Walden. All right.

10 Ms. Whitman?

11 Ms. Whitman. If Congress is confident in the quality of
12 the science they shouldn't step in before that's completed to
13 the extent it can be completed.

14 Mr. Walden. Thank you.

15 Ms. McCarthy?

16 Ms. McCarthy. Yes, I am with -- I am with the rest.
17 Yes, I believe that Congress's job is to charge the agency,
18 give it authority it believes --

19 Mr. Walden. And let them finish their work.

20 Ms. McCarthy. -- and let the scientists make the
21 science decisions. Keep politics out of it.

22 Mr. Walden. Thank you.

23 As I mentioned in my opening statement, the Clean Air
24 Act was last updated in 1990, nearly 30 years ago. Included

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1 in the Clean Air Act is a requirement that the EPA complete a
2 review of criteria air pollutants including ozone,
3 particulate matter, carbon monoxide, and others at the five-
4 year intervals.

5 Yet, EPA has regularly missed those deadlines, as you
6 all know. For example, the last review for carbon monoxide
7 took place in 2011, eight years ago.

8 The last review for the primary standard for nitrogen
9 dioxide took place in 2010, nine years ago, and at one point
10 the secondary standard for sulfur dioxide was not updated for
11 39 years, a period that included the tenures of three of you.

12 By our count, you all missed multiple NAAQS deadlines
13 during your tenures as administrator. I think, Ms. McCarthy,
14 you're on the hook for three of those, Ms. Whitman six, Mr.
15 Reilly four, Mr. Thomas two.

16 So my question is, because the agency falls so far
17 behind on these deadlines, by the time one criteria air
18 pollutant standard is complete, EPA has to start the process
19 over again or risk missing the next deadline, which you have
20 all proved capable of doing.

21 And the states are struggling to keep up as they are the
22 ones that subsequently have to create and enact
23 implementation plans to come into attainment with those
24 standards.

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1 So having laid the predicate here, this all begs the
2 question. Is the process envisioned by the Clean Air Act --
3 should we keep the five-year standard and the resulting
4 failures of compliance we've seen at EPA for decades, or
5 should we lengthen the time period for review to 10 years or
6 another appropriate length of time?

7 We'll go left to right, and I've only got a minute 22.
8 So Ms. McCarthy?

9 Ms. McCarthy. What I would suggest is that you be
10 careful doing either. You want their science to be correct.
11 The agency moves to the extent that it can as quickly as it
12 can and --

13 Mr. Walden. If the law says five years --

14 Ms. McCarthy. Yes.

15 Mr. Walden. -- you missed it a couple times.

16 Ms. Whitman, let's go to you.

17 Ms. Whitman. If the agency has the staffing that it
18 needs, if it has the scientists it needs, it should be held
19 to that standard and move as quickly as it can.

20 Mr. Walden. So given the number you missed --

21 Ms. Whitman. But it's frustrating --

22 Mr. Walden. -- you're telling me you didn't have the
23 staffing or what you needed then under the Bush
24 administration?

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1 Ms. Whitman. No, it's frustrating because it is a tight
2 time frame and there are a lot of complicated things.

3 Mr. Walden. That's why I am asking the question. Is it
4 too tight? Because it seems like nobody's able to meet it
5 regularly and yet all this spills out to the states --

6 Ms. Whitman. Clearly, too tight.

7 Mr. Walden. -- and you are chasing an old standard,
8 right? So --

9 Ms. Whitman. Clearly, too tight.

10 Mr. Walden. All right. Mr. Reilly?

11 Mr. Reilly. Mr. Walden, I think that's a smart question
12 and --

13 Mr. Walden. Thank you.

14 Mr. Reilly. -- and I think there are many reasons why
15 we missed deadlines and, frankly, some of them are political.

16 Sometimes the Office of Management and Budget intervenes to
17 prevent that.

18 Other times, many of the deadlines that are missed by
19 EPA are missed because this Congress doesn't appropriate
20 enough money or makes too many unreasonable demands with
21 respect to the agency.

22 I think of the number of reports that we were supposed
23 to file in the course of a year.

24 Mr. Walden. I couldn't agree more.

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1 Mr. Reilly. So my answer to that question is I would
2 not alter the years requirements -- the five-year rules. I
3 would keep the heat on from Congress, which you're in the
4 best position here on this committee to do.

5 Mr. Walden. Well, look. You have had Republican --
6 Madam Chair, everybody went over by at least a minute and a
7 half. If I could --

8 Ms. DeGette. The chair -- the chair will give you 20
9 more seconds.

10 Mr. Walden. Thank you.

11 I guess what I would say is Republicans and Democrats
12 have chaired this committee this Congress. You had
13 Republican and Democrat presidents. We have Republican and
14 Democrat EPA administrators and nobody has been able to meet
15 the deadline the statute requires. So I am just trying to
16 find out what the best one is.

17 But we are out of time, so thank you.

18 Ms. DeGette. The chair now recognizes Mr. Ruiz for five
19 minutes.

20 Mr. Ruiz. Thank you.

21 As you all know better than anybody, EPA is truly a
22 public health agency, and by setting limits on air and water
23 contaminants, supervising cleanup at Superfund sites and
24 restricting harmful chemicals from being sprayed on crops,

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1 EPA plays a vital role in keeping our communities and
2 families safe.

3 Governor Whitman, you have previously written that,
4 quote, "Toxic waste allowed into streams, methane needlessly
5 leaking into the air, power plant and tailpipe emissions
6 unleashed, restricting the use of widely-accepted public
7 health research, these policies hurt all Americans,
8 regardless of party," unquote.

9 So, Governor Whitman, do you believe the current EPA is
10 doing enough to protect the public health? If not, what
11 message do you think they are sending by rolling back vital
12 human health protections?

13 Ms. Whitman. I think, as I've stated before, that the
14 administration currently -- the EPA currently on the track
15 that it's on is endangering public health and the health of
16 the environment.

17 I think it's critical that we continue to be protective.

18 I am all for looking at regulations, to go over them from
19 time to time to make sure they are relevant, that they are
20 still meeting the needs, that there isn't new technology or
21 we haven't found out new things, need to set another
22 standard.

23 But we have to remember that this is about protecting
24 public health and the environment, and to the extent that we

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1 roll back regulations without a thorough scientific basis for
2 those rollbacks and setting new standards, it concerns me
3 greatly about what that means for the mission of the agency.

4 Mr. Ruiz. Thank you.

5 Administrator McCarthy, since leaving the administration
6 you have continued to advocate for public health and now you
7 are a professor at the Harvard T. H. Chan School of Public
8 Health, of which I am a graduate in 2007.

9 Ms. McCarthy. Want to make a donation?

10 [Laughter.]

11 Ms. McCarthy. Just kidding. Just kidding.

12 Mr. Ruiz. Ms. McCarthy, what is the agency not doing
13 right now that, in your opinion, it must do to fulfill its
14 public health mission?

15 Ms. McCarthy. Well, it's not making evidence-based
16 decisions. It's not following standard practice throughout
17 the federal government on how you look at science, what
18 science is acceptable, how do you do a peer review process,
19 and it's certainly not following the cost benefit rules.

20 And I think that, clearly, there is an end point they're
21 trying to get to that common and standard practice for how
22 you do evidence-based decisions won't get them there.

23 And so it's -- and they are also not being transparent,
24 which I think if we are dealing with public health I want to

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1 know the impacts of decisions. I want to know what they mean
2 for me and my family and I think every other person in the
3 United States should know what you're doing, what you're
4 contemplating, and be able to weigh in.

5 Mr. Ruiz. Same question to you, Governor Whitman. What
6 is the agency not doing right now that, in your opinion, is
7 critical to fulfilling its public health mission?

8 Ms. Whitman. Well, I agree with Administrator McCarthy.
9 The real problem is the availability and the transparency of
10 the science underlying the decisions that are currently being
11 made and I don't think we are seeing that.

12 I don't think we are seeing the kind of evidence base
13 that we need to see in order for the public to have
14 confidence in the decisions that are being made or the
15 regulations that are being rolled back. That is what we are
16 missing and that is what we need.

17 Mr. Ruiz. Thank you.

18 Governor Whitman, in your testimony you state EPA's
19 mission of protecting the public health and protecting the
20 environment are, quote, "inextricably linked."

21 I find that this is particularly true with respect to
22 low wealth and minority communities who are often
23 disproportionately impacted by polluting industries in their
24 neighborhoods.

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1 How important is it for EPA to support the cutting edge-
2 research into the health effects of pollution and do you
3 believe the current EPA should be doing a better job in this
4 area?

5 Ms. Whitman. The answer is very important, and yes, to
6 keep you within your time frame.

7 But no, it is absolutely critical that we have the kind
8 of cutting edge. That's what the agency is about. The
9 agency can do things that the states can't. The agency
10 should have the resources to be able to have the depth of
11 science that a state or an entity -- a smaller entity, a
12 community -- can't do it.

13 That's what the agency is there for, to set those
14 standards, to provide that kind of in-depth scientific-based
15 research and decision making so that people can feel
16 confident in what's being proposed and why it's being
17 proposed.

18 Mr. Ruiz. Thank you.

19 It is troubling when EPA's own leadership appears to be
20 undercutting the agency's important public health mission.
21 To take just one example, the American Thoracic Society wrote
22 a letter to this subcommittee in advance of this hearing on
23 behalf of its 16,000 physicians and scientists to express
24 concerns about EPA efforts to dismiss key air pollution

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1 health benefits that occur from reductions in particular
2 matter below current regulatory standards and I would like to
3 enter their June 10th, 2019 letter into the record for this
4 hearing.

5 Ms. DeGette. Without objection, so ordered.

6 [The information follows:]

7

8 *****COMMITTEE INSERT*****

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1 Mr. Ruiz. Thank you very much, and I yield back.

2 Ms. DeGette. The chair now recognizes Mr. Burgess for
3 five minutes.

4 Mr. Burgess. And thank you. Thanks for the
5 recognition.

6 Administrator Thomas, you were not given the opportunity
7 to answer Mr. Walden's question about the five years being
8 too tight a time line. Would you care to respond to that?

9 Mr. Thomas. I reviewed four of those standards while I
10 was administrator and actually set a new standard for
11 particulate matter. Initiated additional scientific work on
12 ozone, reaffirmed the sulfur dioxide standard and reaffirmed
13 the carbon monoxide standard.

14 I guess I would say there's extensive work that needs to
15 be done before a standard is either reaffirmed or modified
16 and I think a five-year time frame is pretty arbitrary.

17 I would say that it probably takes longer than that to
18 do the kind of work that needs to be done. So unless you --

19 Mr. Burgess. So that would be a yes to is the time line
20 too right?

21 Mr. Thomas. That would be a yes. That would be yes.

22 Mr. Burgess. Okay. In the interests of time, I am
23 going to move on.

24 Administrator Reilly, you talked about the ephemeral

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1 wetlands issue. Mr. Guthrie had asked a question about
2 somehow the erosion of trust in rural communities and you
3 referenced the ephemeral wetlands as being perhaps one of the
4 reasons for that erosion of trust. Did I -- did I understand
5 that correctly?

6 Mr. Reilly. That's correct.

7 Mr. Burgess. And, you know, I am just reminded that in
8 a previous Congress or two that -- not in this committee but
9 in the Science Committee there was concern about the
10 derivation of the Waters of the United States rule and Mr.
11 Lucas of Oklahoma had asked whether the agency had made the
12 data that was used to craft the Waters of the United States
13 rule public.

14 He was told the information was available. But the
15 statement that the information -- the data requested in Mr.
16 Lucas's question was publicly available in the APA docket was
17 in fact false and misleading because it was not.

18 So based on a memorandum from the United States Army
19 Corps of Engineers it's apparent those figures outlined in
20 the EPA's final Waters of the U.S. rule were completely
21 arbitrary and not based on science.

22 So do you begin to see why the distrust in the rural
23 community might exist? Mr. Lucas represents a very rural
24 portion of the state of Oklahoma, and I think it's pretty

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1 easy to draw the nexus between those two events.

2 Mr. Reilly. I am not familiar with that particular
3 chronology. I just have to say that there was a time, and
4 Administrator Thomas referred to it, when he established a
5 stakeholders meeting on wetlands, which I ran at the
6 Conservation Foundation, and everybody was present there.
7 The agriculture community was well represented, the building
8 community, the development community.

9 And we came to a support of no net loss of wetlands and
10 we had a definition of wetlands that was acceptable to that
11 group at that time, and that became the basis for the
12 president's proposal and policy of having no net loss of
13 wetlands.

14 I thought that was a constructive community conversation
15 that Lee initiated. I was central to it. Governor Kaine of
16 New Jersey was the chair, and I would encourage a similar
17 kind of convocation to try to deal with what I think is quite
18 a serious problem.

19 Mr. Burgess. I am going to reclaim my time because I am
20 running short and they're very quick with the gavel here.

21 But do you understand why, when there is a discrepancy
22 between what people were told in the Committee on Science and
23 what was in fact available in the public record that it
24 builds that mistrust that people have.

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1 And you acknowledge that inherently there was a lot of
2 mistrust on the ephemeral wetlands. You know, you have
3 talked about -- I think Mr. Guthrie or one of the other
4 members also asked you whether it should be an adversarial
5 role and you recommended a disciplined process.

6 I know in my area of north Texas a previous regional
7 administrator was quite aggressive in his attempts to
8 regulate oil and gas production and even referenced perhaps
9 there needed to be pretty harsh treatment of operators, and I
10 think that earned him a quick exit from the Region 6
11 administrator position.

12 Now, his follow-on was someone with whom I got along
13 very well, and we had multiple meaningful discussions and it
14 was a disciplined process.

15 So, again, we are trying to put a lot on this
16 administration, saying they don't follow a disciplined
17 process. Unfortunately, that has been some of the track
18 record of the Environmental Protection Agency.

19 And I know my time has expired so I will yield back.

20 Mr. Reilly. If I could respond briefly.

21 Ms. DeGette. I thank the gentleman.

22 I will allow the gentleman to respond briefly.

23 Mr. Reilly. Some of the issues in Texas I am very
24 familiar with. I've been on the board of what was Energy

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1 Future Holdings, Texas Utilities, for a number of years and I
2 -- as you raise an issue on the environment there, one that
3 really deserves attention is the methane rule.

4 My experience with the oil industry and the -- actually
5 the mercury rule as well is that both of those rules had been
6 accommodated by Texas industries. They were not in need of
7 revisiting. They had tens of millions of dollars been laid
8 out to accommodate them and --

9 Mr. Burgess. But if I may, though the Supreme Court
10 recommended a cost benefit analysis must include information
11 on cost in the mercury rule. That was -- that was their
12 opinion.

13 Ms. DeGette. The gentleman's time has expired.

14 Mr. Burgess. Thank you. I will yield back.

15 Ms. DeGette. Thank you.

16 The chair now recognizes Mr. Sarbanes for five minutes.

17 Mr. Sarbanes. Thank you, Madam Chair. I am very
18 excited that you're here, all of you, with this really
19 crucial perspective on the EPA and, obviously, as you know,
20 one of the most important parts of the EPA's mission is to
21 protect public health and the environment, ensure that our
22 air is safe to breathe, and I would like to better understand
23 what EPA can do to protect our communities from the dangers
24 of air pollution.

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1 Governor Whitman, you described the administration's
2 rollback of environmental protections as, quote, "an
3 unprecedented attack on science-based regulations designed to
4 protect the environment and public health, which represents
5 the gravest threat to the effectiveness of the EPA and to the
6 federal government's overall ability to do the same in the
7 nation's history," unquote.

8 Can you just talk a little bit about how the rollbacks
9 threaten the overall effectiveness of the EPA?

10 Ms. Whitman. Well, to start with, it undermines its
11 authority. It undermines its credibility. When you start to
12 remove people from scientific panels that are the peer
13 scientists and replace them with those who represent industry
14 to a degree that it is an unbalanced advisory board, you're
15 starting to undermine the credibility and the confidence that
16 the public will have in the decisions and recommendations
17 that come from that.

18 We see this happening again and again as the agency is
19 starved for money, as was mentioned before by one of my
20 compatriots here that the fact that we are not having
21 enforcement.

22 It's not that you want to have penalties. It's not that
23 you want to just have the big stick. But if industry doesn't
24 know that in fact there will be penalties if they are bad

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1 actors, they will go ahead and do what they've been doing
2 that might hurt public health. It is hurting public health
3 if that's what is determined.

4 Those things send messages, and if those messages aren't
5 clear, if those messages don't reflect a real commitment to
6 protecting public health and the environment, then the agency
7 is being undermined and public confidence in the agency is
8 undermined and our public health, bottom line, is being
9 undermined.

10 Mr. Sarbanes. Thank you.

11 Administrator McCarthy, prior to serving as EPA
12 administrator you ran the Office of Air and Radiation at EPA,
13 which has been very busy in the current administration, as
14 you know, proposing to roll back or undermine protections on
15 methane, carbon, mercury, pollution, and automobile
16 efficiency standards.

17 Can you talk about how those rollbacks are going to
18 affect public health?

19 Ms. McCarthy. I would indicate to you that they are
20 going to have a significant impact on public health if they
21 are successful, which in many ways I question.

22 We all know that carbon pollution comes part and parcel
23 with other conventional pollutants and that those pollutants
24 hit -- that really hurt us. They impact children. They

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1 impact the elderly.

2 We all know that mercury is a neurotoxin and if you roll
3 back the mercury rule it makes no sense because it's already
4 in place. The industry is not complaining. The science is
5 huge to indicate that it is a tremendously cost-effective
6 rule.

7 The clean car rules offer tremendous opportunities, not
8 just to get cleaner cars that are cheaper for people and
9 better to drive, but we also have an opportunity to
10 significantly reduce ozone pollution, significantly reduce
11 particulate matter. That is one of the most dangerous kind
12 of exposures that we have.

13 So this is a missed opportunity to both keep in place
14 rules that are already effective and in the case of MATS
15 done, but also to make sure that you work with industry that
16 it actually promotes the kind of products that consumers want
17 to buy and advances their interests as well.

18 There is no reason to believe that you can't have a
19 strong auto industry and continue to push it towards cleaner
20 cars. We have been doing it for a decade or more. We have
21 to keep doing it.

22 Mr. Sarbanes. Thank you.

23 And something that I find insidious is you -- obviously,
24 an agency can benefit from bringing in as much input from key

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1 stakeholders as possible -- important responsible input --
2 and as I understand it the administration is relaxing
3 protections against air pollution through memos and guidance
4 without getting the input of key stakeholders including
5 states.

6 So speak to that, why that is structurally really a
7 problem in terms of landing in the right place on this
8 regulatory oversight.

9 Ms. McCarthy. Well, the EPA and states are in a
10 partnership in order to work together to make sure that we
11 are meeting the mission of the agency, and part of the
12 challenge that I face is that I know that much of the changes
13 are being done with the idea that we are in some kind of
14 cooperative federalism here.

15 I don't consider it to be cooperative federalism if you
16 propose consistently to stop funding states. If you propose
17 to reduce the kind of laboratories and expertise that EPA has
18 that no state can possibly move forward and produce.

19 And so it's extremely important, I think, for states to
20 be involved in these decisions. It's equally important for
21 the regulated industry to be at the table and it's equally
22 important for people that care about the environment and
23 advocate for it to be at the table.

24 If someone asked me what I thought about the

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1 relationship, I think the collaborative process is okay.

2 There is no reason why you can't come to an understanding of
3 how to meet our needs in terms of public health and the
4 environment while at the same growing the economy.

5 Mr. Sarbanes. And the public takes --

6 Ms. DeGette. The gentleman's time has expired.

7 Mr. Sarbanes. And the public takes great comfort in
8 that partnership, I will add.

9 I yield back.

10 Ms. DeGette. The chair now recognizes Mr. McKinley for
11 five minutes.

12 Mr. McKinley. Thank you, Madam Chairwoman.

13 We can all agree that we want a cleaner environment and
14 we have -- I think we have made tremendous strides in air and
15 water and the environment over the years.

16 However, the recent EPA has had a history of overreach
17 and been misleading Congress and the American people in the
18 process.

19 Past administrators promulgated rules and rule making
20 that were in many ways aspirational and not based on science.

21 So as a result, as you all know, many have been overturned
22 in court.

23 Listen, I can't relate to you. The three of you -- I
24 didn't serve under you. But under Gina McCarthy, I do have

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1 firsthand knowledge, and thank you for coming here. And so
2 we've had these exchanges in the committee before, because I
3 want to focus on that -- the most recent.

4 So under her leadership I think the EPA went rogue and
5 it deviated from these historic missions that you all were
6 talking about, how the EPA rose to a different level with it,
7 and as a result of that we now have uncertainty and a
8 decreased reliability of our electric grid.

9 For example, under McCarthy's tenure, with the EPA we
10 were told that policies regarding the electric grid would
11 have little effect on the terms of the costs and capacities -
12 - capacity requirements.

13 That has been proven to be untrue. On the very comment
14 that she talked about was the mercury neurotoxic rule. We
15 were told in this committee that the EPA rule would only cost
16 -- about 4.7 gigawatts of power would be lost across our
17 grid. But the North American Electric Reliability
18 Corporation-NAERC -- has found that 54 gigawatts of power
19 have been lost, 11 times more than we were told by the EPA.

20 And the impact on the ratepayers, it would very small
21 was the quote that was given in testimony. But yet, in Ohio
22 the rates went up 183 percent to the ratepayers.

23 And on this board there was an example given by the EPA
24 back in 2014 that said this would be the impact -- only 10

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1 gigawatts of power would be lost under this rule. But yet,
2 at the end of the day it was 172 gigawatts of power were lost
3 as a result of this -- a third of the capacity for our
4 electric generation.

5 We were told -- we were told that the EPA takes into
6 consideration, as you all did, that the ramifications of the
7 proposals on the impact on communities. But across America,
8 under the Obama administration 83,000 coal miners lost their
9 job across America.

10 These regulations that were put into effect based on
11 ideology, not science, they were -- I think they caused
12 uncertainty. The Sammis plant is another example -- in Ohio.

13 They met all the rules. \$1.8 billion was invested, and then
14 under this recent EPA another rule was promulgated as soon as
15 that was done. They said they're done. They're retiring
16 their plant, after all that money was invested with it and
17 the taxpayers are going to have to take care of it.

18 Plants in Virginia and California were fine by the EPA
19 for operating at the direction of FERC. FERC says you have
20 to operate and they did. Then they got turned around under
21 the recent administration of the EPA. They were fined.

22 So, look, if they had just, in your words, if the EPA
23 had just done its job the power grid would not be at risk
24 today in America and therefore President Trump and Rick Perry

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1 would not have to be putting forth their efforts to try to
2 restore that balance with it, because the Department of
3 Energy, the Institute for Energy Research, ISO New England,
4 all have concluded the -- our power grid is at risk.

5 It is unreliable. Therefore, continue -- I think
6 Congress needs to have dependable credible data coming from
7 the EPA from which we can do it, not ideologically driven,
8 and we need to keep focusing on carbon capture.

9 But I understand today, that many of you are unhappy
10 with the direction of the president's EPA. I think we are
11 entitled to have credible reliable information from which to
12 make a conclusion and I would hope Mr. -- Mr. Reilly, if I
13 could start with you. Would you agree that we should be --
14 have credible dependable information from which we can make
15 set policy?

16 Mr. Reilly. Yes, sir. I think all of us have said
17 today that we believe in more transparency.

18 Mr. McKinley. Mr. Thomas, would you say -- is there a
19 way -- when you were there at the administration did you find
20 -- what magic did you have to be able to work collaboratively
21 with DOE so we didn't have -- because back then we didn't
22 have grid insecurity. How did you work with the DOE to make
23 sure that our grid was reliable?

24 Mr. Thomas. You know, we didn't spend much time working

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1 with DOE back in those days. I will tell you what we did,
2 though, across all the Cabinet agencies. The way the
3 president operated is you had a lot of interaction in the
4 Cabinet process. He operated like I would if I was chairman
5 of a company and was having my board of directors. That's
6 the way he did.

7 So there was an awful lot of communication back and
8 forth about issues. I don't recall the grid and the
9 reliability of the grid coming forward as an issue that we
10 were trying to deal with.

11 Mr. McKinley. Thank you. I yield back.

12 Ms. DeGette. The gentleman's time has expired.

13 The chair now recognizes Mr. Tonko for five minutes.

14 Mr. Tonko. Thank you, Madam Chairwoman.

15 Administrator McCarthy, do you want to take some time to
16 just respond before I move on with my questions?

17 Ms. McCarthy. Thank you. Just very quickly. You know,
18 the Mercury and Air Toxic Standard was put in place because
19 mercury is a neurotoxin to our kids and it's found almost in
20 every lake and stream in the United States of America where
21 we have fish advisories.

22 And we took a look at it. We estimated costs. We
23 estimated benefits, and years later, now that it's done we
24 totally overestimated the cost and by orders of magnitude

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1 underestimated the benefits.

2 We are in great shape in terms of mercury emissions.
3 They have dropped 85 percent. And so I am proud of that
4 rule. I think we did it right. I don't think it has
5 anything to do with any instability in the grid that I
6 certainly have read out.

7 But it should be something we celebrate because we have
8 healthier kids today. We have fewer fish advisories and we
9 made a difference with that rule.

10 Mr. Tonko. Thank you. Thank you.

11 Environmental protection is fundamentally about how to
12 use good science to understand and reduce threats to public
13 health. As we have, unfortunately, seen, the Trump EPA has
14 actively worked to weaken science at the agency by blocking
15 reports from being published, ignoring agency's scientists,
16 eliminating key expertise on science boards, and proposing a
17 rule which would restrict data available in the regulatory
18 process.

19 So I would like to ask some questions to better
20 understand the implications of this administration's
21 treatment of science.

22 Governor Whitman, I will start with you. You state in
23 your testimony that this attack on science at EPA is, and I
24 quote, "unprecedented and represents the gravest threat to

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1 the effectiveness of EPA.' ' You also fault this
2 administration for, and I again quote, "using ideology to
3 drive environmental policy instead of letting science drive
4 policy.' '

5 So, Governor, from what you have observed, is EPA's
6 current culture allowing scientists to speak up on issues
7 like scientific integrity without pressure or fear of
8 retaliation at the agency?

9 Ms. Whitman. No. From what I have heard from members
10 of the EPA who are still there, the idea -- the best thing is
11 to keep your head down. If you have something that you
12 believe is contrary to where you think the administration
13 wants to see the agency go, then you have to be very careful
14 about how you come forward with it, if you do at all.

15 And so that is not, I don't -- I believe that is not
16 healthy. It's not good for the environment at the agency
17 itself and it is not good for us in getting transparency and
18 understanding what really is behind some of the issues that
19 we face today.

20 Mr. Tonko. I would say it's tragic for the American
21 public.

22 Administrator McCarthy, EPA's scientific integrity
23 policy states that it is, and I quote, "essential that
24 political or other officials not suppress or alter scientific

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1 findings.''

2 What do you think are the most fundamental flaws in how
3 the current EPA is handling science, particularly as it
4 relates to issues such as climate change?

5 Ms. McCarthy. Well, I think that one of the -- this is
6 an area where I would really ask the attention of the
7 committee in terms of oversight.

8 From what I can understand from outside, not only is the
9 agency trying to add doubt and fuel doubt on climate change,
10 but even some of the actions they're doing, for example,
11 actions that they're taking to squish together the decision
12 making under national ambient air quality standards and
13 decide that we are going to shortcut the process by including
14 cost in the analysis on what's healthy air, that is just
15 abominable.

16 It's not the process under the law and it shouldn't be
17 tolerated, and I think that right now you see political
18 appointees that are reviewing on grants these days.

19 One of the things that political appointee reportedly
20 said is he going to look for phrases like climate change, so
21 you see the entrance of political interests into decision
22 making in the agency. That cannot happen.

23 Mr. Tonko. Thank you.

24 Mr. Reilly, you actively engaged EPA's science apparatus

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1 as administrator and recently urged Administrator Wheeler to
2 reconstitute a credible science advisory committee.

3 Mr. Reilly, what can EPA do to establish the agency's
4 scientific credibility?

5 Mr. Reilly. Sir, you start, I think, by filling some of
6 the positions that are currently empty and have been from the
7 beginning of the administration such as the assistant
8 administrator for research and science.

9 That is a key role and it ordinarily is the chief staff
10 person who serves within the agency for the composition of
11 the Science Advisory Board, for convening them, for
12 organizing their material, and so forth.

13 The quality and distinction of scientists is absolutely
14 crucial to the trust that people have and the recommendations
15 they make relative to priorities. That has to be established
16 by making clear that the people are predominantly
17 independent, that they are respected in their fields, that
18 they have distinguished themselves very significantly
19 typically in each of their fields.

20 It is not encouraged by taking a predominant number of
21 them from roles where they have previously advocated for
22 business interests rather than environmental or health-
23 related reasons or ecological reasons.

24 It is, I think, a profound mistake --

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1 Ms. DeGette. Excuse me. The chairman's time has
2 expired.

3 The chair now recognizes Mr. Duncan for five minutes.

4 Mr. Duncan. Thank you. Thank you, everyone, for being
5 here. I think Mr. Thomas is from the great state of South
6 Carolina. Welcome.

7 Governor Whitman, you mentioned in your testimony that
8 over the past 37 years the United States GDP grew by 165
9 percent while total emissions of the six major pollutants
10 dropped by 67 percent.

11 You alluded to the fact the United States alone cannot
12 reduce the contributions human beings around the world are
13 making to the growing threat of climate change.

14 Between the years 2005 and 2017, the United States'
15 electrical sector -- electricity sector had CO2 emissions
16 drop by 3.9 billion metric tons. During that same period of
17 time, China's carbon emissions increased by 4 billion metric
18 tons per year. Per year.

19 And we can't adopt all of these policies that drive up
20 the cost of electricity while countries like China do
21 absolutely nothing. According to the International Energy
22 Agency, Germans, which have moved toward more renewables,
23 Germans pay, roughly, three times the amount that Americans
24 pay for electricity due to government restrictions on carbon

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1 emissions.

2 So if we move toward these policies, then Americans --
3 average American families' electrical rates will go up. If
4 we follow the policies of Germany, which the Paris Climate
5 Accord was pushing us toward, we would see the average
6 electrical bill for the average American family triple.

7 Are you okay with that? It's a yes or no question.

8 Ms. McCarthy, are you okay with the average American
9 electrical bill tripling? That would be a yes or no.

10 Ms. McCarthy. I am not at all aware that moving to
11 clean energy consistent with climate change --

12 Mr. Duncan. Ms. Whitman?

13 Ms. McCarthy. -- needs is increasing --

14 Mr. Duncan. Yes or no.

15 Ms. McCarthy. -- electricity prices.

16 Ms. Whitman. I don't believe it's a yes or no question,
17 sir, because I don't think that that's going to be the
18 outcome if we go to clean energy or utilize our nuclear
19 energy that we have today.

20 Mr. Duncan. Look, these aren't my numbers. This is the
21 International Energy Agency saying that Germans pay, roughly,
22 three times. If we move -- it's been proven. We've had
23 testimony in this committee that --

24 Ms. Whitman. We are not Germany and I have more faith

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1 in our ability to improvise.

2 Mr. Duncan. -- the rates will go up. So, no, we are
3 not Germany but bottom line is electrical rates will go up
4 and as a percentage of income, lower income families will pay
5 more as a percentage of their income for electrical rates.

6 We just need to be careful as we continue this push
7 towards more expensive electricity, which wind and solar
8 truly is. And, look, I am an all-of-the-above guy.

9 But let me tell you what will lower the carbon emissions
10 for this country. That's nuclear power, because right now in
11 this country 56 percent of our carbon-free emissions come
12 from nuclear power. In South Carolina, my home state, 96
13 percent of our carbon-free emissions come from nuclear power.

14 Would you all agree, as the governor of Connecticut
15 recently admitted that if they want to meet their attainment
16 goals for carbon-free emissions and lower their carbon
17 footprint, they need to keep their nuclear power plants that
18 they were thinking about decommissioning -- they need to keep
19 those online and have them -- licensed renewed.

20 So would you all agree with me nuclear power ought to be
21 a part of the mix? I see all the heads shaking. Okay.

22 Ms. Whitman. Absolutely, and small modular reactors
23 offer a great deal of promise for our nuclear force, going
24 forward.

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1 Mr. Duncan. Okay. So I agree, nuclear power, I think
2 small modular reactors, molten salt reactors, new technology,
3 Gen 5, Gen 6, all these things that are being talked about
4 should come online.

5 But nuclear waste sits at 121 non-defense sites around
6 this country -- 121 commercial reactors. Two on the shores
7 of Lake Erie in Ohio. There's six in Illinois. There's one
8 sitting in my district on the shores of Lake Keowee, a
9 beautiful clear-water lake.

10 So we know there is a byproduct of nuclear waste. Let
11 me ask you this. Should the nation have a long-term
12 repository, Ms. McCarthy, for nuclear waste? Or should it
13 sit at 121 sites around the country?

14 Ms. McCarthy. I am really not prepared to answer that
15 question. I believe that the repositories need to be safe
16 wherever we keep them. I've helped with the decommissioning
17 of two --

18 Mr. Duncan. Should it sit at 121 sites on the shores of
19 Lake Erie and places like that or should it be in a long-term
20 repository?

21 Ms. McCarthy. Well, that's what -- that's what the law
22 indicates is it should go to a central repository.

23 Mr. Duncan. Ms. Whitman?

24 Ms. Whitman. The law calls for it and we have a site.

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1 Mr. Duncan. Mr. Reilly?

2 Mr. Reilly. I think the -- there are ample
3 opportunities to store that waste. I've always seen it as a
4 technical problem. It's not an insurmountable one.

5 We've made too much of it and I think the -- would that
6 the repository in Nevada had more room but it ought to be
7 filled up before we go anywhere else. But then I think we
8 ought to if we have to.

9 Mr. Duncan. About out of time.

10 Mr. Thomas?

11 Mr. Thomas. I really agree with you on nuclear power
12 and yes, I think there ought to be a central repository.

13 Mr. Duncan. So the committee will understand that these
14 folks agree with us that nuclear power ought to be a part to
15 lower our carbon emissions. It plays a big part of that.

16 There is a byproduct and we need a long-term repository
17 for that nuclear waste or it will sit in our home states, in
18 our districts, with the possibility -- possibility of
19 problems. We ought to send it to Yucca Mountain.

20 I yield back.

21 Ms. DeGette. The gentleman's time has expired.

22 The chair recognizes Ms. Schakowsky for five minutes.

23 Ms. Schakowsky. I thank the chairwoman.

24 So there's been some discussion about making sure that

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1 the facts are right and that things are reported correctly,
2 and I have been very troubled by what we've seen in regard to
3 what the president said when he was running for office, that
4 he would break the EPA into little tidbits and that he had no
5 respect, essentially, for the work of the Environmental
6 Protection Agency, and I think one of the ways that we've
7 seen that evidenced is some of the language that has been
8 taken off of the websites.

9 And if we are talking about truth, we heard Mr. McKinley
10 talking about facts and truth or whatever on the -- that it
11 wasn't there.

12 But it seems to me that what we've seen is a scrubbing
13 of any mentions of climate change and this is from an article
14 in Time Magazine -- actually, Administrator Whitman, you have
15 been quoted in that article -- and some of the language
16 that's been scrubbed definitely has to do primarily with
17 climate change.

18 Let's see, some of the things -- the EPA site is now
19 riddled with missing links, redirecting pages and buried
20 information. Over the past year terms like fossil fuels,
21 greenhouse gases, and global warming have been excised, even
22 the term, quote, "science is no longer safe."

23 I know you were interviewed for this article, which
24 happened last year, and I just wondered if you wanted to

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1 comment on how -- let's say you're a student and you want to
2 find out more about these issues. Is this a reliable website
3 to go to?

4 Ms. Whitman. There are a variety of websites. That's
5 one of the things the internet gives us. But, unfortunately,
6 we find that people don't go to multiple sites. They want to
7 go to one site, and with the way that --

8 Ms. Schakowsky. No, but I am concerned about the
9 official --

10 Ms. Whitman. Right. I was going to say and the way,
11 unfortunately, that the site seems to be being managed now at
12 the Environmental Protection Agency it doesn't give them the
13 confidence that that presents the whole story and that
14 they're getting everything.

15 Ms. Schakowsky. Very concerned about that. Just even
16 more recently, and I was just putting together some
17 information, there was a scientist who -- Dr. Rod Schoonover,
18 a senior analyst for the Bureau of Intelligence and Research
19 Department who was giving testimony to the Intelligence
20 Committee. This is unclassified information, but there are
21 all these track changes that wanted to take out things like
22 in the word climate change take out the word change.

23 And according to a New York Times article, and I want to
24 put all these things in the record, that the White House

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1 tried to stop State Department senior intelligence analysts
2 from discussing climate science in the congressional
3 testimony this week.

4 He was able to give the testimony -- this is new -- but
5 if you look at, and that's why I want to put it in the
6 record, Madam Chairman, both the statement that he wrote and
7 then the one with the track changes that they wanted -- to
8 put that into -- these are public statements.

9 These are public statements. I have to say that because
10 it was for the Intelligence Committee. And this -- oh, no.
11 Time goes so fast. I am concerned about the number of people
12 that are leaving the Environmental Protection Agency and I am
13 wondering, Administrator McCarthy, if you could comment on
14 that.

15 Ms. McCarthy. Yes. There has been a significant
16 number, probably a couple of thousand at this point that have
17 left the agency. I am confident, however, that many of the
18 great career staff are sticking it out as best they can.

19 But they're in an uncomfortable situation of not being
20 respected, of being under threat of being moved if they don't
21 do what the political leadership wants.

22 I think they're worried not just about what they can and
23 can't say or what you can and can't find on their website.
24 They're concerned that you have a repeal of the clean power

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1 plan and a reproposal that literally will increase greenhouse
2 gas emissions. If you don't have it, either one, you will be
3 better off.

4 Ms. Schakowsky. If I could just make one final comment
5 that the greenhouse gas emissions increased in 2018 in the
6 United States and at the highest level around the world as
7 well. We are going in the wrong direction.

8 Ms. DeGette. The gentlelady yields back.

9 The chair -- without objection, the documents -- the New
10 York Times article dated June 8th, 2019, and the two
11 statements for the record by Dr. Rod Schoonover are
12 introduced into the record.

13 [The information follows:]

14

15 *****COMMITTEE INSERT*****

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1 Ms. DeGette. The chair now recognizes Mr. Soto for five
2 minutes.

3 Mr. Soto. Thank you, Madam Chairwoman.

4 What I am hearing from all of you today -- and thank you
5 all for your service to protect our environment -- on the
6 domestic front we see an anti-science pro-polluter EPA that
7 fosters a culture of silence and has a green inquisition
8 going on. So thank you for that testimony. I hope Americans
9 across the nation understand that.

10 On the world stage we see a retreat from international
11 leadership since we are the only country in the entire world
12 not in the Paris Climate Accord, or at least there's been a
13 notice to withdraw us and, of course, we've passed our bill
14 out to get back in.

15 But I want to talk a little bit about ceding
16 international leadership from the EPA. We are seeing
17 consequences of global warming including through more extreme
18 weather, rising seas, and diminishing Arctic ice.

19 And last week, the State of Global Air 2019 Report was
20 released, which found that air pollution is the fifth leading
21 risk factor for mortality, responsible for more global deaths
22 than malnutrition, alcohol use, traffic accidents, or
23 malaria.

24 Mr. Reilly, as administrator you established the EPA's

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1 international office. During your tenure, EPA made great
2 progress working with other countries on environmental
3 priorities and you recently stated, however, that, quote,
4 "American leadership that was essential to the commitments of
5 China and so vital to the success of the Paris Climate Accord
6 have been effectively repudiated during the Trump
7 administration.''

8 In your opinion, is there a risk if the U.S. lowers
9 environmental standards that other countries could follow
10 suit and lower their standards?

11 Mr. Reilly. Thank you, Mr. Soto.

12 I cannot count the number of times that ministers from
13 other countries -- I specifically remember Mexico, Brazil
14 making these points -- that were the United States to reduce
15 its NOx standard, for example, they would do likewise.

16 They already had a significantly less onerous, less
17 restrictive NOx standard than we, but that would even be more
18 reduced.

19 That is the kind of beacon that the United States has
20 been on the environment. I mentioned a little earlier that
21 we had a role with China -- a very effective role that
22 finally caused them to decide they could forego all their 100
23 million new refrigerators with CFCs and use the substitutes.

24 That happened because they saw American leadership.

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1 They saw what it had produced in our country. They saw that
2 we were serious and we knew the issues and we were genuinely
3 trying to help them do the same.

4 Mr. Soto. Thank you, Mr. Reilly.

5 Since I am from Florida and knowing that you serve as
6 co-chair of the bipartisan National Commission for the BP
7 Deepwater Horizon oil spill and offshore drilling and are
8 familiar with a lot of the health, environmental, and
9 regional economy threats, what should EPA be doing to ensure
10 that we prepare for future oil spills?

11 Mr. Reilly. Well, EPA has a critical role with respect
12 to oil spills. I can recall a decision that we made after
13 the Exxon Valdez to not allow dispersants to kind of -- to
14 control the pollution and I was told by some -- it was a
15 disputed issue -- that the fish -- if there were no
16 dispersants and the oil was on the surface that the new fish,
17 and they were just about to swim down from their fisheries
18 hatcheries, would swim under the spill.

19 That's a kind of decision that EPA went against the
20 other agencies of the government and against the oil company
21 and it turned out to be correct, and we saved the fish
22 harvest that year as a result.

23 EPA has that role. It's not the central role. The
24 Interior Department has the significant role on offshore

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1 drilling. But the EPA has an essential one.

2 Mr. Soto. Thank you, Mr. Reilly.

3 Ms. McCarthy, during the Obama administration you all
4 had an ambitious set of standards to protect air quality --
5 probably just what was needed but we call it ambitious
6 nowadays.

7 Based upon your experience, how important is EPA's
8 leadership encouraging other countries to act on climate?

9 Ms. McCarthy. EPA has been, at least in my experience,
10 viewed internationally as the gold standard. You know,
11 frankly, right now, I am a little bit embarrassed when I talk
12 to colleagues in other countries because they don't
13 understand what's going on.

14 They see EPA as not making decisions consistent with the
15 mission. They see EPA as backing off the rule of law or in
16 terms of enforcement. They don't see us using our example to
17 advance international interests.

18 So we are in a little bit of trouble in terms of the
19 confidence that we are providing to the rest of the world and
20 the fact that our challenges today are international
21 challenges.

22 We can't fix climate change ourselves and we have to
23 have leadership that is ethical, leadership that focuses on
24 the mission of the agency and I think those are issues that I

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1 would love to see this committee look into more closely.

2 Mr. Soto. Thank you. My time has expired.

3 Ms. DeGette. I thank the gentleman.

4 The chair now recognizes Mr. O'Halleran for five minutes
5 for the questioning.

6 Mr. O'Halleran. Thank you, Madam Chairwoman, for
7 holding today's hearing to reflect on the direction of the
8 Environmental Protection Agency with witnesses who know the
9 agency best and the agency's important role to American
10 citizens' health.

11 As many of you know, Arizona's 1st Congressional
12 District is unlike any other. It is home to not only the
13 Grand Canyon but also many tribal communities such as the
14 Navajo Nation.

15 In all my district's beauty, I would like to highlight
16 an ongoing health and contamination issue that has plagued my
17 district since 1944, 75 years, and that is uranium mining.

18 During the Cold War over 4 million tons of uranium ore
19 were mined on Navajo lands. Today, over 520 of these uranium
20 mines remain, abandoned and still unremediated. The EPA has
21 indicated clearly that none of them are safe.

22 I believe the federal government has an obligation to
23 take swift action to right these wrongs. It is within EPA's
24 mission.

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1 Since coming to Congress, I've made addressing the
2 abandoned uranium mines in my district a top priority and I
3 have worked closely with EPA's Region 9 office to hold the
4 agency accountable and our government accountable.

5 I will continue to do so until every mine site is fully
6 remediated. Beyond the environmental impacts to local
7 communities and watersheds, cancer rates have skyrocketed due
8 to unsafe levels of uranium exposure from these mines.

9 The public health effects from uranium mining is
10 dangerous, which has led the Centers for Disease Control and
11 the University of New Mexico to study the birth outcomes from
12 uranium exposure within the Navajo Nation.

13 Without the EPA I don't know how we'd address this
14 problem at all. I know that there is a mother that has lost
15 eight children a quarter mile away from one of these mines,
16 her husband and her sister-in-law, who all lived there.

17 Administrator McCarthy, I appreciate you coming before
18 us today as you have most recently served as head of the
19 agency until 2017. Under the inter-agency five-year plan
20 addressing this issue starting in 2014, under the EPA plan
21 have you seen the agency take the proper steps to address
22 public health from toxic chemicals and other threats?

23 Ms. McCarthy. I have seen the agency utilize its
24 resources as best it can to do that but, frankly, the money

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1 isn't there. Frankly, we need to continue to push. That --
2 you know, this issue is not unlike many of the issues
3 plaguing Native Americans in this country.

4 We simply haven't met our responsibilities, and I would
5 agree with you that more money, more resources, and more
6 action at EPA is necessary.

7 I would just also point out that uranium mining
8 continues to happen. Right now there's a lot of in situ
9 mining going on and EPA had actually proposed a rule to try
10 to bring some semblance of order to that to ensure that it
11 was done safely.

12 That rule is now sitting on the sidelines. So we not
13 only have to look at what we've already contaminated but
14 continue to work forward to make sure that we are not
15 continuing to plague those among us with the least ability to
16 care for themselves.

17 Mr. O'Halleran. And Administrator McCarthy, we have
18 Superfund sites all over America.

19 Ms. McCarthy. We do.

20 Mr. O'Halleran. How important is the Superfund program
21 to cleaning up contaminated sites and what can the agency be
22 doing to fully support this program and to fully ask the
23 Congress for the appropriate amount of funding to do so?

24 Ms. McCarthy. I think that the Superfund is extremely

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1 important. We know contaminated sites continue to pose
2 threats to those who live around them and folks that are
3 exposed to contaminants that exit those sites.

4 The Superfund program is overloaded with things in the
5 pipeline, not sufficiently resourced, and as of late there's
6 been a lot of inclination to sort of get those ready to be
7 cleaned out for economic development, which is a very good
8 idea but it takes away from securing the sites that are as
9 yet secured from access for individuals that would threaten
10 their health and wellbeing.

11 So it is a delicate balance about how to use the money.

12 But, clearly, we are nowhere near the kind of money we need
13 to get that list down and every year we keep adding and
14 adding and adding.

15 Mr. O'Halleran. And have you seen any attempts by this
16 administration to address those issues?

17 Ms. McCarthy. They have made Superfund one of the
18 issues that they talk about. But, again, I think they're
19 talking about it as an economic opportunity at the end of the
20 game instead of looking at how we manage exposures today to
21 the contaminated sites that already exist.

22 Mr. O'Halleran. Thank you, and thank you, Madam Chair.
23 I yield.

24 Ms. DeGette. I thank the gentleman.

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1 The ranking member and I will each ask one round of
2 questions to wrap up, and I now recognize Mr. Guthrie for
3 five minutes.

4 Mr. Guthrie. Thank you very much. I appreciate you all
5 being here. It's been informative. But all of you, as
6 former administrators of a federal agency, each of you more
7 that most understands the importance of the rule making
8 process under the Administrative Procedures Act.

9 The APA provides the roadmap for federal regulatory
10 process and one of the cornerstones of that process is public
11 notice and comment. Members of Congress make the laws and
12 agencies write implementing regulations.

13 But that is not the complete picture. Input from the
14 public is another critical piece. I am going to read three
15 questions and get you all to comment, if you would.

16 One, do you agree that it is important that federal
17 agencies provide the opportunity for public comment?

18 Do you agree that the opportunity should be afforded to
19 all stakeholders -- states, tribes, regulated community,
20 environmental groups?

21 So is public comment important -- all stakeholders --
22 and do you agree that different stakeholders can provide
23 unique and needed expertise when it comes to proposed rules?

24 Start with Mr. Thomas and go to the left.

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1 Mr. Thomas. Yes. Yes. Yes.

2 [Laughter.]

3 Mr. Reilly. Yes. Yes. Yes.

4 Ms. Whitman. Yes. Yes. Yes.

5 Ms. McCarthy. Yes. Yes. Yes.

6 Mr. Guthrie. Okay. That's simple. That was quick.

7 I would just ask Mr. Thomas, you talked about the
8 collaborative and it really sounds like you put together and
9 tried to effort a really -- work together, work through these
10 issues and tried to come to the balance that we need to make
11 sure we have clean water and clean air and clean soil, as
12 we've talked about, but also do it in a way that's
13 responsible and sustainable.

14 And so given that the same office of the EPA handles
15 both compliance and enforcement, how should those two be
16 balanced within that office?

17 Mr. Thomas. Well, you know, I think they really go
18 together and the approach you take I think is really good
19 communication.

20 First you have got to have credible rules and credible
21 regulations. You got to make sure the regulated community
22 understands that. You got to have a really good
23 intergovernmental process to work with the states.

24 Then I think enforcement is a very important part of it.

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1 So you're educating but you're also saying if you don't
2 follow the rules there are consequences, and you make sure
3 those consequences are felt, whether it's at a federal level
4 or a state level.

5 If a state doesn't have the ability to go forward or the
6 commitment to go forward, the federal government steps in.
7 So I think it is both. Collaboration and communication but,
8 ultimately, accountability.

9 Mr. Guthrie. Okay. Thank you.

10 In the couple minutes, so Mr. Reilly, I have a question.

11 In a 2009 report by the bipartisan Policy Center on
12 Improving the Use of Science in Regulatory Policy recommended
13 that regulatory policies differentiate between questions of
14 science and questions of other matters of policy.

15 The question is do you see value in having a section of
16 an EPA Federal Register notice for any proposed guidance or
17 rule when that action is informed by scientific studies
18 describe the primary scientific questions and the primary
19 policy questions that needed to be answered in drafting the
20 rule or guidance? It's a long question but --

21 [Laughter.]

22 Mr. Reilly. And I think I lost it, actually.

23 Mr. Guthrie. Okay. Yes. So do you see -- do you see
24 the value -- maybe all of you can answer it. Do you see the

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1 value of EPA Federal Register notice for any proposed
2 guidance or rule when that action is informed by scientific
3 studies?

4 Do you think that the notice should describe the primary
5 scientific questions and the primary policy questions?

6 Mr. Reilly. I would generally say yes. Yes.

7 Mr. Guthrie. Mr. Thomas, I guess?

8 Mr. Thomas. Yes, I agree with that.

9 Mr. Guthrie. Governor?

10 Ms. Whitman. You're going to get another yes.

11 Mr. Guthrie. Okay. Ms. McCarthy?

12 Ms. McCarthy. Actually, I will be a little bit more
13 qualified --

14 Mr. Guthrie. Okay.

15 Ms. McCarthy. -- because there are -- there are
16 processes within the agency that are fairly exclusively
17 science driven -- risk assessments, those types of issues.
18 They are often separately managed and where there's a public
19 process within that where all of the affected parties get an
20 opportunity to participate.

21 But it may not be subject to public -- everybody
22 advancing their interests outside. So that there are times,
23 I believe, when it's less -- it's less fruitful to go to the
24 general public than it is to rely on scientists themselves to

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1 make decisions as long as that process is open and deliberate
2 and has all the necessary parties.

3 Mr. Guthrie. Okay. Thank you, and my time is close to
4 expiring so I will yield back.

5 Ms. DeGette. Thank you so much.

6 In Governor Whitman's testimony, you said, quote,
7 "Today, as never before, the mission of EPA is being
8 seriously undermined by the very people who have been
9 entrusted with carrying that mission out'' and that sentiment
10 was echoed in some form today by all four of the witnesses.

11 So I just want to ask each witness very briefly if they
12 can say for the record if you have one message for this
13 administration, what would it be.

14 Mr. Thomas, we'll start with you.

15 Mr. Thomas. I think it starts from the top with a
16 commitment to the mission of EPA. I don't think that is
17 there, and I think a lot of what we are talking about as far
18 as the agency concerned are symptomatic of that.

19 Ms. DeGette. Thank you.

20 Mr. Thomas. So the one message is commit to the mission
21 as it is defined in the laws.

22 Ms. DeGette. Thank you.

23 Mr. Reilly?

24 Mr. Reilly. Mr. Thomas has characterized that very

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1 well, I think. In my own meeting with the administrator when
2 he was still acting administrator -- no, I guess he had just
3 been confirmed -- I recommended beginning with science,
4 reasserting the primary role of science in all of the
5 regulatory decisions he was making -- consulting science and
6 making that clear and reconstituting the Science Advisory
7 Board with very distinguished members.

8 Ms. DeGette. Thank you. Thank you.

9 Governor?

10 Ms. Whitman. I think it's incumbent on the
11 administration to commit to the mission of the Environmental
12 Protection Agency, the importance of it -- to recommit and
13 restate the importance of it and the importance of science as
14 being the underpinning of the decisions being made.

15 Ms. DeGette. Administrator McCarthy?

16 Ms. McCarthy. Just to add, not subtract, because I
17 agree with everything that's been said. I do think that it
18 is incredibly important for signals for the agency to send
19 that when they make decisions they talk about the public
20 health and environmental implications of those decisions.

21 I am tired of hearing decisions being made where we
22 solely talk about how much it has reduced manufacturers'
23 costs. That's not the mission of the agency.

24 Ms. DeGette. Thank you.

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1 I want to -- I want to thank all of the witnesses
2 because it's really extraordinary and not very frequent where
3 we have four former Cabinet officials -- well, they should be
4 Cabinet officials -- administrators of one agency spanning
5 Ronald Reagan to Barack Obama and they all agree on what the
6 mission should be for this very important agency to protect
7 public health and they also agree that the agency really
8 needs to redouble its effort and redouble its commitment to
9 science.

10 So this was a really powerful and important hearing. I
11 hope the administration was watching because all of you were
12 really important voices and I want to thank you.

13 The first thing is we have several documents that have
14 been submitted, and without objection the February 13th
15 letter from Mr. Walden and Mr. Shimkus to Mr. Pallone and Mr.
16 Tonko is entered into the record, and also the April 8, 2019
17 letter and the June 10th letter to me and to Ranking Member
18 Guthrie from the American Thoracic Society is entered into
19 the record. Those are all entered into the record.

20 [The information follows:]

21

22 *****COMMITTEE INSERT*****

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1 Ms. DeGette. And I would remind members that pursuant
2 to committee rules they have 10 business days to submit
3 additional questions for the record to be answered by
4 witnesses.

5 I hope that all of you can answer them promptly, and not
6 to editorialize, but in a fashion much more prompt than the
7 current EPA is responding to this committee's questions.

8 And with that, this subcommittee is adjourned.

9 [Whereupon, at 12:50 p.m., the subcommittee was
10 adjourned.]

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