

Preliminary Transcript

1 Diversified Reporting Services, Inc.

2 RPTS LEWANDOWSKI

3 HIF069020

4

5

6 HEARING ON THE PATH FORWARD:

7 RESTORING THE VITAL MISSION OF EPA

8 WEDNESDAY, MARCH 10, 2021

9 House of Representatives,

10 Subcommittee on Oversight and Investigations,

11 Committee on Energy and Commerce,

12 Washington, D.C.

13

14 The subcommittee met, pursuant to call, via Webex, Hon.

15 Diana DeGette [chairman of the subcommittee] presiding.

16 Present: Representatives DeGette, Kuster, Rice,

17 Schakowsky, Tonko, Ruiz, Peters, Schrier, Trahan, O'Halleran,

18 Pallone (ex officio); Griffith, Burgess, McKinley, Long,

19 Palmer, Dunn, Joyce, and Rodgers (ex officio).

20 Also Present: Representatives Castor and Fletcher.

21 Staff Present: Joe Banez, Professional Staff Member;

22 Jacquelyn Bolen, Health Counsel; Jeff Carroll, Staff

23 Director; Jacqueline Cohen, Chief Environment Counsel;

24 Jennifer Epperson, Counsel; Elizabeth Ertel, Office Manager;

25 Austin Flack, Policy Analyst; Lisa Goldman, Senior Counsel;

26 Waverly Gordon, General Counsel; Tiffany Guarascio, Deputy
27 Staff Director; Perry Hamilton, Deputy Chief Clerk; Alec
28 Hoehn-Saric, Chief Counsel, Communications and Consumer
29 Protection; Ed Kaczmariski, Policy Analyst; Zach Kahan, Deputy
30 Director, Outreach and Member Service; Rick Kessler, Senior
31 Advisor and Staff Director, Energy and Environment; Mackenzie
32 Kuhl, Press Assistant; Una Lee, Chief Health Counsel; Jerry
33 Leverich, Senior Counsel; Jourdan Lewis, Policy Coordinator;
34 Dustin Maghamfar, Air and Climate Counsel; Aisling McDonough,
35 Policy Coordinator; Meghan Mullon, Policy Analyst; Phil
36 Murphy, Policy Coordinator; Joe Orlando, Policy Analyst; Lino
37 Pena-Martinez, Policy Analyst; Kaitlyn Peel, Digital
38 Director; Tim Robinson, Chief Counsel; Chloe Rodriguez,
39 Policy Coordinator; Samantha Satchell, Professional Staff
40 Member; Sydney Terry, Policy Coordinator; Rebecca Tomilchik,
41 Policy Analyst; Kimberlee Trzeciak, Chief Health Advisor;
42 Rick Van Buren, Health counsel; Anna Yu, Professional Staff
43 Member; Sarah Burke, Minority Deputy Staff Director; Jerry
44 Couri, Minority Deputy Chief Counsel for Environment; Diane
45 Cutler, Minority Detailee, O&I; Theresa Gambo, Minority
46 Financial & Office Administrator; Marissa Gervasi, Minority
47 Counsel, O&I; Brittany Havens, Minority Professional Staff
48 Member, O&I; Nate Hodson, Minority Staff Director; Olivia
49 Hnat, Minority Communications Director; Peter Kielty,
50 Minority General Counsel; Emily King, Minority Member

51 Services Director; Bijan Boohmaraie, Minority Chief Counsel;
52 Tim Kurth, Minority Chief Counsel, CPC; Mary Martin, Minority
53 Chief Counsel, Energy & Environment; Clare Paoletta, Minority
54 Policy Analyst, Health; Alan Slobodin, Minority Chief
55 Investigative Counsel, O&I; Peter Spencer, Minority Senior
56 Professional Staff Member, Energy; Michael Taggart, Minority
57 Policy Director; and Everett Winnick, Minority Director of
58 Information Technology.

59

60 *Ms. DeGette. The Subcommittee on Oversight and
61 Investigations hearing will now come to order.

62 Today the subcommittee will hold a hearing entitled,
63 "The Path Forward: Restoring the Vital Mission of EPA."
64 Today's hearing will address actions needed to restore EPA so
65 that it can fulfill its vital mission of protecting public
66 health and the environment.

67 Due to the COVID-19 health emergency, of course, today's
68 hearing is being held remotely. All members, witnesses, and
69 staff will be participating in videoconferencing, and as part
70 of our proceeding, microphones will be set on mute for the
71 purposes of eliminating inadvertent background noise.
72 Members and witnesses, you know this already, but please
73 unmute your microphone each time you wish to speak.

74 And I do want to announce a wonderful new announcement
75 for this subcommittee. Scott Peters from California will be
76 the vice chair of this committee for this Congress. And so
77 if at any time during the hearing I am unable to chair it,
78 the vice chair, Mr. Peters, will serve as chair till I am
79 able to return.

80 And we may have some votes during the hearing. But
81 Mr. Peters and I have talked, and we will try to stagger our
82 time so that we will continue throughout the votes. Each
83 vote is 45 minutes long, so I do not think that should be any
84 problem. And out of courtesy to our witnesses, we want to

85 make sure that we do not have long breaks in the hearing.

86 Documents for the record can be sent to Austin Flack at
87 the email address we provided to staff. All documents will
88 be entered into the record at the conclusion of the hearing.
89 And the chair now recognizes herself for the purposes of an
90 opening statement.

91 Today, we continue this subcommittee's long record of
92 oversight of the U.S. Environmental Protection Agency. Our
93 panel today is very, very distinguished. They have dedicated
94 their careers to improving our Nation's air, water, land, and
95 economy, and can provide critical insight on how to restore the
96 vital mission of the EPA. We thank them and for the views that
97 they will share today on how to strengthen this important
98 agency.

99 For fifty years now, we have relied on EPA to take on and
100 mitigate our Nation's most complex environmental threats, and
101 its work is crucial to help protect public health and the
102 environment. For example, EPA develops standards to reduce air
103 pollutants that cause early death and worsen lung and heart
104 disease.

105 Every day EPA helps ensure the safety of drinking water
106 for millions of Americans. And it oversees the cleanup of
107 hundreds of contaminated Superfund sites across the country,
108 many of which pose enormous environmental risks. So given the
109 importance and scope of EPA's mission, this is an agency that

110 we simply cannot afford to neglect, and today that is more true
111 today than ever.

112 For example, each year climate change is contributing to
113 an extended hurricane and wildfire season, threatening billions
114 of dollars in catastrophic losses to homes and businesses. And
115 every year, we seem to break new climate and weather records
116 throughout the U.S. In my own home State of Colorado, for
117 example, just last year we witnessed the three largest fires
118 ever recorded in the State's history, and all at the same time.

119 And when extreme weather and environmental catastrophes
120 hit, it frankly is often our most vulnerable populations that
121 bear the brunt. We see this in floods and hurricanes. We even
122 saw this last month in Texas, where many people faced crushing
123 power bills and they had to wait in long lines to access food
124 and to access water.

125 With the environmental pressures facing this country
126 increasing, certain policies have failed to keep up with the
127 threats. To make matters worse, we recently saw a reversal of
128 key environmental efforts designed to make the country cleaner
129 and healthier.

130 For example, over the last few years, the Trump
131 administration compromised or entirely eliminated dozens of
132 important protections. Examples include the repeal of the
133 Clean Power Plan, the weakening of the mercury and air toxics
134 rule, and the rollback of fuel efficiency standards for

135 automobiles.

136 Also during those years, key EPA functions were put at
137 risk. For instance, pollution inspections fell considerably at
138 times, threatening the agency's ability to hold polluters
139 accountable and to set a level playing field. The application
140 of science, which is traditionally the backbone of EPA's
141 decision-making, was not only sidelined, but sometimes denied.
142 For example, the term "climate change" disappeared from
143 thousands of federal websites and official communications.

144 Panels of independent experts who provided crucial input
145 on air pollution science were suddenly dismissed. Staff
146 departed the agency at alarming rates, sometimes choosing to
147 leave the agency after raising concerns of political
148 interference on the scientific process.

149 So as we look to again empower EPA, we cannot just focus
150 on regulations and policies. We also have to build the
151 institutional capacity, scientific integrity, and in fact the
152 credibility of the agency itself. And we must fully support
153 EPA's career workforce so that it can address the environmental
154 problems of today and the future.

155 While the agency faces significant challenges today, of
156 course we also have opportunities. History has shown that
157 environmental and economic progress are not mutually exclusive,
158 but if done right, they reinforce each other.

159 For example, the benefits of air regulations implemented

160 by EPA over the last 30 years are estimated to be more than 30
161 times more the costs. Likewise, efforts to remove lead from
162 gasoline have saved trillions of dollars by substantially
163 curbing childhood lead poisoning. In other words, a strong EPA
164 can go and has gone hand in hand with a strong economy.

165 Because of the past successes and committed new
166 leadership, I am hopeful for the future. Starting on day one,
167 the Biden administration has shown a desire to get EPA's
168 mission back on track. The President has ordered an immediate
169 review of dozens of rollbacks issued in the last administration
170 and has stressed the importance of a government-wide approach
171 to addressing climate change.

172 Moreover, the President also stated that EPA will
173 prioritize environmental enforcement in low-income and minority
174 communities. But it is going to take a sustained effort by
175 EPA, stakeholders, and Congress if the agency is to succeed in
176 its mission of protecting public health and the environment. I
177 hope that we can all play our part, and that today's hearing
178 will contribute to that effort.

179 And so this morning I am looking forward to hearing from
180 the former EPA officials and experts about what they see as the
181 most serious challenges facing us, and how we can address them,
182 because at this critical moment, we just simply have no time to
183 lose.

184 And with that, I am delighted to recognize the ranking

185 member of the subcommittee, Mr. Griffith, for 5 minutes for
186 purposes of an opening statement. Mr. Griffith?

187 *Mr. Griffith. Thank you, Madam Chair. I appreciate
188 you holding this hearing on the path forward for the U.S.
189 Environmental Protection Agency. I want to thank all the
190 witnesses for joining us today, particularly Dr. Deskins, who
191 is originally from Honaker in Russell County, which is part
192 of Virginia's 9th Congressional District, and I understand --
193 I just learned this morning -- also a graduate of Emory &
194 Henry College, which also is where I graduated from.

195 However, I am disappointed that the majority rejected
196 our request for two witnesses and limited our side to just
197 one witness on a panel of five witnesses. Last Congress we
198 had three hearings with a six-witness panel, and we had a
199 January 2020 e-cigarette hearing with two witnesses
200 representing Republican governors on a panel of five State
201 government witnesses. So it seems the majority could have
202 allowed our requested witness. I hope we can work in a more
203 congenial way on witness panels going forward.

204 Today's hearing can help us build on the important work
205 that the Energy and Commerce Committee and the EPA have
206 accomplished to date. Between 2015 and 2018, when
207 Republicans were in the majority, we pushed bipartisan
208 hearings and bipartisan legislative efforts on issues such as
209 reducing carbon emissions, boosting renewable energy options,

210 driving modernization and innovation within industry, pushing
211 Brownfields cleanup and redevelopment, increasing compliance
212 for drinking water infrastructure, and improving compliance
213 with ozone standards, just to name a few.

214 I also want to highlight several of the EPA's key
215 accomplishments over the past 4 years. For example, the
216 agency focused on Brownfields and Superfund contaminated
217 sites, and in so doing delisted 82 sites from the national
218 priority list. In fiscal year 2020 alone, the EPA was able
219 to delete 27 sites from the list, the most in nearly
220 20 years. And since 2017, emissions of the six criteria air
221 pollutants dropped seven percent overall by the end of 2019,
222 and unhealthy days for sensitive groups dropped by 34
223 percent.

224 The EPA took steps to champion recycling and combat
225 marine debris. The EPA invested in America's clean water and
226 drinking water infrastructure, updating the Lead and Copper
227 rule, provided a comprehensive approach for reducing lead in
228 drinking water, and implemented the Affordable Clean Energy
229 rule, which will reduce emissions from coal-fired power
230 plants. These are just a few examples of the accomplishments
231 achieved by the Federal Government over the past 4 years to
232 help further the mission of the agency.

233 With this foundation, we should examine broad questions
234 on the EPA's future. What should be the mission of the EPA?

235 If the EPA mission is to be changed, that discussion begins
236 in this committee, and Congress determines that change. Is
237 the EPA effectively carrying out its mission? The committee
238 should make that determination.

239 What are the EPA's most serious and complex challenges?
240 Can the agency's current structure, operations, and culture
241 meet these challenges? When making such determinations and
242 inquiries, we would of course want to hear from former EPA
243 administrators and former senior EPA officials. But the
244 success of EPA's actions do not depend just on agency
245 employees, but on compliance by the regulated sector and the
246 confidence of the public.

247 EPA regulators should treat most regulated parties as
248 partners in improving the environment. As a former EPA
249 administrator, William Riley, stated, "Respect for those most
250 affected and inconvenienced by EPA rules and regulations is
251 critical to winning the country's trust in the EPA.''

252 However, in winning public confidence, it is essential
253 that EPA regulators have a realistic and fact-based
254 understanding of the extent that our Nation's power base load
255 is still reliant on fossil fuels. The real world impact of
256 EPA's regulatory decisions should be understood.

257 Section 321 of the Clean Air Act calls for the EPA to
258 evaluate the cumulative employment impacts of Clean Air Act
259 regulations. It is critical that fossil fuel workers and

260 their communities are included in these evaluations.

261 The EPA, while striving to fulfill its mission, should
262 pay close attention to all aspects of public health,
263 including mental health, because stripping away the
264 generational livelihood from thousands of Americans kills
265 people, it kills families, and it kills communities.

266 Protecting the environment and promoting an innovative
267 economy are not mutually exclusive ideals. It does not have
268 to be a clean environment or jobs. It can be both.

269 I hope today's discussion is a step for us to find
270 common ground and ways to ensure that the EPA does not ignore
271 impacts on working men and women. I look forward to our
272 discussion today and to learn more about how the EPA can
273 perform more efficiently, effectively, and meet the
274 challenges ahead.

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

276 *Ms. DeGette. I thank the gentleman.

277 The chair now will recognize the chairman of the full
278 committee, Mr. Pallone, for 5 minutes for purposes of an
279 opening statement.

280 *The Chairman. Thank you, Madam Chair. This is a very
281 important hearing. Thank you for holding this. Obviously,
282 we are very concerned about not only the EPA but many other
283 agencies that fall under our jurisdiction that had some major
284 cutbacks and, in my opinion, were not able to function

285 effectively in the last 4 years. But the EPA is probably the
286 worst in that respect because after 4 years of attacks, it is
287 essential that we have a robust and effective and fully
288 resourced EPA.

289 It is not going to be easy. In the last 4 years, the
290 President, President Trump's EPA, undermined key public
291 health protections, including common-sense limits on
292 pollution from power plants, successful automobile efficiency
293 standards and protections that keep American families safe
294 from mercury and other toxic hazards. They let polluters off
295 the hook by weakening the enforcement program. They eroded
296 the essential scientific infrastructure. And they sidelined
297 and silenced the agency's career staff as scandals and
298 investigations captured headlines on an almost-daily basis.

299 So thankfully, it is a new day at the EPA. The Biden
300 Administration has hit the ground running and taken decisive
301 action to get EPA and its mission back on track. On day one,
302 President Biden reasserted our international climate leadership
303 by rejoining the Paris Climate Accord. Shortly thereafter, the
304 President signed a broad range of additional executive actions
305 to reverse the Trump Administration's dangerous rollbacks and
306 address the climate crisis, while also pursuing economic
307 justice and economic revitalization.

308 And as our witnesses today can attest, EPA's record of
309 accomplishments over the years has shown that protecting the

310 environment and public health is not only good policy, but also
311 good for the economy and jobs. And I want to stress that, and
312 that will be my questions today as well, that it makes sense
313 that the President's early actions on the environment are also
314 an important part of his jobs agenda.

315 So recognizing that environmental injustices have
316 historically been concentrated in poorer communities, President
317 Biden assigned new duties to EPA to strengthen enforcement of
318 protections in environmental justice communities. He also
319 required the agency to improve monitoring and provide real-time
320 pollution data to the public. And he established the Justice40
321 initiative, with the goal of delivering 40 percent of overall
322 benefits of federal investments to environmental justice
323 communities.

324 And these are key steps, but they are not enough on their
325 own. Congress has to act to ensure EPA has the right resources
326 and tools in place to succeed, and that science is always at
327 the heart of public policy. So just last week, the committee
328 introduced the CLEAN Future Act, ambitious legislation to
329 combat the climate crisis this decade and achieve net zero
330 greenhouse gas pollution.

331 It is critical that we act as more and more Americans have
332 been forced to confront the harsh realities of climate change.
333 And I wanted to mention that our former governor from New
334 Jersey, Christie Whitman, is here with us. Thank you for being

335 here, Governor. I always say she is my favorite Republican
336 governor. As you know, she was the EPA administrator.

337 And she worked with me to establish with this committee --
338 a long time ago, I should not say -- the Brownfields
339 initiative. Some of you were already talking about that. It
340 was when she was the EPA administrator, and she took the idea
341 from what she did as governor in New Jersey because we had more
342 Brownfields sites than any other State in the country. And
343 this was done with President Bush. It was bipartisan. We had
344 the signing ceremony together. So it is just another example
345 of how we can work on a bipartisan basis, which is what
346 Governor Whitman was always about and still is about.

347 But she also knows the devastating impact of these extreme
348 weather events. You remember, Governor, after Superstorm Sandy
349 in 2012, it took years for the economy, families, and
350 communities to recover from that event, or from any extreme
351 weather event. I am at the shore with a lot of my district,
352 and we see the consequences of these extreme weather events.

353 So our witnesses with us this morning truly know what is
354 at stake. They have served under Democratic and Republican
355 Presidents, both at headquarters and in regional offices. They
356 are uniquely qualified to share their opinions on how to get
357 back on track with the EPA and how Congress can help the EPA
358 tackle the enormous environmental challenges that confront us.

359 So with that, Madam Chair, I yield back. But I cannot

360 stress how important this hearing is, and obviously, that we
361 follow up with whatever we can to recreate a robust
362 Environmental Protection Agency.

363 Thank you, Chairwoman DeGette.

364 *Ms. DeGette. Thank you so much, Mr. Chairman.

365 And the chair will now recognize the ranking member of
366 the full committee, Mrs. McMorris Rodgers, for 5 minutes for
367 the purpose of an opening statement.

368 *Mrs. Rodgers. Thank you. Thank you, Chair DeGette.
369 Thank you, all our panelists, for being here this morning.
370 This is an important hearing. I appreciate you bringing us
371 together.

372 EPA's core mission is to protect human health and the
373 environment. This mission is bipartisan. We all want clean
374 air, soil, and water. Our oversight of the EPA should be
375 central to ensuring the agency strives to improve people's
376 lives.

377 Unfortunately, today is not about oversight. It is
378 about politics. If we want real oversight of the EPA, we
379 need to hear from those who can testify about the direct
380 effects of heavy-handed regulation, especially for the
381 American worker.

382 Our hearing should not be so tilted towards the opinion
383 of political appointees and alumni. We need to hear about
384 what is actually happening today, what the facts are, what

385 the science is. President Biden promised trust and
386 transparency when he took office, yet his EPA priorities
387 remain a secret. The American people deserve answers.
388 Rather than hold a hearing to score political points, we
389 should be hearing from current officials so that we can get
390 those answers.

391 Mr. Deskins, I am thankful that you are here to lend
392 your expertise on how the left's rush to green will hurt
393 America's energy reliability, affordability, and national and
394 economic security. I am disappointed that the majority
395 prevented us from a more balanced panel.

396 Congressman Kelly Armstrong's constituent, Mr. Carroll
397 Dewing of North American Coal, was willing to offer a unique,
398 on-the-ground perspective, but he was not allowed to testify.
399 If he were allowed to do so, we would have heard about the
400 real lost jobs and lost wages caused by President Biden's
401 Executive Orders. I am disappointed that the majority
402 decided to silence such an important voice.

403 For too long, the left has pursued unworkable climate
404 policies that destroy jobs, put our economic growth at risk,
405 and cede our global power to China. In contrast, President
406 Trump demonstrated that you can pursue environmental
407 protection while having economic growth.

408 Under President Trump, we experienced the cleanest air
409 in recorded history. In 2019, the U.S. had the largest

410 absolute decline of energy-related carbon emissions of any
411 country in the world, and it was driven by American
412 innovation, not Green New Deal-style mandates or economy-
413 altering solutions offered by our Democratic friends.

414 The Trump administration made great strides in
415 addressing legacy pollution, too. In fact, in the 4 years,
416 the Trump EPA delisted and removed the same number of sites
417 from the National Priorities List as the Obama-Biden
418 administration did in 8. The Trump EPA also assisted
419 vulnerable communities with hundreds of millions of dollars
420 for cleanup, job creation, and economic development through
421 Brownfields grants.

422 Because of Republican leadership, we saw over the last
423 4 years significant efforts to provide Americans with clean
424 air, soil, and water. My sincere hope was that President
425 Biden would not return to the standard top-down, heavy-handed
426 playbook and ignore the science and results that show a clean
427 environment can be compatible with economic growth and job
428 creation.

429 On his first day in office, President Biden canceled the
430 Keystone XL pipeline. He put thousands of workers out on the
431 street without a job in the middle of a pandemic. As the
432 head of the AFL-CIO put it, "I wish he hadn't done that on
433 the first day because it did and will cost us jobs."

434 Building on that disastrous decision, President Biden

435 paused oil and gas drilling on public lands. With just a few
436 strokes of the pen, President Biden's actions weakened our
437 Nation's energy security while doing little to actually
438 reduce greenhouse gas emissions. It is a climate plan that
439 makes America energy-dependent on others and benefits the
440 Chinese Communist Party.

441 This is not how America leads to win the future. Rather
442 than focus on punitive regulatory actions, we should
443 incentivize American ingenuity and leadership to solve our
444 environmental and energy issues. We can address climate
445 change risk through innovation, conservation, adaptation, and
446 preparation so families have reliable and affordable energy,
447 too.

448 Let's work together to reduce barriers, to unleash
449 American innovation for new technologies and capabilities to
450 solve not only our environmental challenges of today but of
451 the future.

452 Thank you, and I yield back.

453 *Ms. DeGette. I thank the gentlelady.

454 The chair now asks unanimous consent that the members'
455 written opening statements be made a part of the record.
456 Without objection, so ordered.

457 I would now like to introduce our witnesses for today's
458 hearing. First we have the Honorable Christine Todd Whitman,
459 administrator of the U.S. Environmental Protection Agency

460 from 2001 to 2003; the Honorable Carol Browner, administrator
461 of the U.S. Environmental Protection Agency from 1993 to
462 2001; Gwendolyn Keyes Fleming, former chief of staff and
463 Region 4 regional administrator of the U.S Environmental
464 Protection Agency.; Wendy Cleland-Hamnett, former principal
465 assistant administrator of the Office of Chemical Safety and
466 Pollution Prevention of the U.S. Environmental Protection
467 Agency; and now I would like to introduce Mr. McKinley to
468 introduce the Republican witness, Dr. Deskins. Mr. McKinley,
469 you need to unmute. You are on mute. You are still on mute.

470 *Mr. McKinley. There. I am technologically challenged,
471 so I am sorry, Madam Chairman. Let me introduce Dr. Deskins.

472 Dr. Deskins is the assistant dean with the university's
473 business school, and is also the director of Western
474 University Bureau of Economics and Economic Research, and the
475 associate professor of economics. Last year -- or, actually,
476 each year, Dr. Deskins publishes a West Virginia Economic
477 Outlook Rprt. It is widely distributed. His work has been
478 utilized by business leaders and policy-makers all across
479 America.

480 Dr. Deskins has previously testified before Congress on
481 the importance of innovative energy-related opportunities to
482 achieve economic growth. And I welcome you back for today's
483 discussion.

484 Thank you, Madam Chairman.

485 *Ms. DeGette. I thank the gentleman.

486 Now, I am sure everybody is aware the committee is
487 holding an investigative hearing. And when we do so, we have
488 the practice of taking testimony under oath. Does anyone
489 have an objection to testifying under oath today?

490 Let the record reflect the witnesses responded no.

491 The chair then advises you that under the rules of the
492 House and the rules of the committee, you are entitled to be
493 accompanied by counsel. Does any witness request to be
494 accompanied by counsel today?

495 Let the record reflect the witnesses responded no.

496 So if you will, please, raise your right hand so I can
497 swear you in.

498 [Witnesses sworn.]

499 *Ms. DeGette. Let the record reflect the witnesses have
500 responded affirmatively, and you are now under oath and
501 subject to the penalties set forth in Title 18, Section 1001
502 of the United States Code.

503 The chair will now recognize our witnesses for five-
504 minute summaries of their written statements. There is a
505 timer on the screen that you can see that will count down
506 your time, and it will turn red when your 5 minutes has come
507 to an end.

508 I am now very pleased to recognize Governor Whitman for
509 5 minutes. Governor?

510

511 TESTIMONY OF HON. CHRISTINE TODD WHITMAN, ADMINISTRATOR
512 (2001-2003) U.S. ENVIRONMENTAL PROTECTION AGENCY; HON. CAROL
513 BROWNER, ADMINISTRATOR (1993-2001) U.S. ENVIRONMENTAL
514 PROTECTION AGENCY; GWENDOLYN KEYES FLEMING, FORMER CHIEF OF
515 STAFF AND REGION 4 REGIONAL ADMINISTRATOR, U.S. ENVIRONMENTAL
516 PROTECTION AGENCY; WENDY CLELAND-HAMNETT, FORMER PRINCIPAL
517 DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF CHANNEL SAFETY AND
518 POLLUTION PREVENTION, U.S. ENVIRONMENTAL PROTECTION AGENCY;
519 AND JOHN DESKINS, PH.D., DIRECTOR, BUREAU OF BUSINESS AND
520 ECONOMIC RESEARCH, WEST VIRGINIA UNIVERSITY

521

522 TESTIMONY OF CHRISTINE TODD WHITMAN

523

524 *Ms. Whitman. Thank you. I want to thank the chair and
525 the ranking member for giving me this opportunity to speak
526 today about some of the challenges facing the Environmental
527 Protection Agency in the early years of the Biden
528 administration.

529 Since its founding in 1970, EPA has made an enormous
530 difference in America's quality of life. Our air is cleaner.
531 Our water is purer. Our land is better protected. And our
532 citizens are leading better lives, healthier lives, because
533 of the work of the EPA.

534 In addition, EPA has shown, as many of the spokespersons
535 have already acknowledged, that environmental protection and

536 economic prosperity go hand in hand, and that safeguarding
537 our environment also pays economic dividends through the
538 advancement of technology and the creation of jobs.

539 In recent years, EPA has suffered under the leadership
540 of people who seemed neither to understand nor appreciate the
541 vital role that the EPA plays in American life. It's an
542 issue that has become a major challenge for all of us. The
543 basic recognition that good science is the foundation of good
544 policy has been eroded. The morale of the EPA's dedicated
545 career service has plummeted.

546 Important policies have been rolled back or gutted, not
547 because of new scientific findings but, rather, to appease
548 powerful interests. All this has both undermined the work of
549 the EPA and has contributed to the loss of confidence by the
550 American people in government in general.

551 I am encouraged, however, that President Biden's nominee
552 for EPA administrator, Michael Regan, has the experience and
553 the expertise and credibility to restore people's faith in
554 the EPA. Mr. Regan and I discussed at some length the
555 challenges and the opportunities he will face should he be
556 confirmed, and I certainly hope that he will be.

557 The first order of business for the new leadership at
558 the EPA is to reestablish a commitment to sound science as
559 an inaugural and indispensable part of policy-making.
560 Fortunately, I expect that under the new administration,

561 science will again occupy its proper place.

562 Coupled with the return to science as a basis for the
563 policy decisions is the restoration of the morale of the
564 people at EPA. Over the years, the agency has been fortunate
565 to be able to attract some of the finest scientific and
566 policy talent available. Yet recent studies show that
567 between 2016 and 2020, EPA lost 672 scientific experts. That
568 is enormously troubling.

569 EPA must be able to retain the expertise it has while
570 also attracting the best of the rising generation, those who
571 will commit their careers to the agency and its mission.
572 That's the only way that the agency can meet the many
573 environmental challenges that it faces.

574 The most pressing of these, of course, is climate
575 change. Climate change has become a political football, and
576 that's wrong. After all, the measures we need to address
577 climate change make sense both for the environment and for
578 public health, no matter what one thinks about climate
579 change.

580 Reducing carbon emissions, moving away from fossil
581 fuels, expanding renewable energy, reducing the emissions of
582 methane and volatile organic compounds, and reviewing and
583 revisiting many of the air rules put in place during previous
584 administrations all make sense, whatever one's position on
585 the threat of climate change.

586 They also make sense not only because they will help
587 reduce the threat of climate change but also because they
588 will help improve the quality of the air we breathe and will
589 improve human health. That is a worthy and urgent pursuit in
590 and of itself.

591 The next thing that we have to address is environmental
592 justice. I was pleased that President Biden is bringing into
593 the White House an effort to advance environmental justice
594 priorities. Leadership from the White House will make a huge
595 difference. The health and safety of people who live near
596 polluting generating facilities must be better protected.
597 And working with State and local governments, EPA must do a
598 better job in preventing the location of such new facilities
599 in places that lack the potential, the political or economic
600 clout, to protect their communities and its residents.

601 EPA must also continue its efforts to identify emerging
602 chemicals of concern and put in place regulations that
603 safeguard the environment and human health. EPA must also
604 tackle the enormous deficiencies in our water infrastructure.
605 America's aging water infrastructure wastes nearly 6 billion
606 gallons of treated drinking water every day through leakage.
607 Another two trillion gallons of drinking water are lost due
608 to water main breaks.

609 In addition, as many as 6.1 million homes in the United
610 States are connected by lead service lines to the drinking

611 mains that serve their neighborhoods. Ingesting lead at any
612 level is unsafe, especially for children. This must be
613 eliminated.

614 Members of the subcommittee, over the past 4 years EPA
615 and its mission have suffered. But EPA is resilient because
616 its people are dedicated and determined to carry out its
617 mission of scientific integrity and unwavering commitment.
618 I'm optimistic that with the help of this committee, EPA will
619 be able to continue its critical role for the future of the
620 health of the United States. Thank you.

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

622

623 *****INSERT 1*****

624

625 *Ms. DeGette. Thank you so much, Governor.

626 I am now pleased to introduce Administrator Browner for

627 5 minutes. Administrator? You need to unmute.

628

629 TESTIMONY OF CAROL BROWNER

630

631 *Ms. Browner. Sorry about that. Thank you, Madam Chair
632 and Ranking Member, for the invitation to be here. And
633 Mr. Chairman, it is wonderful to see you. And I think we
634 also have -- I know Kathy Castor was here, a fellow Floridian
635 joining the hearing today. And to all of you who have been
636 longtime supporters of EPA, it is a pleasure to be with you.

637 And I join Governor Whitman in encouraging the Senate to
638 move rapidly to confirm Michael Regan. I think he will be a
639 wonderful leader of the agency.

640 I also want to just thank all of the career staff, the
641 professional staff, at EPA. These are people who have worked
642 year-in and year-out, sometimes under very difficult
643 circumstances, to do their part to protect the air we breathe
644 and the water we drink, and I thank them for their
645 commitment.

646 In December, EPA collaborated its 50th anniversary.
647 This is an agency created by a Republican President, Richard
648 Nixon. The first head of EPA, William Ruckleshaus, is a
649 widely recognized environmental leader, a business leader,
650 ethical, moral, a really wonderful man. Unfortunately, we
651 lost him not too recently. But he really charted a course
652 for the agency, an important course. And I think that
653 continues to be the course we should follow. And

654 essentially, there are sort of four parameters I would
655 suggest that a modern EPA should operate under.

656 One, follow the science. Two, the law. Three,
657 enforcement. Four, environmental justice. If those are the
658 cornerstones of how EPA thinks about its work on a day-to-day
659 basis, then it will be able to serve all Americans. And by
660 all Americans, I mean not just people and communities. I
661 mean the business community, who is essential to doing the
662 work to reduce our pollution. So it means bringing everyone
663 together.

664 As you heard, I spent 8 years running the Environmental
665 Protection Agency. It makes me the longest-serving
666 administrator. I started the afternoon the President was
667 sworn in, and I left the night before the next President was
668 sworn in. I think it will be a hard record to break, but I
669 am very proud of our record.

670 And Mr. Chairman Pallone and Governor Whitman,
671 congratulations to you all on Brownfields. We took a nascent
672 idea from a State. We spent a little bit of money while I
673 was at EPA. But you guys made it real. And it proves that
674 States are a good place to find ideas, and I encourage the
675 current EPA to look at States.

676 We created the drinking water SRF fund. So today,
677 States receive money every year to enhance the drinking water
678 protections. We cleaned up more than 600 Superfund sites,

679 and we set the first-ever fine particle standard, upheld by
680 the Supreme Court 9-0 with Justice Scalia writing the
681 majority opinion.

682 And finally, we embraced the issue of climate change.
683 The legal memorandum we wrote became the basis for the
684 Massachusetts vs. EPA decision, which is what is relied on
685 today by the agency to regulate greenhouse gases. So there
686 is a lot of authority that is sitting there that can be used
687 by the agency to meet the challenges of today.

688 When EPA started its work, we had rivers on fire. We
689 had cities so polluted you couldn't see from one building to
690 another. Today, as everyone has noted, we have made real
691 progress. Yes, the air is cleaner. The water is safer. The
692 job is not done. But we also face a new challenge and a very
693 severe challenge, and that is the challenge of climate
694 change. And so as this committee and the rest of the
695 Congress thinks about the role of EPA, I hope you will think
696 about it in terms of its history but also in terms of the
697 challenges in front of us.

698 In terms of enforcement, which one of you mentioned, I
699 think -- I apologize, a member mentioned -- I agree.
700 Enforcement is about compliance. It is about getting
701 companies to do the right thing. It is also a fairness. If
702 I comply with the an environmental regulation and my
703 competitor doesn't, that's a basic unfairness. I'm spending

704 money to achieve an environmental endpoint that they're not
705 spending about. So we need to think about enforcement in
706 conjunction with compliance. I agree with what was said.

707 Finally, I want to talk a moment about environmental
708 justice. Communities of color, poor communities, suffer
709 disproportionately the burdens of our modern industrial
710 society. They will suffer disproportionately the impacts of
711 climate change. And I am very, very heartened by all of the
712 work that is being done or has been launched in the Biden
713 administration to address the realities. As we transition
714 our economy to meet the challenge of climate change, we must
715 do so in an environmentally just manner.

716 The final thing I will say: In my 8 years, we were
717 roundly recognized as being very aggressive in terms of
718 setting public health standards, in terms of enforcing those
719 standards and, I will note, the economy grew. We do not have
720 to choose between a healthy environment and a healthy
721 economy.

722 Thank you all so much for the opportunity to be here.

723 [The prepared statement of Ms. Browner follows:]

724

725 *****INSERT 2*****

726

727 *Ms. DeGette. Thank you so much, Administrator Browner.

728 I am now pleased to recognize Ms. Keyes Fleming for 5

729 minutes. You'll need to unmute.

730 *Ms. Keyes Fleming. Here we go.

731 *Ms. DeGette. Thank you.

732

733 TESTIMONY OF GWENDOLYN KEYES FLEMING

734

735 *Ms. Keyes Fleming. Good morning. Chairwoman DeGette,
736 Ranking Member Griffith, Chairman Pallone, and distinguished
737 members of the subcommittee, my name is Gwendolyn Keyes
738 Fleming and I appreciate the opportunity to testify today.

739 EPA is an agency that I know well, having spent 5 years
740 there, first as the regional administrator in Region 4, the
741 Southeastern Region, and then as chief of staff. The views
742 that I express here today are my own and are based on those
743 experiences.

744 During my tenure with the agency, I had the great honor
745 and privilege to work alongside thousands of dedicated public
746 servants, both career and political, who worked tirelessly to
747 advance the agency's mission to protect public health and the
748 environment.

749 Today, EPA faces a long list of complex, urgent, and
750 necessary actions, including addressing climate change and
751 environmental justice. Alarming, EPA has to meet these
752 threats with fewer real resources than the agency had in the
753 1980s. The decline happened despite our population
754 increasing 44 percent, and total government discretionary
755 spending decreased by 48 percent over that same time. EPA
756 spending, in terms of real dollars, is less than half of what
757 the agency spent nearly 30 years ago.

758 This steady funding decline has adversely affected EPA's
759 ability to meet its mission and the growing demand for
760 protections in communities around the country. In addition,
761 it is also adversely affecting the agency's State and Tribal
762 partners, who rely on EPA for grants and technical funds to
763 support their operations.

764 Programs and funding, however, cannot be effectively
765 utilized without the agency's greatest asset, the people, its
766 employees. Unfortunately, staffing declines have made the
767 tightened budget situation even worse. Today's staffing
768 levels are at a 30-year low. Not only does EPA need to
769 recruit and hire the next generation of environmental
770 professionals, but the agency needs to do so with an eye
771 towards diversifying its ranks and its leadership.

772 In addition to having sufficient resources to do the
773 job, the agency will be most successful when it remains true
774 to the following five guideposts, some of which my co-
775 panelists have mentioned before:

776 First, follow the science. Science has been and needs
777 to continue to be the foundation of EPA's decision-making and
778 actions going forward. To be well-positioned to address
779 emerging areas of science, EPA needs additional financial
780 resources, staffing, and scientific equipment to ensure that
781 its scientists can connect to the newest and best research,
782 as well as up-to-date information technology, to access some

783 vast data sets relevant to the various complex issues the
784 agency will face.

785 Second, follow the law. In addition to following and
786 efficient the requirements of the over 20 major environmental
787 laws, EPA must also identify more ways to utilize Title 6 of
788 the 1964 Civil Rights Act as part of its suite of legal pools
789 to provide for redress for discriminatory actions and
790 disparate impacts in the environmental space.

791 Third, provide transparency in its decision-making. To
792 further build and maintain EPA's trust -- or build trust in
793 EPA's actions, the agency needs to be transparent its
794 decision-making process. This means making its data sets
795 available in ways that can be easily understood by the
796 public.

797 Fourth, engaging all stakeholders. Successful, large-
798 scale environmental protection requires engaging EPA's
799 partners and stakeholders. This means having conversations
800 with States, Tribes, local governments, and the regulated
801 community throughout the process and early in the process.
802 Stakeholder engagement is especially critical in meeting the
803 urgent needs of environmental justice communities
804 overburdened by pollution and suffering under the vestiges of
805 environmental racism.

806 Lastly, synergize resources to maximize impact. To
807 augment protection and services to communities, EPA needs

808 funding to institutionalize integrated strategies and remove
809 the silos across the program offices. There are several
810 successful projects, including the ReGenesis Project and CUP,
811 that the agency can use as models in this regard.

812 I want to finish by expressing my deep appreciation to
813 the dedicated public servants at EPA and the work that
814 they're doing to keep our air and water safe and clean. I
815 also want to thank Congress for its attention to these
816 issues, and I look forward to the discussion today.

817 [The prepared statement of Ms. Keyes Fleming follows:]

818

819 *****INSERT 3*****

820

821 *Ms. DeGette. Thank you so much, Ms. Fleming.

822 I am now pleased to recognize Ms. Cleland-Hamnett for 5
823 minutes for an opening statement.

824

825 TESTIMONY OF WENDY CLELAND-HAMNETT

826

827 *Ms. Cleland-Hamnett. Thank you, Madam Chair, and
828 thanks to the ranking member and the distinguished members of
829 the subcommittee, for providing me with the opportunity to
830 participate in today's hearing on restoring the vital mission
831 of the Environmental Protection Agency. I'm honored to
832 appear with the other very distinguished members of this
833 panel.

834 I completed a 38-year Civil Service career at the EPA
835 when I retired in 2017. And I had the privilege of serving
836 in seven different administrations, or under seven different
837 administrations, under both parties.

838 As the chair mentioned, I became the principal deputy
839 assistant administrator for the Office of Chemical Safety and
840 Pollution Prevention in 2016, and I was the acting assistant
841 administrator beginning in January 2017 until I retired
842 September 2nd of that year.

843 I'm here today to provide the perspective of a career
844 employee and senior program manager at the EPA. As all of
845 the former witnesses and the opening remarks have noted, the
846 EPA has an incredibly important mission, to protect public
847 health and the environment, and accomplishing that mission is
848 difficult and complex.

849 Essential to human health and environmental protection

850 is the need for the EPA's work to be moved forward apace.
851 While risks are being analyzed and actions developed,
852 potential threats remain unaddressed. There is a challenging
853 balance to be maintained between the desire for thoroughness
854 and the need to provide public protection. Important actions
855 which have been stopped or delayed in recent years will need
856 to be restarted or accelerated.

857 I also agree with many others who have spoken this
858 morning that the EPA's greatest strength is its career staff.
859 It's my belief that the agency staff have unparalleled
860 expertise in the science, legal, and regulatory frameworks
861 necessary to achieving continued progress in protecting human
862 health and the environment.

863 That said, I am very concerned that this key strength of
864 the EPA, its career workforce, has been eroded. When the
865 legal and scientific views of career staff are dismissed, or
866 if career staff are cut out of policy and technical
867 discussions at the political level, a great resource is lost
868 and the agency's credibility suffers as a result. Their lack
869 of participation also raises concerns about political
870 interference and the undue influence of special interests.

871 And although there remain very many very dedicated and
872 qualified staff at the EPA, a concerted effort at hiring is
873 needed to replace staff members who have been lost in recent
874 years to retirement and other departures, and to ensure

875 adequate staffing in priority areas and new and emerging
876 areas that the agency will need to address.

877 And to do their jobs as they should, staff must have the
878 appropriate resources, data, and infrastructure to support
879 them. Sound, credible, and transparent science is vital to
880 the agency's credibility and effectiveness. Scientific peer
881 review is a cornerstone of credibility for EPA science, and
882 for that matter, scientific work in general.

883 Those most qualified and knowledgeable in the scientific
884 issues of interest should be recruited to participate in
885 transparent and balanced peer review panels. Political
886 interference to omit or include certain peer review
887 participants erodes the credibility of the process.

888 Likewise, the dismissal of pertinent and vetted
889 scientific information in decision-making in order to support
890 a particular policy outcome is inappropriate and shreds the
891 credibility of those policy decisions. When policies for the
892 use of data are developed with the participation of
893 scientists and the public, and are applied transparently by
894 decision-makers, credibility is greatly enhanced.

895 My last job at the EPA was to help steer my program and
896 the agency through another change of administration. I
897 quickly learned, however, that my advice was not wanted and
898 that the process for making policy decisions was not open to
899 career staff, and an effort began to stop programs and

900 drastically reduce resources.

901 I was angry and saddened by this and felt that I could
902 not continue to be a part of what was going on, and I
903 retired. Although I am no longer at the agency, I have to
904 believe that the atmosphere over the last several years has
905 been corrosive. It is my sincere hope that the agency and
906 its mission can be rebuilt and revived.

907 I commend the subcommittee for its interest in
908 rebuilding the mission of the EPA, and I thank you again for
909 the opportunity to participate in this hearing.

910 [The prepared statement of Ms. Cleland-Hamnett follows:]

911

912 *****INSERT 4*****

913

914 *Ms. DeGette. Thank you so much. We appreciate your
915 perspective.

916 Dr. Deskins, I am now very pleased to recognize you for
917 5 minutes for your opening statement.

918

919 TESTIMONY OF JOHN DESKINS, PH.D.

920

921 *Mr. Deskins. Chairwoman DeGette, Chairman Pallone,
922 Ranking Members Griffith and Rodgers, and members of the
923 committee, thank you so much for inviting me to appear before
924 you today to discuss the future and mission of the EPA.

925 I begin by acknowledging that I have never worked for
926 the EPA and I have no insight into the agency's inner
927 workings. Rather, I am here to speak to the importance of
928 ensuring that the future EPA fully studies any potential
929 economic impact associated with policies under consideration.

930 It's imperative to fully weigh the cost of any policies
931 that might affect fossil fuel usage against the policy's
932 benefits. And for policies that are ultimately deemed to
933 move forward despite generating an adverse impact on
934 communities reliant on coal and gas, those costs should be
935 fully highlighted. This acknowledgment will help promote
936 investments in those areas to help the affected people and
937 communities survive an economic shock and ultimately thrive.

938 The point that I stress isn't new by any means. For
939 instance, Section 321 of the Clean Air Act requires that the
940 EPA conduct employment impact analyses as part of its policy
941 analysis program.

942 I want to illustrate the economic hardship that many
943 coal-producing communities have endured over the past decade

944 or so. I come here from West Virginia, a State which by any
945 obvious measure is an energy State. For example, energy
946 accounts for 14 percent of economic output in the State,
947 making it the State's largest industrial supersector.

948 Energy jobs are among the highest-paying jobs in the
949 State, often by far. Coal and natural gas are two of our key
950 export commodities. And severance tax revenue from coal and
951 gas is important to our State too fund local governments --
952 State and local governments and public schools and many other
953 public services.

954 Indeed, declining coal production in recent years,
955 combined with a lack of industrial diversification, has had
956 an devastating effect on our State's economy. Coal
957 production has fallen by about one-half from its 2008 high.
958 This has led to a loss of about 15,000 coal jobs, and a
959 direct loss of \$3.5 billion in economic output in our State.

960 These losses ignite a vicious cycle where we see out-
961 migration of primarily our younger men and women. Then we
962 see an aging population. Then we see drug abuse pop up, and
963 so on. This makes it even more challenging to attract new
964 business to our affected areas, thus perpetuating this
965 vicious cycle.

966 Some may read the numbers associated with the declining
967 coal output and imagine that the losses are spread across the
968 entire coal-product region of our Nation. We have seen a

969 national drop in the demand for coal, but the effect of
970 those -- the effect of that drop in demand has been felt most
971 strongly in Central Appalachia, including Southern West
972 Virginia and Southwestern Virginia.

973 The concentration of these job losses created a great
974 depression in six Southern West Virginia counties. At one
975 point over the past decade, payrolls contracted at rates
976 between 25 and 33 percent in each of these six counties. In
977 addition, despite the observed bounce back in coal between
978 2017 and 2019, employment levels have increased only slightly
979 for many of these struggling areas.

980 Consider Boone County, for example, which had been the
981 State's largest coal-producing county for many years. Their
982 coal production and employment stand at around 20 percent of
983 its level a decade ago. Statistics show as well that job
984 losses in the county are occurring as less money is flowing
985 to local businesses like restaurants, entertainment venues,
986 et cetera. Losses in coal severance tax revenue in these
987 counties have led to severe public school layoffs.

988 The industrial mix in these counties also lends to the
989 crisis. In Boone County, for example, in 2010, coal
990 accounted for 55 percent of all the jobs in the county,
991 making it difficult if not impossible for many laid-off coal
992 miners to just go out and find other jobs locally. My point
993 is the heavy concentration of losses in coal output and

994 employment make it far worse than would have been the case if
995 the loses were widely dispersed.

996 The current situation, honestly, gives rise to the
997 question of whether many of these affected communities are
998 even sustainable in the long run. Are these communities
999 altogether sustainable, given the suffering that we've seen?

1000 Many call for industrial diversification as the solution
1001 to West Virginia's economic crisis. I myself make this call
1002 routinely in speeches across the State, weekly, practically.
1003 It's crucial for West Virginia to cultivate strength in other
1004 industries like manufacturing and tourism. But industrial
1005 diversification is a long-term and multifaceted proposition.

1006 A more viable path for West Virginia in the short term
1007 is through maintaining our State's energy sector. While many
1008 factors affecting energy in West Virginia and similar areas
1009 are outside of the reach of policy-makers, I hope that the
1010 information provided today can help make for a policy to move
1011 West Virginian similar communities forward.

1012 Again, I urge you, finally, to ensure that a future EPA
1013 fully considers statistics like these that describe how coal
1014 communities in West Virginia and other parts of rural America
1015 are affected when fossil fuel jobs disappear.

1016 Thank you so much.

1017

1018

1019 [The prepared statement of Dr. Deskins follows:]

1020

1021 *****INSERT 5*****

1022

1023 *Ms. DeGette. Thank you so much, Dr. Deskins.

1024 It is now time for the members to ask questions, and the
1025 chair will recognize herself for 5 minutes.

1026 Ms. Cleland-Hamnett, you said you worked at the EPA over
1027 seven administrations. Is that right?

1028 *Ms. Cleland-Hamnett. Yes. That's correct.

1029 *Ms. DeGette. And so you worked under both of the
1030 former administrators who are sitting here today. Is that
1031 right?

1032 *Ms. Cleland-Hamnett. Yes. That's right.

1033 *Ms. DeGette. And I have got to say, I worked with both
1034 of those administrators, too, in my many years in Congress,
1035 and always with the goal of protecting Americans' health and
1036 protecting our environment.

1037 I'm really struck by what someone like you says because
1038 you were there so long under Democratic and Republican
1039 administrations, really doing the work of the agency. And
1040 several times you said that you -- that one of the things you
1041 think needs to happen is that political influence needs to be
1042 taken out of the agency.

1043 Is political influence a problem that you have seen
1044 throughout your tenure, your long tenure at the EPA, or just
1045 in the last years of your time there?

1046 *Ms. Cleland-Hamnett. Well, first, if I could, let me
1047 just clarify that I think it's inappropriate political

1048 interference to which I was referring. I think it's totally
1049 appropriate that there's political influence. That's why we
1050 have political appointees, presidential appointees, and
1051 others that help carry out the President's mission.

1052 *Ms. DeGette. Right.

1053 *Ms. Cleland-Hamnett. Yes.

1054 *Ms. DeGette. What is inappropriate? What would you
1055 say is inappropriate political influence?

1056 *Ms. Cleland-Hamnett. Well, I think it is when
1057 processes for producing sound science, credible science,
1058 transparent science, are either ignored altogether or changed
1059 in a way that lessens their credibility or their
1060 effectiveness. I think it's when legal arguments about how
1061 best to interpret statutes and responsibilities of the agency
1062 are essentially ignored, or career staff just aren't given
1063 the chance to present that kind of information and it's not
1064 given due consideration.

1065 *Ms. DeGette. Thank you. Now, Governor Whitman, one
1066 of the things that really struck me both in your written
1067 testimony and what you said today, is the importance of
1068 relying on science. Do you think if we get back to a
1069 reliance on science, that can help us with the morale at the
1070 agency and how best to recruit some new, fresh faces there?

1071 *Ms. Whitman. I think without question, the fact that
1072 so many times the science was stifled, not for policy reasons

1073 so much as political, has been -- really eroded the
1074 confidence. And there's a lot that Congress can do,
1075 actually, to help with ensuring the transparency, ensure that
1076 there's some guidelines that are laid down -- in all the
1077 agencies that have to do with science -- as to what is
1078 appropriate political interaction, keeping track of that, and
1079 letting people know what's going on because there's always
1080 policy, and politics is part of policy. But science should
1081 be the underpinning for any of at the policy decisions. They
1082 shouldn't at the end of the day be purely political
1083 decisions.

1084 *Ms. DeGette. Now, Administrator Browner, you were at
1085 the agency longer than anybody else. Would you agree with
1086 that assessment?

1087 *Ms. Browner. Yes. Science is at the base of
1088 everything that EPA does. I mean, it really -- I used to say
1089 the science made me do it. The agency, whether the career
1090 staff or the political appointees, is not free to do
1091 whatever.

1092 But having said that, it's important to remember that
1093 science is a process. And science keeps asking questions.
1094 And so the policies -- the Clean Air Act directs EPA to make
1095 decisions on the best available science every 5 years.
1096 Right? Because Congress rightfully recognized that science
1097 will keep going.

1098 If we hadn't made the decision -- if our predecessors at
1099 EPA hadn't made the decision to ban lead in gasoline, which
1100 protecting children, it wouldn't be banned today because
1101 guess what? Science is still studying that, but what the
1102 agency was ability to do was say there was adequate evidence,
1103 there was the weight of the evidence, and make a scientific
1104 determination. So --

1105 *Ms. DeGette. Thank you so much. Thank you. So it
1106 seems to me -- I was sitting here -- obviously, if you had
1107 good science, you could take away inadequate political
1108 influence. Also, you need an adequate budget. I was looking
1109 at the statistic that half of -- that EPA has less in real
1110 dollars than it did in 1980. So that also seems to be a pace
1111 where Congress could really step in, help recruit more
1112 science-based individuals, but also increase the budget
1113 appropriately.

1114 Would you agree with that, Administrator Browner?

1115 *Ms. Browner. Absolutely. Absolutely.

1116 *Ms. DeGette. Okay. Thank you very much. My time is
1117 expired. I am now delighted to recognize the ranking member,
1118 Mr. Griffith, for 5 minutes.

1119 *Mr. Griffith. Thank you so much, and I appreciate the
1120 time.

1121 Ms. Cleland-Hamnett, I understand you are a lawyer, and
1122 I appreciate your comments about following the law. I think

1123 that is very important. Chairwoman DeGette and I talk about
1124 that on a fairly regular basis, coming from a legal
1125 background.

1126 But I have to say under the Obama administration, I
1127 believe the EPA exceeded its statutory authority to justify
1128 several regulations, such as regulating emissions from truck
1129 trailers that don't have engines, claiming authority under
1130 the section of the Clean Air Act that deals with self-
1131 propelled motor vehicles.

1132 All the while they are going so far down that way to try
1133 to accomplish what they wanted, that some -- and I note
1134 some -- in the EPA, or some in the administration, ignore
1135 warnings of high lead levels in drinking water from an EPA
1136 water scientist out in the field in Flint, Michigan.

1137 So I think we need to make sure that we are following
1138 the law and not following our wishes, whether it be a
1139 Republican administration or a Democrat administration. And
1140 I know that you would agree with me. And I would give you a
1141 chance to answer, but I am running out of time and I have got
1142 to get to Dr. Deskins.

1143 Dr. Deskins, it is so good to have you with us today.
1144 Obviously, we share a lot in the region that I come from and
1145 the Region you come from, originally having grown up in
1146 Honaker. And if you were here, we would have talked ahead of
1147 time; I have got a great Honaker story. Call me some time

1148 and I will tell you about it.

1149 But in your experience with the coal industry and in
1150 coal communities, are communities opposed to working out
1151 creative solutions to improve the environment that also allow
1152 for robust economic activity and affordable energy?

1153 *Mr. Deskins. First and foremost, I'm always happy to
1154 get a question from a fellow Emory & Henry alumnus.

1155 *Mr. Griffith. There you go.

1156 *Mr. Deskins. But no. I don't think coal communities
1157 are opposed to this. But, I mean, people just have to
1158 understand, these coal communities are faced with many
1159 challenges. Many of these areas are very remote, very rural.
1160 The terrain's very rugged. They face tremendous challenges
1161 around human capital, around education, training, health,
1162 drug abuse.

1163 And they're not opposed to working out alternative
1164 solutions, but in many cases they need help from places like
1165 the Federal Government to help enable these changes to
1166 happen. And they don't need just cursory help, they need
1167 real, significant help because their challenges are
1168 significant.

1169 *Mr. Griffith. Things like the Coalfields Expressway,
1170 which would open up parts of West Virginia and Southern West
1171 Virginia and Southwest Virginia, and connect a bunch of our
1172 interstates together. That would be very helpful. Wouldn't

1173 you agree?

1174 *Mr. Deskins. Yeah. No, infrastructure is one of the
1175 key areas in which help is needed. Absolutely.

1176 *Mr. Griffith. Because everybody says we have got to
1177 reinvent the economy. But when you have mountains and you
1178 don't have a lot of flat land and you don't have good roads,
1179 it's very difficult to do. I know you would agree with that.

1180 I want you to explain the coal severance or the coal and
1181 natural gas severance tax because that provides millions of
1182 dollars for things like education. And I'm not sure
1183 everybody on the committee understands that. And you
1184 mentioned it in your testimony. Could you elaborate a little
1185 bit and explain how that works?

1186 *Mr. Deskins. Well, I mean, West Virginia and I'm sure
1187 similar States across the country that rely on energy have
1188 been levying a severance tax on coal and natural gas and
1189 other items that are extracted from the ground for decades.
1190 I mean, in West Virginia, we have been heavily reliant on
1191 severance tax revenues for a long, long time.

1192 This funds State Government in part, and it does fund a
1193 lot of local government active in our State. And when
1194 severance tax revenue falls, it has a real impact on local
1195 communities. As I mentioned, when severance tax revenue
1196 falls, it presents a challenge for our public schools, for
1197 example, because they have less revenue to fund the services

1198 that we need.

1199 *Mr. Griffith. And that's a real problem in
1200 Southwestern Virginia as well as West Virginia. And in fact,
1201 many people are surprised as we talk about social justice and
1202 economic justice that the district I represent, while not
1203 heavy in minorities, is 422nd in household income based on
1204 the latest data that we have available out of 435
1205 congressional districts.

1206 That doesn't surprise you a bit, does it?

1207 *Mr. Deskins. Oh, no, no, no, no. Of course not. I
1208 mean, I can go on all day about the poverty that exists in
1209 Central Appalachia even today. It's not as bad as it was in
1210 the 1960s when the Johnson administration was working. But
1211 there's still tremendous poverty in West Virginia.

1212 As I said, we had some counties in Southern West
1213 Virginia that have been in a great depression because of just
1214 economic devastation. And there's a lot of poverty there ,
1215 and I'm not going to -- my mission is to plead to try to find
1216 ways to get it addressed.

1217 *Mr. Griffith. And so if we're talking about economic,
1218 environmental, and social justice, we need to make sure we
1219 don't leave out the communities of Central Appalachia as we
1220 go forward. You would not disagree with that, either, would
1221 you?

1222 *Mr. Deskins. There's nothing in the world that I could

1223 agree with more. I mean, I completely agree with that.

1224 *Mr. Griffith. Well, last but not least, I think we've
1225 touched on a lot of it, and you and I could go on forever.
1226 But I will mention what a great opportunity I had to go to
1227 Emory & Henry. You obviously feel the same way. And it's a
1228 great little school that makes a difference in a lot of
1229 lives, and ends up with professors talking to congressmen in
1230 the halls of Congress. And it's a great thing from
1231 Southwestern Virginia.

1232 Thank you much, and I yield back.

1233 *Mr. Deskins. Thank you.

1234 *Ms. DeGette. I thank the gentleman.

1235 The chair now recognizes the chairman of the full
1236 committee, Mr. Pallone, for 5 minutes.

1237 *The Chairman. Thank you, Chairwoman DeGette.

1238 I wanted to start with Governor Whitman, if I could. In
1239 your testimony, you state that environmental protection and
1240 economic prosperity go hand in hand, and you have further
1241 stated, and I quote, that "safeguarding our environment also
1242 pays economic dividends through the advancement of technology
1243 and the creation of jobs."

1244 I know that you also talked about the return to science
1245 and retaining the scientists at the EPA. But then you also
1246 said that you were concerned that climate change can become a
1247 political football, but you suggest it does not have to be.

1248 So I just wanted to, if you could, tell us how
1249 developing solutions to address the climate crisis and also
1250 help support the economy, create jobs because we often hear
1251 from those who do not want to address climate change that
1252 somehow this is going to be a net job loser, which I do not
1253 agree.

1254 So if you would comment on that, Governor, I would
1255 appreciate it.

1256 *Ms. Whitman. Well, thank you, Mr. Chairman. And I
1257 certainly do agree with you that it is not going to be a net
1258 loser. There are new technologies that will be developed.
1259 There are new energy sources that will be developed. But
1260 just let's think of the history for a second.

1261 Between -- in 40 years, almost 40 years, between 1980
1262 and 2017, we saw our population grow by 4 percent. Our
1263 energy consumption grew by 25 percent. We drove 110 percent
1264 more miles, which emitted more pollutants. And yet we -- and
1265 our GDP grew 167 percent. And yet we reduced our overall six
1266 criteria of pollution by 65 percent. I mean, that's more
1267 people creating more pollution, but reduced it, and they were
1268 growing the economy at an extraordinary rate.

1269 That's what can happen when we talk about addressing
1270 things like climate change because you're talking about some
1271 of the very basic elements that are negative as far as their
1272 impact on human health. When you talk about the emissions

1273 that drive climate change, when you're talking about carbon,
1274 you're talking about mercury, these things are having a real
1275 impact.

1276 And if you look also at the other side of it, which is
1277 the cost of climate change, as you well know, from your shore
1278 communities, how devastated they become when we have these
1279 major storms that are now occurring -- you always used to
1280 talk about the 100-year flood. It now occurs every 5 years,
1281 or 4 years. And every time you have that intrusion of salt
1282 water, you change the ecosystem so the next time the storm
1283 comes in even further.

1284 And we have paid a huge price, not to mention the storms
1285 in California that we had last year, the fires, the
1286 devastation of the fires because of droughts. So we pay a
1287 huge price by ignoring this issue of climate change.

1288 There are things we can do to harden ourselves against
1289 it. It means stopping growth. It does not mean stopping the
1290 economy. It's finding better ways to grow and to address
1291 this issue.

1292 *The Chairman. Well, thank you. And Administrator
1293 Browner, basically the question is along the same lines. If
1294 you would explain how a healthy economy and a healthy
1295 environment go hand in hand. I'm optimistic about all of
1296 this, and I know you are as well. I think you have to
1297 unmute.

1298 *Ms. Browner. Mr. Chairman, I join you in being
1299 optimistic. I don't believe we will be the first generation
1300 to pass on to another a problem they can't solve. It's not
1301 without its challenges.

1302 But I'd like to call attention to the private sector and
1303 how they're stepping up with new solutions and making large-
1304 scale investments, and how they can partner with the
1305 government to sort of drive the technology. What we see
1306 out -- I mean, every day, and I'm sure this is true for other
1307 people, I get calls from people who invented something, and
1308 it's been proven. It's a proven technology. They need to
1309 commercialize it.

1310 And so what we need is the private sector to start
1311 buying these new technologies, whether it's cement-eating
1312 carbon, better lighting systems, better batteries for the
1313 grid, et cetera, et cetera. There's just so many
1314 opportunities out there. And I think if we all continue to
1315 put our mind together, we can both, as President Biden has
1316 called for, create a whole new generation of clean energy
1317 jobs.

1318 And I want to say to the professor who joins us here
1319 today, I take very seriously the realities for people in West
1320 Virginia and Kentucky and in Appalachia. But let's create a
1321 new generation of clean energy jobs, and with that, a new
1322 generation of solutions that will allow us to drive down the

1323 impacts of climate change while we grow the economy.

1324 *The Chairman. And I agree with you. And let me say,
1325 too, I know that our ranking member, Mrs. Rodgers, constantly
1326 talks about China. And I appreciate that because I do think
1327 that China's a threat and I do appreciate HR constantly
1328 mentioning China.

1329 But I also think this is a global competition, and China
1330 is investing in the new technology and making a lot of money
1331 with solar panels and others. So that's why we can't be left
1332 behind. We've got to meet that challenge as well from China,
1333 and this is the way to do it, by moving on climate action.

1334 Thank you so much. Thank you, Madam Chair.

1335 *Ms. DeGette. I thank the gentleman.

1336 And speaking of the ranking member, I'm now pleased to
1337 recognize Mrs. Rodgers for 5 minutes.

1338 *Mrs. Rodgers. Thank you, Madam Chair. And
1339 Mr. Chairman, I appreciate those comments. I think my
1340 concern is that the approach that's being promoted right now
1341 by the majority and many Democrats is going to make us
1342 dangerously dependent upon China, when you consider that
1343 90 percent of the solar panels, 80 percent of the windmills,
1344 they control 90 percent of the rare earth minerals.

1345 So that's where we need to make sure that we're not
1346 moving forward on policy that's only going to make us more
1347 dependent upon China. We need to celebrate that America's

1348 leading right now in bringing down carbon emissions, and
1349 we've done more than the next 12 countries combined. We need
1350 to be promoting new innovation. And we also need to make
1351 sure that as we are looking at all of these issues, that we
1352 are considering the job loss. And that's part of why I am
1353 really pleased that Dr. Deskins is with us today, can really
1354 talk about the real world impact of some of these policies.

1355 Thank you for your testimony, Dr. Deskins. You've
1356 spoken about the economic damage in Boone County due to
1357 aggressive environmental D.C. dictates. And Boone County
1358 used to be West Virginia's largest coal-producing county, and
1359 now coal production and employment stands at less than one-
1360 fourth, a quarter, of 2010 levels.

1361 As places such as Boone County lose jobs, we're told
1362 that there are ways for these unemployed workers to
1363 transition without being left behind. So I'd like to ask
1364 you, where have the unemployed coal miners gone, and what are
1365 the new jobs that they are getting?

1366 *Mr. Deskins. Thank you for that question. I really
1367 appreciate that question because it's so easy to say, oh,
1368 let's transition the laid-off coal miners to new jobs. It's
1369 a lot easier said than done.

1370 That does happen to some extent. But to a large extent,
1371 it's very, very difficult for these people to make a
1372 transition. Imagine a laid-off coal miner who's 50 years old

1373 who's worked in the coal mines for 25 or 30 years, who only
1374 has a high school diploma or maybe even less. It's very --
1375 it's not easy to transition this person into a new position.

1376 Some people say something trivial like, oh, let's have
1377 the person start coding software. Things like that are not
1378 realistic. I mean, to make real opportunities to transition
1379 these people into new work requires real investment, like we
1380 said before, with infrastructure, with human capital, with
1381 fighting the vicious cycle that we have in place.

1382 Honestly, a lot of the people who are laid-off coal
1383 miners haven't transitioned anywhere. They're just, to use
1384 -- I don't know if I should use this word or not, but they're
1385 just floundering, and the area is in -- is seeing a lot of
1386 economic hardship because that transition is so hard and so
1387 difficult, much easier said than done.

1388 *Mrs. Rodgers. Thank you. As a follow-up, through the
1389 years I have heard from many people in Eastern Washington and
1390 across our State, actually, about the concerns over a lack of
1391 clarity of EPA regulations. One example is the Washington
1392 Farm Bureau has stated that the clarity is critical in the
1393 Waters of the USA Rules. Right? And when that rule was in
1394 front of us, the Waters of the USA, it was difficult to
1395 understand what was covered, what is not.

1396 I wanted to ask if you would speak to the concerns and
1397 what you have seen around regulatory uncertainty, especially

1398 when it comes to conducting an adequate full job impact
1399 analysis.

1400 *Mr. Deskins. I'm afraid my answer is going to be
1401 pretty short. I mean, unless you have clarity and fully
1402 understand the implications of a given policy, it's
1403 impossible to estimate the economic impact associated with
1404 that policy. And that's all I have to say on that.

1405 I mean, I do economic impact analyses literally all the
1406 time. My office produces them constantly. And clarity in
1407 terms of fully understanding the policy in question is a step
1408 one necessity.

1409 *Mrs. Rodgers. Yes. So would you speak to what you
1410 believe the EPA should be doing, then, to conduct that
1411 adequate economic impact analysis under Section 3212 of the
1412 Clean Air Act to examine the effects of Clean Air Act
1413 regulations on jobs?

1414 *Mr. Deskins. Well, I mean, cost/benefit analysis and
1415 economic impact analysis are well-established methodological
1416 approaches in economics. I don't have any new techniques or
1417 any approaches. I mean, I would just urge for a full,
1418 holistic consideration of the potential economic impacts, and
1419 then transparency on what those impacts are after the fact.

1420 I know some of the earlier speakers spoke to the issue
1421 of transparency, and I would completely agree. Even when we
1422 move forward with a policy where the benefits exceed the

1423 costs, we still should be as transparent as possible about
1424 those costs that will, if nothing else, help foster
1425 investment to promote transition over the long run.

1426 But holistic analysis and transparency, that's all I can
1427 ask for.

1428 *Mrs. Rodgers. Yes. Certainly that is very important.

1429 I appreciate you being with us. I will yield back my
1430 time. Thank you.

1431 *Ms. DeGette. Dr. Deskins, you would be surprised at
1432 how many agreement you would get on that on both sides of the
1433 aisle here in this hearing.

1434 The chair now is really pleased to recognize Ms. Kuster
1435 for 5 minutes.

1436 *Ms. Kuster. Great. Thank you very much, Madam Chair.
1437 And thank you again to our panel and their insights.

1438 I should note that I started my Washington, D.C. career
1439 as an intern at the EPA back in 1976. So I am dating myself.
1440 The EPA was new, and I was new to all of it.

1441 One area where we know the EPA must take quick action is
1442 addressing PFAS and other forever chemicals. And in my State
1443 of New Hampshire, nearly half the population gets their well
1444 water from private wells. And if PFAS chemical emissions
1445 seep into the ground and penetrate your well, families are at
1446 serious risk for exposure of this toxic chemical. We have
1447 increased levels of child cancer and other health impacts.

1448 In the southern part of New Hampshire's Merrimack
1449 Valley, several communities have had to deal with the
1450 aftermath of PFAS exposure. And some residents have had to
1451 rely on bottled water for drinking and cooking for years, and
1452 must shower and bathe in water that they know contains PFAS.

1453 And on top of all this, the value of their homes
1454 declines dramatically until they are ultimately connected to
1455 utility water systems. This is no way for Americans to be
1456 living in the 21st century. And we need bold leadership at
1457 the EPA to clean up these contaminated sites and safeguard
1458 the American people.

1459 So last year the House passed the PFAS Action Act,
1460 including my bill to turn off the tap on PFAS chemicals. For
1461 years, I have pushed the EPA to use its authority to protect
1462 families and hold contaminators accountable. And that is why
1463 I was so pleased to see the EPA issue two rules last month to
1464 put us on track to have PFAS drinking water regulations
1465 nationwide. This is so important. With more than 4,700 PFAS
1466 chemicals in commerce, it's abundantly clear we need to
1467 address this important issue.

1468 So Administrator Browner, let me start with you. In
1469 your testimony you said, "Strong public health protections
1470 are even more essential than ever.'" Can you elaborate on
1471 the need for public health protections and how PFAS fits into
1472 that goal?

1473 *Ms. Browner. Thank you, and I appreciate the question.
1474 The role of EPA is to protect all Americans. And what
1475 that frequently means is to protect the most vulnerable. And
1476 frequently that is children, that may be pregnant women, that
1477 may be indigenous people, but that we need to really ensure
1478 that everyone is protected, not just some of the population.

1479 And so when I talk about strong public health
1480 protections, what I'm talking about is just that, that we set
1481 our standards based on the most at-risk because we know if we
1482 protect the most at-risk, we're protecting everybody.

1483 *Ms. Kuster. Great. Thank you.

1484 And Ms. Cleland-Hamnett, I know you were deeply involved
1485 in efforts to reform the Toxic Substances Control Act. Does
1486 the EPA have the right authorities under this act, or any
1487 other tools, to effectively protect the public from PFAS
1488 contamination?

1489 *Ms. Cleland-Hamnett. Yes. I think that the amendments
1490 to the Toxic Substances Control Act that were signed into law
1491 in 2016, if properly implemented and resourced and moved
1492 along at the right pace, could very much contribute to the
1493 agency's efforts to address PFAS chemicals.

1494 I think there's some very important authorities there to
1495 require further testing and monitoring of chemicals, to look
1496 at whether certain uses of chemicals and releases of
1497 chemicals from those uses and manufacturing are presenting

1498 significant risks, and for my former part of the agency that
1499 implements TSCA to also work with the drinking water program
1500 and other programs and with the regional offices and the
1501 States to help provide the science and the information to
1502 make it possible to get these nationwide standards in place,
1503 and where it's appropriate, to turn off the tap for some of
1504 these chemicals that are already in commerce but that could
1505 be replaced by something less problematic, and to keep some
1506 of the newer ones, even -- we've known about the problems of
1507 PFAS chemicals for a long time, but new ones have continued
1508 to come onto the market. So I think we need to look at that
1509 preventive aspect of it as well.

1510 *Ms. Kuster. Well, I will certainly be bringing the
1511 bill back on turning off the tap.

1512 Just wondering -- actually, my time is up. So I will
1513 yield back. So thank you again for all your good work. Look
1514 forward to working with the EPA again.

1515 Thanks. Madam Chair, I yield back.

1516 *Ms. Cleland-Hamnett. Thanks very much.

1517 *Ms. DeGette. I thank the gentlelady.

1518 The chair now recognizes Mr. Burgess for 5 minutes.

1519 *Mr. Burgess. I thank the chair.

1520 Dr. Deskins, I noted in both your oral and your written
1521 testimony where you referenced problems that can occur in
1522 communities where the source of income is rapidly reduced,

1523 and you in fact mentioned drug abuse as one of the problems.
1524 As you know, this committee focused a great deal of attention
1525 on that a couple of years ago; now, unfortunately, with the
1526 pandemic, kind of taken our collective eye off that ball.

1527 But you bringing it back to us reminds me of just how
1528 important that is and how important the work that this
1529 subcommittee and the full committee did on the Support Act
1530 back in 2017 and 2018. In fact, Madam Chair, I'd like to as
1531 unanimous consent to place into the record a Washington Post
1532 article from May of 2016 called, "The Fentanyl Failure,"
1533 where lack of attention to the growing fentanyl challenge
1534 resulted, obviously, in many, many deaths. And again, this
1535 committee did a great deal of work on that.

1536 And Dr. Deskins, I just -- I thank you for bringing it
1537 back to our attention. That is a very real social cost in
1538 the communities that are affected by the economic devastation
1539 of losing their primary source of income. Have you studied
1540 that to any great extent?

1541 *Mr. Deskins. I've studied it to some extent, not to a
1542 great extent. But I can just say that West Virginia has been
1543 hard-hit by the opioid crisis and by other problems
1544 associated with drug abuse. And it is a real, real tragedy
1545 that has affected our State and so many parts of the country.

1546 But one thing that's clear is that the drug abuse
1547 problem is very multifaceted. There's not just one issue.

1548 But lack of economic opportunity is highly correlated with
1549 drug abuse. And we see in our counties where the economic
1550 opportunity is just diminishing and fading away, that's where
1551 the drug abuse crisis is the most severe.

1552 *Mr. Burgess. So let me ask you your opinion, and I
1553 recognize I am asking for an opinion. But is it possible to
1554 achieve economic security and environmental progress without
1555 resorting to burdensome regulations?

1556 *Mr. Deskins. Well, I mean, it's possible. I mean,
1557 it's hard to say in the generic sense. I mean, regulations
1558 just have to be -- they have to be promoted with the best
1559 possible information, the richest possible information, to
1560 form, to underpin, the decision-making. And they just have
1561 to be designed in an appropriate way.

1562 I mean, I think it is possible to achieve good
1563 environmental outcomes and good economic outcomes at the same
1564 time. It just depends on the nature of the regulations.
1565 They have to consider all the issues, and they certainly have
1566 to consider the economic suffering that I'm here to speak to.
1567 It just depends on the nature of the regulations.

1568 *Mr. Burgess. So I really don't think there's any
1569 argument that bad actors should be held to account. But is
1570 it important to have anything other than just punitive
1571 measures in the toolbox? Are there educational measures and
1572 educational responsibilities that the EPA should undertake?

1573 *Mr. Deskins. Well, I think so. And I think it's a
1574 question. I mean, there's ways to include measures to help
1575 transition effective communities and help affected
1576 communities move away from -- maybe in some cases from fossil
1577 fuels to alternative energy sources. Cooperative action is
1578 very important and vital, and it needs to be -- it needs to
1579 be undertaken.

1580 But, I mean, we're not going to undertake cooperative
1581 action unless we really fully understand what's happened to
1582 the affected communities, which is one reason why I'm kind of
1583 preaching about the suffering that has plagued some places
1584 like in West Virginia.

1585 *Mr. Burgess. And you are right. And of course, then,
1586 the public's reaction in those areas affected, when they see
1587 wholly punitive measures, which have extracted a significant
1588 social toll on those communities, understandably they are
1589 reticent to embrace other activities of the agency because
1590 they see firsthand how their communities have been hurt.

1591 *Mr. Deskins. I agree.

1592 *Mr. Burgess. All right. Well, let me ask you this --

1593 *Mr. Deskins. I apologize if there was -- if I missed a
1594 question, I apologize. But I agree with your sentiment
1595 there. Absolutely.

1596 *Mr. Burgess. Well, if -- recognizing environmental
1597 health is a priority, so if it is, given that, does it really

1598 matter how compliance standards are met? Is it okay for the
1599 agency to be as punitive as possible because it is just of
1600 such a burning importance that these environmental controls
1601 and environmental health be placed at such a priority?

1602 *Mr. Deskins. Honestly, I don't know a whole lot about
1603 how the EPA has acted in the past in terms of taking
1604 cooperative measures or punitive measures. I would just kind
1605 of prefer for cooperative measures as a first option, as a
1606 first approach. But I can't really speak to the past, where
1607 the policies have taken one approach or the other. But I
1608 certainly prefer cooperation.

1609 *Mr. Burgess. So as someone who has spent a lot of
1610 years doing things as service, I will just tell you, it is
1611 the punitive ones that get the public's attention.

1612 I thank the chair, and I will yield back.

1613 *Ms. DeGette. I thank the gentleman.

1614 The chair now recognizes Miss Rice for 5 minutes for
1615 questions.

1616 *Miss Rice. Thank you so much, Chairwoman DeGette.

1617 Before I came to Congress, I spent my life as a
1618 prosecutor. So in addition to having an enormous respect for
1619 the law, I have an even greater regard for those -- how
1620 important it is to enforce the law, how incredibly important
1621 that is. I think it is especially true at the EPA in order
1622 for the EPA to fully realize its mission.

1623 The protections cannot just be on the books. They have
1624 to be enforced. And that enforcement is not just about
1625 ensuring compliance and holding polluters accountable. It is
1626 also going to have the impact of protecting the health of our
1627 communities, families, and the environment.

1628 Governor Whitman, I would just like to ask you about the
1629 task force that you recently co-led on the rule of law, which
1630 documented the importance of having an unbiased and fair
1631 administration of the law. The task force specifically
1632 observed that: "The awesome power of prosecution must be
1633 wielded without consideration of individuals' political or
1634 financial status or their personal relationships.'"

1635 Can you just elaborate on why it's so important for the
1636 EPA to fairly and equitably apply the law, what obstacles
1637 there are for them doing that, and especially, ignoring the
1638 status of any alleged violator and the potential impact that
1639 that may have on --

1640 *Ms. Whitman. Well, thank you, Congresswoman. That's a
1641 critical area. Obviously, if you don't have enforcement
1642 behind the regulations, they become meaningless. And so the
1643 agency has got to be able to do that. A lot of the
1644 discussion up to now has been around positive versus negative
1645 and carrot versus stick and how punitive they should be.

1646 The agency has to have the ability to enforce.
1647 Enforcement is critical to its mission. And as we said in

1648 the report, there are a number of steps that Congress can
1649 take to help ensure a transparency of when there is -- when
1650 there is an effort to try to stifle the enforcement.

1651 But the other side of it is when we were there, when I
1652 was there, we put in place a green and gold track. And for
1653 those companies that were doing better than environmental
1654 regulation or laws required, we helped them. We made things
1655 easier for them. We might not have investigated them every
1656 year and done it every other year because every time you go
1657 in for inspections, that costs them money and time. And you
1658 recognize that.

1659 So there is this ability to strike a balance, and that's
1660 what the agency can do and has been good at doing, until you
1661 get sometimes political interference that says you either
1662 have to -- can't do any enforcement, or that's all you have
1663 to do.

1664 *Miss Rice. Well, we would be well served to take your
1665 recommendations, as a legislative body, that you make.

1666 So Administrator Browner, your testimony, you quoted
1667 "engaged, efficacious, and timely enforcement of EPA's
1668 regulations is essential to public health, environmental
1669 justice, and environmental and public health protection."

1670 Focusing on environmental justice, can you just expound
1671 more on that and why it's so important, and the role that the
1672 EPA can play in that, essentially if they have a robust and

1673 consistent enforcement program? You need to unmute.

1674 *Ms. Browner. Every American deserves equal protection
1675 under the environmental laws. Unfortunately, not every
1676 community and not every American is getting equal protection
1677 under the environmental laws. And one of the witnesses
1678 already spoke about using the Civil Rights Act, other tools
1679 that may be available to guarantee this.

1680 But enforcement is a piece of it. And it's not --
1681 enforcement is not about a "got you.'" It is about working
1682 with the company to bring them into compliance. And just
1683 like Governor Whitman mentioned, we had programs to do just
1684 that. We said, if you think you're in violation, please come
1685 into the agency. We will work in partnership with you to
1686 solve your problem.

1687 You get better compliance when you do that. When you're
1688 out there having to figure out if someone's out of compliance
1689 sticking a probe in a smokestack, it's just a lengthy
1690 process, and it's complicated for everybody. I believe that
1691 the vast majority of companies want to comply, just like all
1692 of us stop at stop signs.

1693 But inevitably, there are those who don't stop at stop
1694 signs, and there are those who don't comply. And the
1695 enforcement there is important to ensure a level playing
1696 field and to ensure equal protection for communities.

1697 *Miss Rice. Very quickly, Ms. Keyes Fleming, based on

1698 your experience, what resources and actions are necessary to
1699 ensure a strong and effective EPA enforcement program? You
1700 need to unmute.

1701 *Ms. Keyes Fleming. First and foremost, making sure you
1702 have sufficient staff around the country and in the region to
1703 be able to do the inspections to identify where the
1704 challenges are. Those inspectors and staff need to you type
1705 of mobile equipment that has the latest innovations so they
1706 can have good, credible data upon which to make some of their
1707 decisions.

1708 And then obviously, being able to post that information
1709 so it's transparently available to communities so they then
1710 can be informed and know how to advocate on their behalf.

1711 *Miss Rice. Thank you. Thank you, Madam Chair.

1712 *Ms. DeGette. I thank the gentlelady.

1713 The chair now recognizes Mr. McKinley for 5 minutes.

1714 *Mr. McKinley. Thank you, Madam Chairman, and I
1715 appreciate the fact and an encouraged that this -- the
1716 committee today is going to be addressing the EPA's mission
1717 because over the years, I think we have experienced mission
1718 creep that became a consuming force within the EPA.

1719 Quite frankly, the Trump administration -- in fact, it
1720 was demonstrated during the Obama administration that it was
1721 all stick and no carrot. The Trump administration was --
1722 concurs with your statement and trying to get it back to the

1723 basic mission. They spent the last 4 years trying to get
1724 back to the basics. What was the law?

1725 I had conversations with Scott Pruitt. Same thing with
1726 Andrew Wheeler: Get back to the basics. What do we have to
1727 do? And they were successful with that. We have already
1728 heard over the litany of successes, whether the Superfund
1729 site, updated the Lead and Copper Rule, finalized air quality
1730 standards, created a funding mechanism so that we provided
1731 \$100 million in grants.

1732 So without objection, Madam Chair, I would like to enter
1733 into the record the EPA's 2020 Year In Review, and a document
1734 from Administrator Wheeler highlighting their net
1735 accomplishments.

1736 *Ms. DeGette. Mr. McKinley, as stated, we will enter
1737 all of the exhibits at the end of the hearing.

1738 *Mr. McKinley. Thank you. Thank you.

1739 *Ms. DeGette. Your staff can provide it to committee
1740 staff.

1741 *Mr. McKinley. Thank you. So the question to Governor
1742 Whitman: The Trump administration finalized a new Lead and
1743 Copper Rule for the first time in over 30 years. When you
1744 were at the EPA, did you try to update that regulation?
1745 Ms. Whitman? My time is running. Apparently --

1746 *Ms. Whitman. Is the question addressed to me? It was
1747 cutting out badly. I couldn't hear. I apologize. I

1748 couldn't hear the question.

1749 *Mr. McKinley. I'm sorry. I lost time on that. What
1750 we were saying was they were the new Lead and Copper Rule was
1751 put in place for the first time in over 30 years. So my
1752 question: When you were at the EPA, did you try to update
1753 that regulation?

1754 *Ms. Whitman. Congressman, I don't even actually
1755 remember that. But yes, I -- but I don't know. I honestly
1756 can't say whether we did or not.

1757 *Mr. McKinley. Okay. Thank you. Do you know that
1758 your -- in the Obama administration, worked on a lead rule
1759 for 8 years, but never proposed one? Under Trump, they did.
1760 They took care of that. So --

1761 *Ms. Whitman. Well, that's good. We've been needing
1762 that.

1763 *Mr. McKinley. And then continuing this, in the Flint,
1764 Michigan water crisis that happened under the Trump
1765 administration -- did it happen under the Trump
1766 administration or was it Gina McCarthy and the Obama-Biden
1767 administration that it took place, that the water was so
1768 contaminated there? Do you know?

1769 *Ms. Whitman. That was going on for a long time. I
1770 think there were several administrations that missed that
1771 one.

1772 *Mr. McKinley. Well, it happened under a lot of EPAs

1773 that ignored it. But it finally came to pass, and it was
1774 corrected with it.

1775 Do you know, back in 2015, the Gold King Mine outburst
1776 in Colorado, did that occur under the Trump administration to
1777 fix it, or was it the Obama administration?

1778 *Ms. Whitman. I presume, by the way you're asking the
1779 questions, it was under the Trump administration that that
1780 was addressed. I mean --

1781 *Mr. McKinley. Okay. So --

1782 *Ms. Whitman. -- every administration has had their
1783 crises assigned addressed them.

1784 *Mr. McKinley. Oh, yes, they have. I have --

1785 *Ms. Whitman. So it's good. I mean, we need that.
1786 Nobody is all bad, and that's the good thing.

1787 *Mr. McKinley. Governor -- now let me turn to Carol
1788 Browner.

1789 On page two of your testimony, you discuss the need to
1790 strengthen the environmental enforcement. But starting in
1791 2011, there was a downward trend in all criminal enforcement
1792 statistics. It wasn't reversed until under the Trump
1793 administration. So were you aware of that, that it was
1794 declining, not increasing or not flat?

1795 *Ms. Browner. With all due respect, it is important to
1796 distinguish between civil enforcement and criminal
1797 enforcement.

1798 *Mr. McKinley. Okay. You're not --

1799 *Ms. Browner. And I think that you need both of the
1800 numbers.

1801 *Mr. McKinley. I reclaim my time. Do you realize that
1802 the administration of the Trump administration actually
1803 collected twice as much in civil and criminal penalties than
1804 the Obama-Biden administration did? Were you aware of that?

1805 *Ms. Browner. I think the question is: What were the
1806 levels of compliance? What we all care about is the clean
1807 air and clean water, not the penalties.

1808 *Mr. McKinley. It was a yes or no on that. So if I --

1809 *Ms. Browner. Sir, not the penalties --

1810 *Mr. McKinley. I'm going to reclaim my time to go to
1811 John Deskins because time is running out.

1812 John, Professor, the Democrats seem to be returning to
1813 the Obama mission again, overwhelmingly focused on this war
1814 on coal as it relates to -- and they want to decarbonize this
1815 power sector by 2035. And without carbon capture, this would
1816 ultimately eliminate coal and natural gas for domestic energy
1817 production. And some -- you have already talked about what
1818 is going to happen with it.

1819 Can you discuss the potential impacts that eliminating
1820 that, the fossil fuel production, would have on budgets like
1821 in West Virginia or in Alaska, Wyoming, North Dakota, or
1822 Alabama, all the States that are involved with fossil fuels?

1823 *Mr. Deskins. Do you mean if we just completely
1824 eliminated fossil fuels? Completely?

1825 *Mr. McKinley. That is what they are doing. That is
1826 the plan, to do away with it, because they are not -- they
1827 are not funding carbon capture. So there's no way for us to
1828 get to net zero by 2035 unless we eliminate it.

1829 *Mr. Deskins. Well, I certainly haven't analyzed the
1830 complete elimination. But that would be devastating for much
1831 of West Virginia. I mean, that would devastate our
1832 employment base. It would devastate our tax revenue base.
1833 If that happened, just hypothetically if we had to complete
1834 the elimination over the next year, West Virginia would be
1835 devastated.

1836 *Mr. McKinley. Just in closing -- and I know I am
1837 running -- but by 2030, they want to have zero -- or
1838 80 percent emission reduction of carbon recovery. Are we
1839 going to be able to achieve that in West Virginia, 80 percent
1840 in the next -- by 2030?

1841 *Mr. Deskins. No. I don't think we can achieve it in
1842 that short --

1843 *Mr. McKinley. I hope the rest of the panel heard that,
1844 and we can go from that. Thank you very much. Appreciate
1845 your time.

1846 *Ms. DeGette. I thank the gentleman.

1847 The chair now recognizes Ms. Schakowsky for 5 minutes.

1848 *Ms. Schakowsky. I thank the chair. Can you hear me?

1849 I just want to thank both of our former EPA
1850 administrators. I think it is really great that you're here,
1851 and I think that we can learn and have been learning a lot
1852 from you.

1853 I have been very close to the workers and the union that
1854 works for the EPA in Chicago, and I want to tell you, these
1855 are people who love their jobs, but have been really
1856 demoralized in the last -- under the last administration by
1857 the loss of so many people and also the ability to conduct
1858 some very vital public health initiatives that they needed to
1859 do, including enforcement.

1860 Of course, the COVID virus has interfered enormously.
1861 But I think that the greatest asset that we have, actually,
1862 and the greatest strength of the EPA is the talent and
1863 deduction of these career staff. So I wanted to ask:
1864 Governor Whitman, in your testimony, you stated that, "In
1865 recent years the EPA has suffered under the leadership of
1866 people who seem neither to understand nor appreciate the
1867 vital role that the EPA plays in Americans' lives.'" And you
1868 went further to say, "The morale at the EPA is -- among the
1869 career civil servants has plummeted.'"

1870 And so I wondered if you could answer: Why do you think
1871 that the morale has dropped so low?

1872 *Ms. Whitman. Well, I think a lot of it has been due to

1873 the attitude of the previous administration toward the
1874 environment in general and to science specifically because
1875 EPA is a regulatory agency, and those regulations are based
1876 on science. And when they are told and restricted in what
1877 science they can look at and what they can discuss where they
1878 think, for instance, as has been mentioned in previous
1879 testimony, climate change is an enormous issue but under the
1880 previous administration they were not allowed to discuss it,
1881 not allowed to go to conferences where it might have been
1882 discussed. In fact, the words were taken down off the
1883 websites. And that made scientists feel as if they were
1884 being totally ignored, and restricted to a point where they
1885 were getting the message that science really wasn't
1886 important.

1887 And there was also -- there were no clear parameters.
1888 It's a place where Congress can be enormously helpful to the
1889 agency in ensuring that it develops rules, and this is true
1890 throughout government, where you have a clear transparency on
1891 where political interference is acceptable or not. And when
1892 you protect scientists who might come to conclusions that are
1893 not what the administration wants to hear necessarily, and
1894 then they get moved to someplace else.

1895 That's not what should happen. I mean, obviously the
1896 administration takes that knowledge and does with it feels is
1897 appropriate for policy reasons. But --

1898 *Ms. Schakowsky. Let me -- let me -- right.

1899 *Ms. Whitman. -- they shouldn't punish the scientists.

1900 *Ms. Schakowsky. Let me move on an old friend, Carol
1901 Browner. And it is great to see her.

1902 I wanted to ask you: What are the elements that make
1903 morale so important to the EPA? I am thinking about things
1904 like recruitment and retention. And I wonder if you could
1905 speak to that.

1906 *Ms. Browner. Both recruitment and retention are hugely
1907 important. And part of how you achieve that is by making
1908 sure the agency is allowed to do its job, that it has a
1909 reputation for recognizing the professional experiences that
1910 people bring to the work.

1911 I think if there's -- and the governor just mentioned
1912 it. But in terms of the past administration, the disregard
1913 for people's professional skills was, I think, significant.
1914 And that needs to be reinforced, and I know it will be under
1915 the next -- under the new administration.

1916 But I think people come to EPA because they want to do a
1917 particular type of work. They want to do a particular type
1918 of science. The politicals ultimately make a decision with
1919 that science; but allow the career professional staff to do
1920 their job, and it will be a great place for people to work,
1921 as it has been historically.

1922 *Ms. Schakowsky. Thank you. My time has quickly

1923 expired, and I yield back.

1924 *Ms. DeGette. I thank the gentlelady.

1925 The chair now recognizes Mr. Long for 5 minutes.

1926 *Mr. Long. Thank you, Madam Chairwoman, and thank you
1927 all for being here today.

1928 I would like to join my colleagues in acknowledging the
1929 tremendous work accomplished under the Trump administration's
1930 EPA. In particular, I want to highlight the progress made in
1931 reinvigorating the Superfund program, which handles cleanup
1932 of America's most contaminated sites.

1933 During the Obama administration, the EPA's neglect of
1934 this program resulted in 80 sites being added to the National
1935 Priorities List. By comparison, the Trump administration's
1936 EPA, which had half the amount of time in office, removed 82
1937 sites from the National Priorities List, a historic
1938 achievement for this program.

1939 For the Americans who live and work near these sites,
1940 they were left unattended for the last 20 to 30 years. The
1941 Trump administration sent a clear message with their health
1942 and -- that their health and environment matter, and that
1943 somehow, power wanted to lift the economic stigma surrounding
1944 Superfund sites.

1945 This is not a knock on the EPA's career officials in the
1946 Superfund office, but it is a clear example of how the Obama
1947 administration was too preoccupied with pursuing their big

1948 government/climate change agenda, while forgetting about the
1949 individuals protected by environmental policy.

1950 Dr. Deskins, your testimony mentions how West Virginia
1951 has particularly been impacted by the environmental policy
1952 aimed at transitioning away from coal. Can you expand on
1953 what you see when these workers lose their jobs without
1954 receiving retraining for a new career?

1955 *Mr. Deskins. Well, thank you for that question. The
1956 fact of the matter is it's very hard for many of these men
1957 and women to transition. Some people have to just move
1958 because, as I said before, these communities are often very
1959 rural, very small communities that are spread out here and
1960 there in a rugged, mountainous landscape.

1961 It's not easy just to attract new businesses, especially
1962 not in the short term, to these areas. So many men and women
1963 have to move away. And for the ones who are there, honestly,
1964 many of them struggle over the long term to find a
1965 transition. I think ultimately to make that transition
1966 happen, we need to have much more robust investment from the
1967 Federal Government to help support things like we've
1968 mentioned before, like human capital investment and
1969 infrastructure investment.

1970 *Mr. Long. Okay. And I'm going to stick with you,
1971 Dr. Deskins. Much has been said about the need to replace
1972 higher paying fossil fuel jobs with clean and green jobs. Do

1973 solar and wind jobs provide the same level of income and
1974 benefits as the fossil fuel jobs that they are meant to
1975 replace?

1976 *Mr. Deskins. Honestly, I don't have all the
1977 information about solar and wind jobs. But I can say that
1978 coal jobs and natural gas jobs are very unusually high-paying
1979 based on the fact that they only require, generally, a high
1980 school diploma. You can have a high school diploma and go
1981 into coal or gas and make \$80,000. It's almost impossible to
1982 find that kind of income, at least in West Virginia, with
1983 that level of education and training.

1984 So I'm not for sure about the solar and wind side. But
1985 coal and gas jobs are unusually high-paying.

1986 *Mr. Long. What are the long-term economic impacts on
1987 communities, including the societal cost, in communities
1988 where high-wage jobs are replaced with lower-wage jobs?

1989 *Mr. Deskins. Like I said in my opening remarks,
1990 briefly, there's a very severe negative economic impact for
1991 many West Virginia communities. And what we have is a
1992 vicious cycle that has been ignited in many of our
1993 communities, where jobs leave.

1994 And so people have to out-migrate. The people who out-
1995 migrate are younger, healthier, better job-prepared. When
1996 out-migration occurs, it makes the community less attractive
1997 to potential businesses. You throw drug abuse into the mix,

1998 which is very real, and we have this vicious cycle that is
1999 created.

2000 Tax revenues fall. That makes it harder for the
2001 communities to invest in infrastructure and public education
2002 and other public services. Honestly, we have some
2003 communities in West Virginia where it's not clear those
2004 communities will survive because of this vicious cycle and
2005 the devastating effect that it has.

2006 *Mr. Long. I just returned a week or 10 days ago from
2007 Salt Lake City, a climate conference that several of us
2008 attended out there. And at the last day, we went up to Park
2009 City, Utah and visited with the mayor there, where they're
2010 doing all they can. And they have converted all their city
2011 buses over to 100 percent electric.

2012 And the mayor said that they're going to be carbon-
2013 neutral by 2030, 9 years from now. And I posed the question
2014 to him, I said, well, where do you get your power now?
2015 What's it look like now? What was it 5 years ago? Ten?
2016 Because that's an admirable goal that's admitted. I mean, if
2017 you can be carbon-neutral in 9 years -- and he kind of looked
2018 down at the floor and looked back up and he said, well, he
2019 said, right now our power company's 85 to 90 percent fossil
2020 fuel.

2021 So everyone wants clean air, clean water, clean soil.
2022 But we have to be realistic, I think, in our approach, and

2023 thinking that you could be carbon-neutral when you're 85,
2024 90 percent fossil fuel right now in 9 years may be a little
2025 bit out of the realm of possibility.

2026 But again, thank you all for your time today. Thank you
2027 for being on the panel. And Madam Chairwoman, I yield back.

2028 *Ms. DeGette. Thank you so much.

2029 The chair now recognizes Mr. Tonko for 5 minutes.

2030 *Mr. Tonko. Thank you, Madam Chair, and thank you for
2031 organizing this important hearing. Thank you to the
2032 witnesses for their crucial testimony. Your experiences at
2033 EPA are critical to understanding how we can bring the agency
2034 back on track to address the immense environmental and public
2035 health challenges facing our Nation.

2036 As we have heard today, science is vital to EPA's
2037 mission. In order for EPA to exercise strong environmental
2038 leadership, EPA must act with unquestionable scientific
2039 integrity. Sadly, over the past 4 years, there were
2040 unprecedented attacks on EPA's scientific infrastructure, and
2041 we saw ideology drive environmental policy.

2042 I am indeed pleased that President Biden has hit the
2043 ground running with several actions to restore scientific
2044 integrity across the Federal Government, including at EPA. I
2045 would like to hear recommendations from our witnesses today
2046 on how the new leadership at EPA can restore science at the
2047 agency.

2048 Ms. Fleming, what steps could EPA and its partners take
2049 to strengthen science in decision-making, and recommit to
2050 scientific integrity?

2051 *Ms. Keyes Fleming. Thank you for the question. I
2052 think there are a lot of things that can be done,
2053 particularly ensuring that the scientists have access to the
2054 newest and latest data sets and information as they are
2055 making the important decisions that will undergird the
2056 agency's actions going forward.

2057 This also means being able to have the facts in-house to
2058 be able to analyze that new science, and the technology to be
2059 able to make it transparent and available. But one of the
2060 tools that EPA could use is its Title 42 authority to hire
2061 some of the best and brightest minds from academia, from
2062 industry, from other parts of the government, and bring them
2063 into the EPA's fold.

2064 This will not only expand EPA's capabilities, but also
2065 build the synergies and relationships that'll have that whole
2066 government cross-cutting approach that this administration
2067 has focused on.

2068 *Mr. Tonko. Thank you so much.

2069 And Administrator Browner, it's good to see you again.
2070 And you state in your testimony that, I quote, "well-
2071 conducted science'' is the foundation for EPA and its
2072 partners. Again, what can -- what steps can EPA take to

2073 advance scientific integrity? Because it seems to be the
2074 foundation of the work that needs to be done.

2075 *Ms. Browner. So what EPA has to do, I believe, is
2076 respect the scientific process. Science asks the questions,
2077 it undertakes research, and then it makes a conclusion. And
2078 that conclusion is then subjected to peer review. Peer
2079 review is a very important part of the scientific process,
2080 and it's something that EPA has engaged in and should
2081 continue to engage in.

2082 But I'll go to the prior witness's answer. You have to
2083 make the investment in the scientist. You have to bring into
2084 the agency the best people. And I'll just say when you guys
2085 look at the budget of EPA, it looks like it may be a big
2086 number to you, but the actual amount of money inside of that
2087 budget -- a lot of the money goes out to States; it goes to
2088 other things -- the actual amount of money to hire the
2089 quality people is not that high.

2090 And so investing in the people, making sure the best
2091 scientists want to come to EPA -- historically, they did. If
2092 you were an environmental scientist, EPA was the place to be.
2093 And we need to rebuild that again.

2094 *Mr. Tonko. Thank you so much.

2095 Governor Whitman, welcome. In your testimony, you state
2096 that, and I quote, "Good science is the foundation of good
2097 policy.'" So based on where EPA is today, Governor, what can

2098 agency leaders do to safeguard scientific integrity and
2099 ensure EPA actions are guided by good science?

2100 *Ms. Whitman. Well, I think one of the most important
2101 things they can do, besides everything that's been mentioned
2102 in the previous two responses to your questions, is to
2103 protect the scientist, to ensure that the science is allowed
2104 to -- the scientists are allowed to go where the science
2105 takes them, not where a political desire forces them to go.

2106 It is where the science takes them, and they should be
2107 allowed to express that and to report that and not fear that
2108 they are going to be stifled or moved somewhere because it's
2109 not the outcome that the administration wanted politically.
2110 And that's a very important part, and added to what you've
2111 heard before from the other responders.

2112 *Mr. Tonko. Thank you. And Ms. Cleland-Hamnett, you
2113 were at EPA for nearly 4 decades as a career civil servant,
2114 working under seven different administrations of both
2115 parties. Based on your time at EPA, why is it important that
2116 EPA policies be based on credible and transparent science,
2117 not ideology or a particular policy outcome?

2118 *Ms. DeGette. Please unmute.

2119 *Ms. Cleland-Hamnett. Sorry. Very good question.
2120 Several reasons come to my mind. One is that in order to
2121 best protect the American public, public health, and the
2122 environment, you need to have the best science to understand

2123 what the problems are, to figure out how to reduce [audio
2124 breaks up] to public health and the environment, and to carry
2125 those things out.

2126 It also needs to be good science and credible science
2127 for the American public to believe that they are being
2128 protected, for the industry to feel that they are being
2129 fairly treated, for communities to feel that they can
2130 understand what's going on, and that they're being
2131 represented in decisions.

2132 So I think it has to do with both the effectiveness and
2133 the credibility of the work that the agency does.

2134 *Mr. Tonko. Thank you so much. Madam Chair, I yield
2135 back.

2136 *Ms. DeGette. I thank the gentleman.

2137 Mr. Dunn, you are now recognized for 5 minutes.

2138 *Mr. Dunn. Thank you, Chairwoman DeGette. We all value
2139 the mission of the Environmental Protection Agency in
2140 ensuring we have clean air and water for our generation and
2141 future generations. However, burdensome over-regulation
2142 often does more harm than good in this effort. This is
2143 particularly true for the rural communities with large
2144 agricultural commodities, like the one I represent in
2145 Florida's 2nd congressional district.

2146 I am grateful for some of the work done during the Trump
2147 administration on development and implementation of the

2148 Navigable Waters Protection Rule, as well as revival of the
2149 farm, ranch, and rural communities agency. The Navigable
2150 Waters Protection Rule is clear, transparent, and informs and
2151 guides farmers, ranchers, and foresters without fear of
2152 burdensome or oppressive regulation, all while ensuring the
2153 preservation of clean water. The rule significantly improves
2154 upon previous attempts by clarifying what types of wetlands
2155 are jurisdictional, and explicitly those which are not,
2156 thereby preventing confusion and overreach by the Federal
2157 Government. I believe this policy is a good model for what
2158 future administrative action from the EPA should look like.

2159 So with that, let me turn to Governor Whitman. It's
2160 abundantly clear that the EPA makes decisions that impacts
2161 farmers, ranchers, and timber producers. Considering your
2162 professional background with the EPA, how can the agency
2163 continue to prioritize the valuable insights and input of our
2164 agricultural producers in the policy-making process as well
2165 as partner with them to make sensible solutions?

2166 *Ms. Whitman. Well, I do not think it is had to do at
2167 all, frankly. I worked very closely with the Secretary of
2168 Agriculture while I was there. In fact, we used to meet, the
2169 Secretary of Agriculture and the Secretary of the Interior,
2170 as well as Labor. We met on a regular basis to talk about
2171 areas and issues that overlapped and where we could work
2172 together to try to clarify things work better for everyone.

2173 And that included protecting the public and protecting
2174 those who made their living on the land.

2175 *Mr. Dunn. So I actually noticed that while you were
2176 the EPA administrator, you did collaborate with USDA on
2177 controlling waste runoff in agricultural feeding operations.
2178 And the USDA actually held your effort as unprecedented in
2179 that it would result in stopping billions, billions of pounds
2180 of pollutants from entering America's water.

2181 And I would say that that kind of collaboration can lead
2182 to creative ways to solve environmental problems. Are there
2183 hurdles to the EPA working with other agencies now, something
2184 that they can recreate your effects?

2185 *Ms. Whitman. There shouldn't be any hurdles. I mean,
2186 it's a question of the desire to do it and the willingness to
2187 listen to one another and talk to one another on a regular
2188 basis. I mean, what you're talking about is the Nutrient
2189 Trading Program, I believe, that we instituted, and that
2190 worked well.

2191 It protected the public and it made it easier on the
2192 farmers and the ranchers to meet the criteria. It saved them
2193 money, and it saved the water purveyors money. So it was one
2194 of those things that worked for everyone, and that has
2195 happened under previous administrations. It will happen --
2196 it will happen in the future. There is no reason not to be
2197 able to do that again.

2198 *Mr. Dunn. And do you see it happening now?

2199 *Ms. Whitman. I see the potential for it happening now.

2200 I think it's --

2201 *Mr. Dunn. Yeah. Potential. I agree. I'm not sure it
2202 happens as much as it did when you were the administrator.

2203 *Ms. Whitman. Well, I can't speak to that. I mean, the
2204 administration's pretty new, so I don't know what their track
2205 record is yet on that.

2206 *Mr. Dunn. Okay. Fair enough. I also noticed that
2207 your Whitman Strategy Group offers regulatory and permitting
2208 services to help your clients, and this is a quote from your
2209 website, "understand the ever-changing regulatory and
2210 permitting landscape.'" Well, I know it is ever-changing. I
2211 have tried to build things on occasion. And I am concerned
2212 about the processes that are so cumbersome that they become
2213 deterrent to new projects.

2214 Can you speak to the concerns that businesses have with
2215 the permitting processes, the red tape, if you will, and how
2216 those --

2217 *Ms. Whitman. Well, I mean, that's --

2218 *Mr. Dunn. -- threaten new development?

2219 *Ms. Whitman. Well, I mean, there certainly is a burden
2220 when you have -- the regulatory process requires you to do
2221 certain things that cost time and money. There's no question
2222 about it. And I am a firm believer that we should be

2223 reviewing, on a regular basis, our regulations and the
2224 various new ones that are put in place to see whether -- have
2225 we found better technologies or better ways to do it? Do we
2226 still need to regulate something? Have we solved that
2227 problem or not? And be willing to address those.

2228 For instance, we did that the Hudson River cleanup. We
2229 found that what worked in the lab and looked good, I said
2230 after 6 months I wanted to review what the actual impact was
2231 on the rivers. We found that in fact we were releasing more
2232 pollutants than we were taking out during the dredging
2233 process and the way it was being handled. And so we changed
2234 it. And now both sides are working well together.
2235 Environmental and the business community that was required to
2236 clean up the river are working well together That's
2237 something, I think, that's -- there's no problem --

2238 *Mr. Dunn. That's a great example of what I was talking
2239 about. I thank you, Governor Whitman. We are over time.

2240 *Ms. DeGette. Thank you.

2241 The chair now recognizes Mr. Ruiz for 5 minutes.

2242 *Mr. Ruiz. Thank you, Chair DeGette for having this
2243 very important hearing.

2244 Communities of color and fenceline communities have
2245 borne a disproportionate burden from polluters for far too
2246 long. The COVID-19 pandemic has only further illuminated
2247 these injustices. While data is still emerging, a September

2248 2020 study published in the Journal of Environmental Letters
2249 found that someone living in a county with high levels of
2250 hazardous air pollution was 9 percent more likely to die from
2251 COVID-19 than those who live with less pollution.

2252 In my district, air pollution and particulate matter put
2253 many of my constituents at high risk for underlying
2254 conditions like asthma and COPD. To make matters worse, many
2255 of these communities are also medically underserved. This
2256 combination of poor air quality and lack of access to
2257 healthcare puts communities like those in the Coachella
2258 Valley at a higher risk of severe COVID-19 disease and death
2259 should they become infected. This is why I have dedicated my
2260 time to working with farmworkers in other fenceline
2261 communities to promote COVID-19 vaccination and other
2262 preventive measures.

2263 Even outside of COVID-19, the EPA has an essential
2264 mission to reduce pollution and ensure that every community
2265 has access to clear air and clean water. Ms. Keyes Fleming,
2266 in your testimony, you gave several interesting examples of
2267 how EPA can "catalyze the revitalization of communities
2268 burdened by pollution."

2269 So based on your experience as an EPA regional
2270 administrator, what can EPA do going forward to improve both
2271 environmental and economic conditions in disadvantaged
2272 communities?

2273 *Ms. Keyes Fleming. Thank you for the question. I
2274 think there are a lot of opportunities And the example with
2275 the ReGenesis Project in Spartanburg, South Carolina speaks
2276 to the issues. They had similar concerns and they were able
2277 to capitalize a \$20,000 EJ Small Grant into \$270 million of
2278 Federal investments, including building out a very robust
2279 healthcare center to make sure -- series of healthcare
2280 centers -- to make sure that their constituents' health
2281 concerns were taken care of.

2282 So that's an example of where EPA, one, can not only
2283 provide the seed money, but also work collaboratively within
2284 its ranks, whether it's air, water, soil remediation, but
2285 then also with the larger Federal family. And in Region 4,
2286 we started a regional IWG that mirrored the Environmental
2287 Justice IWG at the Federal level. And that's something I'd
2288 offer.

2289 *Mr. Ruiz. Thank you very much. Administrator Browner,
2290 you have been a strong advocate for environmental justice
2291 throughout your career. You led the EPA in 1994 when the
2292 agency helped develop and implement the first-ever Executive
2293 Order addressing environmental justice. In fact, my
2294 legislation, the Environmental Justice Act, builds on your
2295 work by codifying and expanding the 1994 Executive Order on
2296 environmental justice.

2297 In your testimony today, you state, "EPA should take

2298 bold actions that protect the health and safety of
2299 environmental justice communities that bear the burden of our
2300 Nation's historical and current reliance on dirty fuels and
2301 toxic substances.''

2302 Administrator Browner, in your opinion, how should
2303 today's EPA renew its commitment to environmental justice and
2304 take action to achieve meaningful results for vulnerable
2305 communities?

2306 *Ms. Browner. Well, first let me thank you for your
2307 leadership on this issue. And let me thank you for
2308 introducing legislation to codify. I also think the White
2309 House has announced that it will be revisiting that Executive
2310 Order and determining whether or not it can be updated, which
2311 I think would be hugely important. I also want to applaud
2312 the President for appointing Cecelia Martinez, a known EJ
2313 leader, to a role in the White House to coordinate the EJ
2314 efforts.

2315 But at the end of the day, EPA has regulatory authority.
2316 And by setting public health standards that promote the most
2317 at-risk, we can see real benefits. You talked about the
2318 relationship with COVID. So, for example, strengthening the
2319 fuel efficiency in cars, something that Mr. Trump undid,
2320 making sure that the greenhouse gas standards that cars and
2321 trucks and buses have to meet based again on the science --
2322 all of those can bring very real relief.

2323 *Mr. Ruiz. Thank you. I only have 30 seconds left, so
2324 I want to ask Governor Whitman: In your testimony, you
2325 state, "The health and safety of people who live near
2326 pollution-generating facilities must be better protected, and
2327 working with State and local governments, EPA must do a
2328 better job in preventing the location of such new facilities
2329 in places that lack the political or economic clout to
2330 protect their communities and their residents.''

2331 So how can EPA better work with State and local
2332 governments to ensure protections for communities that lack
2333 political or economic influence?

2334 *Ms. Whitman. Well, I have to be proactive. When there
2335 is a need to work to ensure that when there is a potential
2336 for the location of a facility that is going to produce
2337 pollutants, that they ensure that it is not located in a
2338 community of color simply because there isn't the political
2339 clout there to keep it out. And I have to look at the
2340 overall impact of what's happening in that area and the air
2341 quality in that area, and ensure that when you put a site, it
2342 has the best available technologies as well as where its
2343 actually location is.

2344 *Mr. Ruiz. Thank you. I think we ran out of time, and
2345 the key is the communal impact measurement, which is also in
2346 my environmental justice bill, is very important.

2347 And with that, I yield back to the chair.

2348 *Ms. DeGette. The chair now recognizes Mr. Joyce for 5
2349 minutes.

2350 *Mr. Joyce. Good afternoon. I would like to thank
2351 Chairwoman DeGette, Ranking Member Griffith, Chairman
2352 Pallone, Ranking Member Mrs. Rodgers, for this hearing, as
2353 well as for the witnesses appearing with us today.

2354 In 2019 I started hearing concerns about a recent change
2355 to stormwater management regulations, which in my district
2356 treated smaller municipalities in the same fashion that
2357 larger municipalities were treated. This ultimately meant
2358 that although many areas of my district lack the tax base or
2359 the revenue streams to update their systems and
2360 infrastructure, they would be out of compliance with the new
2361 standards.

2362 The program in question was implemented by the
2363 Pennsylvania Department of Environmental Protection on behalf
2364 of the EPA. So I immediately reached out to Regional
2365 Administrator Cosmo Servidio and requested a call. Not only
2366 was the regional administrator responsive to our concerns,
2367 but offered to join me for a roundtable discussion with all
2368 principals in my district. We had an extremely productive
2369 conversation, which included EPA and DEP representatives and
2370 local leaders. And we ultimately left with, so importantly,
2371 a plan of action that everyone was comfortable with.

2372 Today we've heard a wide range of views on the Trump EPA

2373 policies. But when it really mattered to my constituents,
2374 they showed up. The regional administrator himself came to
2375 my district. He listened, and he offered reasonable
2376 solutions. That is what leadership at the EPA actually
2377 looks like.

2378 Chairwoman DeGette, before I ask my questions, I would
2379 like to offer an article for the record titled, "One Trump
2380 Era Notion Biden May Want to Embrace: Independent Regulators
2381 Should Analyze the Cost and Benefits of New Rules like
2382 Executive Agencies Do," for the record.

2383 *Ms. DeGette. The gentleman shall submit his article to
2384 staff and then we will admit them all at the end of the
2385 hearing.

2386 *Mr. Joyce. Thank you, Chair DeGette.

2387 During the Trump administration, the Justice Department
2388 released a memorandum to the White House that clears a path
2389 for improved decision-making by independent regulatory
2390 commissions. The opinion concludes that Presidents may
2391 direct independent agencies to comply with Executive Order
2392 12866, an Executive Order issued by President Clinton in
2393 1993, and reaffirmed subsequently by both Republican and
2394 Democrat Presidents since.

2395 It requires agencies to perform cost-benefit analysis on
2396 all economically significant regulations, and to submit them
2397 for review by the Office of Information and Regulatory

2398 Affairs in the Office of Management and Budget before their
2399 publication. According to President Obama, and I quote, "The
2400 purposes of such review have been to ensure consistency with
2401 presidential priorities, to coordinate regulatory policy, and
2402 to offer a dispassionate and analytic second opinion on
2403 agency actions.''

2404 My questions, then, are first to Dr. Deskins. Do you
2405 agree that prior to economically significant regulation
2406 becoming final, a cost-benefit analysis is necessarily a step
2407 to be achieved?

2408 *Mr. Deskins. Absolutely. I could not agree more. I
2409 mean, cost-benefit analysis is a foundational cornerstone of
2410 economics and public policy analysis. It's imperative that
2411 we fully understand all the benefits and all the costs of the
2412 policy before we move forward, not to -- well, it's hard for
2413 me to even speak to that because it's so fundamental. I
2414 mean, I've literally taught even undergraduate-level public
2415 policy analysis and we devote an entire section off the
2416 course to cost-benefit analysis to ensure that we have fully
2417 informed decision-making. Absolutely.

2418 *Mr. Joyce. Dr. Deskins, is regulatory transparency
2419 important for all interested policies and markets to be
2420 informed whether the most effort ways to achieve the
2421 objective are being pursued?

2422 *Mr. Deskins. Absolutely. I think transparency is of

2423 vital importance in government, in policy analysis, all
2424 across the specimen.

2425 *Mr. Joyce. Thank you. I see my time is closing out,
2426 and I yield the balance.

2427 *Ms. DeGette. I thank the gentleman.

2428 The chair is now pleased to recognize the vice chair of
2429 the subcommittee, Mr. Peters, for 5 minutes.

2430 *Mr. Peters. Thank you, Madam Chair. I want to thank
2431 our witnesses and you for having the hearing. I just want to
2432 note that I believe I am the only former employee of the EPA
2433 headquarters who serves in Congress. My first job out of
2434 college was in the Office of Toxic Substances, where I worked
2435 on cost-benefit analysis.

2436 I agree with the testimony we just heard. You just have
2437 to acknowledge that there's a social cost of carbon that you
2438 need to factor in when you do cost-benefit analysis, which
2439 was an issue we had with the previous administration. I am
2440 personally interested in helping EPA become effective,
2441 responsive, and science-driven, and I think that will
2442 certainly help morale, which in turn will help performance.

2443 The world is at a critical juncture in our fight against
2444 climate change. The devastating effects of global warming
2445 are being seen not just in deadly California wildfires and
2446 Texas ice storms, but in countless instances of flood,
2447 famine, and extreme weather across the globe. And United

2448 States leadership internationally on climate has never been
2449 more important.

2450 Yet last year, despite opposition from industry in
2451 general, we saw the Trump administration roll back the first-
2452 ever rule on methane emissions for the oil and gas industry.
2453 Methane is 80 times more potent than other greenhouse gases,
2454 and manmade methane accounts for at least 25 percent of
2455 today's global warming.

2456 I would like to ask Administrator Browner: Your
2457 testimony states that the intergovernmental panel on climate
2458 change's 2018 report and the climate fuel disasters piling on
2459 year after year make it clear we have to act now to reduce
2460 greenhouse gases or carbon pollution that are causing
2461 devastating heat, drought, wildfires, storms, et cetera.

2462 Can you speak to the importance, Administrator, of the
2463 United States leadership internationally on climate change
2464 and what actions like the methane rollback signal to other
2465 countries about whether we're even serious about this issue?

2466 *Ms. Browner. Thank you. And thank you for mentioning
2467 the social cost of carbon, which I believe, I think as you
2468 do, is essential to any effective cost-benefit analysis or
2469 any meaningful cost-benefit.

2470 The way the global effort works on climate change is
2471 each country is to develop their sort of action plan. And
2472 under President Obama, we took our action plan to Paris. It

2473 was well-received. Rolling back those efforts simply takes
2474 the United States out of the important global conversations
2475 that are going on.

2476 This is a tricky situation, right, because pollution
2477 anywhere can affect us all. And so we do have to work with
2478 the rest of the world. And I will say I am very, very
2479 heartened by the appointment of former Secretary John Kerry,
2480 former Senator John Kerry, to lead the U.S. global efforts on
2481 climate change. But he will need a strong domestic agenda
2482 when he starts to meet with his counterparts so that he can
2483 then encourage them to take stronger steps.

2484 *Mr. Peters. Right. I agree with that.

2485 And Governor Whitman, I think you have mentioned that
2486 reducing carbon emissions, expanding renewable energy, all of
2487 these things make sense, whatever your position is on climate
2488 change. Fortunately, the Biden administration has instructed
2489 EPA to immediately review the methane rollbacks as well as
2490 many other climate-related rollbacks undertaken by the prior
2491 administration.

2492 In addition to these steps, Governor Whitman, and the
2493 reentry into the climate accord in Paris, from Paris, what
2494 actions can EPA take to reestablish itself as an
2495 international leader on climate change? You have to unmute,
2496 I think.

2497 *Ms. Whitman. Sorry. I'm trying to unmute. I know.

2498 It's not unmuting.

2499 *Mr. Peters. No. I can hear you.

2500 *Ms. DeGette. Okay. You're good.

2501 *Ms. Whitman. Okay. Now I'm unmuted. Sorry, it wasn't
2502 unmuting right away. I agree with what Administrator Browner
2503 said. What we need to do is we have to show action here in
2504 the United States in order to be taken seriously
2505 internationally. And methane is a bad pollutant. We
2506 recognize that. We know it's something that we can improve
2507 human health if we start to take action on it.

2508 And this is in a very -- a critical area for the agency
2509 and for the United States, for people in general. It's not
2510 just for the agency. It's for the health of us, of all of
2511 us, of each one of us, and particularly our children. And we
2512 need to engage with the international community on an equal
2513 basis.

2514 But they're not going to take us seriously if they don't
2515 see us taking some actions domestically. We just don't have
2516 the credibility if we don't -- if we don't show that we're
2517 willing to take some steps ourselves.

2518 *Mr. Peters. Yeah. I don't think there's any credible
2519 international leadership that can be do as I say, not do as I
2520 do. And I think we have to start here. Even as we talk, I
2521 think, as our colleagues often talk about India and China,
2522 entirely appropriately, they are part of the climate

2523 solution. We have to set our own example, and we have to be
2524 leaders in showing other countries what a developed country
2525 can do.

2526 So I appreciate your testimony. Completely agree. And
2527 Madam Chair, I yield back.

2528 *Ms. DeGette. I thank the gentleman.

2529 The chair now recognizes Mr. Palmer for 5 minutes.

2530 *Mr. Palmer. Thank you, Madam Chairman. And I want to do
2531 want to acknowledge the good work that the EPA has done over
2532 the years. As I can't remember if it was former
2533 Administrator Browner or Whitman that cited the improvements
2534 in air quality and the reductions in the pollutants that the
2535 EPA tracks. It sounded like they were reading from one of my
2536 texts.

2537 I would point out too, though, and this is particularly
2538 important in the context of discussions about how we address
2539 climate change, the role that China plays. And it felt as
2540 that we are to have, addressing this -- the EPA estimates
2541 that on certain days, nearly 25 percent of the particulate
2542 matter in the skies above Los Angeles can be traced to China.
2543 And there are some experts that think that at some point
2544 China could account for a third of all of California's air
2545 pollution. So I think we have got to take that into account.

2546 I also want to comment on the discussion about reliable
2547 science and transparency. I served on the Science, Space

2548 Committee, and there was an issue raised during the Obama
2549 administration about the transparency of EPA science and
2550 making that science available for peer review. And the EPA
2551 has a long practice of not allowing that science to be
2552 reviewed.

2553 I just wonder what, Administrator Browner Whitman, what
2554 your position is on that, given that apparently you both
2555 support transparency in the sci.

2556 *Ms. Browner. My understanding, sir, of the issue that
2557 you're referencing has to do with databases that are held at
2558 private institutions that scientists in industry, scientists
2559 at universities, scientists at EPA, rely on in their work.
2560 And there was a proposal to make those databases -- not the
2561 science but the databases -- public.

2562 And the concern that was raised is those are human
2563 health studies, and individuals participate in them for 20,
2564 30, 40 years. And if their personal health information is
2565 made available, you will have a very difficult time getting
2566 subjects to participate going forward. So yes, any of the
2567 science --

2568 *Mr. Palmer. That is not entirely accurate, though.

2569 *Ms. Browner. Well, that's understanding --

2570 *Mr. Palmer. And that science is paid for by taxpayer
2571 dollars, Administrator Browner.

2572 *Ms. Browner. In some instances it is, and not all

2573 instances is it paid for by taxpayers' dollars. Different
2574 institutions --

2575 *Mr. Palmer. Do you agree that the publicly funded --

2576 *Ms. Browner. I do not believe that personal healthcare
2577 information should be made available. I believe that when
2578 EPA does science, it should absolutely be public and be
2579 subject to peer review. I am not saying anything different
2580 than I think anybody else has been saying.

2581 *Mr. Palmer. That would violate HIPAA laws. I agree
2582 with that.

2583 *Ms. Browner. The individuals agree to participate in a
2584 scientific study.

2585 *Mr. Palmer. If I may continue -- if I may continue
2586 with my points. This is publicly funded science. We can
2587 do -- we can take appropriate measures to protect
2588 individuals' health data, particularly, I think, it is
2589 supposed to be protected anyway under the HIPAA laws.

2590 But I think that is a real problem with some of the
2591 decisions the EPA makes, is that there are questions about
2592 the reliability of the science, whether it is real science or
2593 more politics. And I think that we need to do a much better
2594 job in terms of transparency.

2595 You also mentioned an increase in the budget. And one
2596 of the things -- I introduced legislation several years in a
2597 row that would reduce the amount of the EPA budget that is

2598 spent on its armed agents. There was a report that came out
2599 that talked about resources the EPA used to buy ammunition,
2600 though, 75mm to 125mm ammunition. Those are tank rounds,
2601 anti-tank rounds, which makes no sense.

2602 I asked what was the purpose of that, and I was told it
2603 was to protect the environment. And my immediate thought
2604 was, to protect it from who? I mean, are you expecting to be
2605 invaded by China so that they can come over and pollute? I
2606 mean, that makes no sense. And we've had multiple examples
2607 over the years of EPA agents showing up in full body armor
2608 with automatic weapons at private businesses, even, or a
2609 municipal water works.

2610 That makes no sense. So my contention is that the EPA
2611 wants to have the public trust. When you'd have transparency
2612 in science normally, to focus a little more on continuing to
2613 improve the quality of our air and water and the toxic
2614 releases and those type things, and not become a threat that
2615 people fear.

2616 And Madam Chair, I yield back.

2617 *Ms. DeGette. I thank the gentleman.

2618 The chair now recognizes Ms. Schrier for 5 minutes.

2619 *Ms. Schrier. Thank you, Madam Chair. And thank you to
2620 our excellent witnesses today. I am really enjoying this
2621 discussion.

2622 As mentioned, public health, including children's health

2623 and environmental protection, are at the core of EPA's
2624 mission. Now, I have been a vocal supporter and advocate for
2625 the Mercury and Air Toxic Standards. Finalized in 2012, EPA
2626 recognized the significant public health benefits of MATS,
2627 Mercury and Air Toxic Standards.

2628 And then the EPA estimated that MATS would yield up to
2629 \$90 billion in public health benefits each year. In fact, it
2630 has been shown to be lifesaving, preventing more than 11,000
2631 premature deaths every year and preventing 130,000 asthma
2632 attacks each year.

2633 Now, pregnant women and children are especially
2634 vulnerable to heavy metal exposure because of their profound
2635 impacts on central nervous system development. But during
2636 the last administration, we saw numerous attempts to attack
2637 and undermine MATS, this despite the power industry already
2638 having spent billions of dollars to comply and major power
2639 sector and labor groups requesting that the std should be
2640 left in place.

2641 So I am grateful that President Biden recognizes the
2642 importance of MATS, and his Executive Order from earlier this
2643 year will lead to an immediate review of the prior
2644 administration's actions regarding MATS because protecting
2645 developing brains should not be a partisan issue.

2646 Now, Administrator Browner, as you note in your
2647 testimony that the Trump administration did take a number of

2648 actions that weakened public health protections, including
2649 MATS, could you just briefly describe what happened to the
2650 Mercury and Air Toxic Standards during the last
2651 administration?

2652 *Ms. Browner. Well, I think you said it. They were
2653 weakened, and unnecessarily so, one, because they were based
2654 on good science, they were based on the law, they had been
2655 subject to public review, and industry had embraced them in
2656 many instances.

2657 So it sort of -- there were several of these rollbacks
2658 by the Trump administration that were just befuddling because
2659 you had industry support for them. You had industry saying,
2660 look, these regulations are giving us certainty and
2661 predictability, and we're making the investments to meet the
2662 standards. Why are you changing them on us? And we do need
2663 certainty and predictability in our regulatory [audio drop].

2664 *Ms. Schrier. Similar to what we saw in the automobile
2665 industry. Just really quickly, before I get into my next
2666 question, given where we are today, what steps can the EPA
2667 take to protect the vulnerable populations, including
2668 children?

2669 *Ms. Browner. From mercury?

2670 *Ms. Schrier. From mercury, lead, other pollution?

2671 *Ms. Browner. So they have the authority. They'll need
2672 to go through the notice and comment rulemaking, which is a

2673 transparent process. They'll have to dot all their I's and
2674 cross all their T's. It will take time, and that is
2675 unfortunate, that we have lost time. And mercury is a
2676 neurotoxin. I mean, this is simple. This is about our
2677 children's brains.

2678 *Ms. Schrier. That's right. And you are talking to a
2679 pediatrician. Okay. I have another question for you. I'm
2680 keeping you on the spot today, Administrator Browner. This
2681 is a question about a new issue that is really important in
2682 Washington State.

2683 Last year, scientists finally determined that the
2684 chemical 6PPD, which is added nearly universally to tires as
2685 a preservative, was the cause of these mass die-offs of
2686 salmon. What we found was that during big storms, runoff in
2687 urban areas would just decimate an entire coho population
2688 migrating through urban areas.

2689 And so my question is: What role do you see the EPA
2690 playing in addressing this issue? How would you work with
2691 public industry? What could we do, maybe, to develop safe
2692 alternatives? And how could we help?

2693 *Ms. Browner. So obviously, EPA may have some authority
2694 on safe alternatives. But more importantly, perhaps, in the
2695 near term is EPA, under the Clean Water Act, gives States
2696 money for stormwater, and so designing stormwater systems
2697 that can actually suck that pollutant out before that

2698 stormwater enters our rivers, lakes, or streams. There are
2699 many, many systems now, using natural vegetation, for
2700 example.

2701 And so I think I would want to look at both paths
2702 forward, which is: How do I clean up the stormwater so it
2703 doesn't affect my salmon? And then how do I look at the
2704 materials being used, and work in cooperation with the
2705 industry to see if you can't find a solution.

2706 *Ms. Schrier. I love your thinking. It is really,
2707 really hard because these could be teeny streams that just
2708 are -- they are everywhere. We have water everywhere in
2709 Washington State. So thank you for your attention to that.

2710 Last quick question: Could you just comment about the
2711 rise of pseudoscience? Because I have had conversations with
2712 some of my colleagues, and they say that they are founding
2713 their conversations in science. And I'm looking at EPA
2714 science. And then EPA was undermined by the last
2715 administration.

2716 So it's really hard to have a conversation based on
2717 facts when there seem to be two sets of facts. Could you
2718 just comment?

2719 *Ms. Browner. Well, science is a process. It's a
2720 really important process. It asks a question. It undertakes
2721 an investigation. It brings forward an answer. It peer
2722 reviews that answer. And so when we talk about good

2723 science, we should be mindful of a process that we are
2724 talking about. And what emerges from it, then, are facts,
2725 are scientific findings. What we do with those is a policy
2726 discussion.

2727 And we can have a debate about what you want to do about
2728 climate change. But the science is very, very clear. Right?
2729 And so rather than acting like kind of that the science isn't
2730 clear, when you have 2500 of the world's leading climate
2731 scientists all agreeing, and you have 20 years of evidence,
2732 let's talk about what we're going to do. And I for one think
2733 we should do a lot. Others may think less. But let's talk
2734 about how we do it in a fair and just manner. Science is a
2735 process, and that's what you want to protect, is the process.

2736 *Ms. Schrier. Thank you.

2737 *Ms. DeGette. The gentlelady's time is expired.

2738 Congresswoman Trahan, you are now recognized for 5
2739 minutes.

2740 *Mrs. Trahan. Thank you so much, Madam Chair. Before I
2741 get into some of the issues that are confronting my district
2742 in Massachusetts, I wanted to give Ms. Browner specifically
2743 just the time and the space to clarify.

2744 In his testimony and in responding to questions today,
2745 Dr. Deskins has discussed the importance of studying the
2746 economic impacts of proposed environmental regulations.
2747 Ms. Browner, as someone closely involved in developing

2748 environmental regulations at the EPA as administrator, can
2749 you please elaborate on how the EPA takes into account both
2750 the costs and the benefits of its actions?

2751 And I know this is a complicated topic that does not
2752 lend itself to being cut off. So please take your time so
2753 that we can --

2754 *Ms. Browner. Well, thank you. And EPA does a lot of
2755 cost-benefit analysis. They have done that under Democrats.
2756 They have done that under Republican leadership. They look
2757 at what will it cost industry to reduce its pollution? What
2758 are the benefits to society?

2759 When Congress passes a law and tells EPA to go protect
2760 the air that we breathe, sometimes it says, decide what
2761 standard to set based on a cost-benefit analysis. Sometimes
2762 it says, decide what standard to set based on public health
2763 protections. So Congress makes a decision and it directs EPA
2764 how to do its work.

2765 When I set the first-ever fine particle standard, we
2766 were using a provision in the law that says, protect the
2767 public's health. We did a cost-benefit analysis. We made
2768 that publicly available. We litigated that all the way to
2769 the Supreme Court, where they said, you're right,
2770 Administrator Browner. It's a public health decision. You
2771 did this, but it's a public health decision. So I think it's
2772 always important to go back to the science and the law.

2773 The second thing I just want to say about cost-benefit,
2774 we did a 20-year review when I was at EPA, looking at what
2775 were the actual costs -- what we projected to be the costs,
2776 what we projected to be the benefits when the regulation was
2777 proposed, and then what actually happened once the regulation
2778 was on the books and companies started to meet it. What did
2779 we find out?

2780 American innovation and ingenuity drove down the costs
2781 of compliance. There was a competitive market. There was a
2782 market opportunity. We created a better widget, a better
2783 scrubber. And the benefits went up. So the history is very,
2784 very compelling that the regulatory schemes -- yes, look at
2785 the costs and the benefits. But those are not going to be
2786 absolutely perfect.

2787 You have to go back and look at them a second time to
2788 really understand. And what we found under the Clean Air Act
2789 is that costs were less than originally anticipated and the
2790 benefits greater.

2791 *Mrs. Trahan. Terrific. Thank you so much. I know we
2792 all benefit from that knowledge.

2793 So one other thing that I -- your testimony speaks not
2794 only to the financial assistance that the EPA provides to
2795 State, local, and Tribal communities, but also the
2796 foundational technical support. In Massachusetts, our
2797 Department of Environmental Protection has begun regulating

2798 PFAS.

2799 The commonwealth had to take this step to protect public
2800 health because, frankly, the EPA has not really been as
2801 aggressive as it needed to be despite the fact that more and
2802 more of our communities, quite a few in my district, are
2803 discovering these chemicals in their water.

2804 Our towns are not equipped to handle all of these
2805 cleanups on their own, and our States should not be put in a
2806 position of doing the EPA's job. The EPA has the resources
2807 and the technical expertise and should take a greater
2808 leadership role.

2809 Administrator Browner, other than financial assistance,
2810 what are the ways that EPA supports State and local
2811 governments? And what does the EPA need to continue those
2812 vital efforts so that our decision-making is not being
2813 delayed?

2814 *Ms. Browner. So two things, I think, are important
2815 here. I come out of State government. I ran a large State
2816 agency because I got to EPA. So I understand sort of who can
2817 do what. EPA has the scientists, it has the capabilities, to
2818 sort of do the large-scale studies that then can tell you
2819 what are the actions that need to be taken. And so that's
2820 hugely important, and the States need to look to EPA for
2821 that.

2822 Having said that, however, if a State feels like it

2823 should set a tougher standard when it comes to their water
2824 bodies, the case you give, they should be allowed to do that.
2825 I do not believe that EPA standards should preempt individual
2826 States. So for example, in Florida, where I come from, the
2827 Florida Everglades is a very different ecosystem than the
2828 Chesapeake Bay, than perhaps the bays in Massachusetts.

2829 And so we want to preserve the ability for States to
2830 build on what EPA is doing, particularly when it comes to
2831 protecting our watersheds.

2832 *Mrs. Trahan. Sure. I think the issue that we have is
2833 that there's varying levels of what constitutes
2834 contamination. And so that just breeds a lack of confidence
2835 when you're going from State to State. So I appreciate all
2836 of that.

2837 Thank you so much. I yield back.

2838 *Ms. DeGette. Thank you. I thank the gentlelady.

2839 All of the members of the subcommittee have now
2840 questioned, and it is the practice of the committee to allow
2841 members who are not on the subcommittee but the full
2842 committee of Energy and Commerce to question. And we are
2843 delegate to have several of our members joining us.

2844 First of all, Congresswoman Castor. And so I would like
2845 to recognize you and welcome you for 5 minutes.

2846 *Ms. Castor. Well, thank you, Madam Chair. I really
2847 appreciate you letting me weigh along today because I really

2848 care about the EPA, and the witnesses have just been
2849 terrific. Thank you, each one of you, for underscoring how a
2850 strong and effective EPA is critical to avoiding the growing
2851 costs and impacts of the climate crisis, and to meeting our
2852 moral obligation that we have to our kids and future
2853 generations.

2854 Administrator Browner, it is great to see you. Thank
2855 you for your longtime service, and to the State of Florida.
2856 You highlight an urgent priority for the Biden-Harris
2857 administration in tackling climate; its escalating cost is
2858 something we don't talk about often enough; the growing
2859 impacts on the air that we breathe; and doing it within an
2860 eye towards environmental justice, those communities that
2861 often bear the burdens associated with exposure to multiple
2862 cumulative sources of pollution, as Dr. Ruiz brought up
2863 before.

2864 In our Climate Crisis Action Plan that House Democrats
2865 developed last year, we had a number of recommendations when
2866 it comes to EPA and environmental justice to consider
2867 cumulative impacts; to enforce -- to use the enforcement
2868 power and double the budget there; identify 100 communities
2869 of the most overburdened by industrial pollution, target for
2870 an enforcement surge; and prioritize environmental justice
2871 communities for new Federal investments; and then build the
2872 conspiracy of those groups across the country so they truly

2873 can weigh in when it comes to those investments and the
2874 cumulative impact.

2875 What do you -- what would you highlight to us on these
2876 kind of science-based strategies? Where should the EPA pick
2877 up on our recommendations, and where should Congress be
2878 placing its emphasis going forward?

2879 *Ms. Browner. Thank you, and thank you for your
2880 leadership on climate change. It has been wonderful to
2881 watch.

2882 Two things. You mentioned cumulative impact. This is
2883 very, very important, and it is tricky under the current law.
2884 And we heard from one of the other witnesses discussions
2885 about perhaps civil rights laws. But you have -- every
2886 facility in in an area might be meeting its permit
2887 conditions. But the people who live there are being exposed
2888 to six facilities, so that cumulative impact -- and so I
2889 think we need to look at what are the tools EPA will need to
2890 address cumulative impact? Are there tools on the books?
2891 But I think cumulative impact for these fenceline
2892 communities, for these environmental justice communities, I
2893 think are hugely important.

2894 The second thing I would say is they need a seat at the
2895 table. And this is really important. They need to be at the
2896 table. Look, I work in the environmental community. I chair
2897 an environmental board. We've got lots of national groups

2898 out there who are doing really important work. But we also
2899 need to hear from the people in Tampa, from the people in
2900 Saint Pete, from the people who are on those frontline
2901 communities.

2902 I did a deal when I was at EPA with Entel, and we
2903 brought in fenceline community. And that deal radically
2904 changed once we listened to the community. And it turned out
2905 to be good for the community and good for Entel. So there is
2906 a way to do this, but we need to give them a seat at the
2907 table.

2908 *Ms. Castor. And Ms. Keyes Fleming, you also have a
2909 great deal of experience. And thank you for your service,
2910 \$especially in the Southeast Region. What do you recommend
2911 here? You gave Dr. Ruiz a good example before. But how do
2912 we ensure that folks do truly have a seat at the table? And
2913 what do you think about the idea of really reaching out to
2914 the overburdened communities and starting there?

2915 *Ms. Keyes Fleming. I think that's our number one
2916 priority. And again, I'd recommend that we listen first.
2917 Obviously, EPA has a tremendous amount of science and
2918 technology it can rely upon. The temptation is to come up
2919 with ideas and suggestions. But that may be premature until
2920 you actually hear from the community and understand what
2921 their real concerns are, what they're looking for, and then
2922 with that knowledge use the technology to help identify

2923 solutions that will meet their needs.

2924 *Ms. Castor. And Governor Whitman, what can you point
2925 to? we think about how we empower these communities and ramp
2926 up EPA enforcement at the same time to make sure that we're
2927 truly getting at the impact, these multiplier impacts, of
2928 climate change?

2929 *Ms. Whitman. I'm sorry. Was that directed at me? I'm
2930 having a terrible time with transmission.

2931 *Ms. Castor. That's the next hearing we are going to
2932 have, is on -- we are going to --

2933 *Ms. Whitman. Yes. The transmission --

2934 *Ms. Castor. Part of the Select Committee's
2935 recommendations is better broadband across the country, too,
2936 so we can empower communities and farmers to do these kinds
2937 of things.

2938 So thank you very much, Madam Chair. I yield back.

2939 *Ms. DeGette. No, go ahead, Administrator Whitman. You
2940 can answer.

2941 Do you want to reask your question, Ms. Castor?

2942 *Ms. Castor. Yeah. Again, it was your perspective on
2943 reaching out to environmental justice communities, helping to
2944 ramp up EPA enforcement but making sure we are making the
2945 investments in communities that are on the front lines. What
2946 would you have the Congress prioritize?

2947 *Ms. Whitman. I think it's absolutely essential to work

2948 in as close conjunction with the affects communities as you
2949 possibly can, and particularly with the environmental justice
2950 communities because they have been, unfortunately, the
2951 subject of too much pollution. Ignorance, really. People
2952 have ignored them, ignored their place at the table.

2953 And so EPA really has a responsibility to take that upon
2954 themselves, to reach out and to ensure -- to work with the
2955 communities and see what it is they want, what they say their
2956 biggest issues are. It may be different than what EPA thinks
2957 it is. We had a facility down in Camden where you could not
2958 walk down the streets of that community without smelling the
2959 stink from the sewage plant. I mean, that was what their
2960 reality was, and that is what needed to be dealt with.

2961 It might have been different -- others may have said,
2962 well, really, it's overall air pollution. It was the smell.
2963 You'd start there and make their quality of life better. But
2964 you have to be talking to the people involved to do that, at
2965 all levels. It's not just with those communities. It's with
2966 all of them.

2967 *Ms. DeGette. I thank the gentlelady.

2968 *Ms. Castor. Thank you.

2969 *Ms. DeGette. And waiting patiently has been one of the
2970 newest members of our full committee and we are delighted to
2971 have her joining us today. Ms. Fletcher, you are recognized
2972 for 5 minutes.

2973 *Mrs. Fletcher. Thank you so much, Chairwoman DeGette,
2974 for holding this important hearing and for allowing me to
2975 waive on and participate today.

2976 In my home town of Houston and in the State of Texas, we
2977 are all too familiar with the challenges of extreme weather
2978 events brought on by climate change. And at this very
2979 moment, Texans are recovering from yet another extreme
2980 weather event, this time a winter storm brought by
2981 disruptions to the polar vortex that resulted in some of the
2982 coldest temperatures on record. That storm and the resulting
2983 loss of power and water devastated our State. Texans froze
2984 to death in their own beds just a few weeks ago.

2985 The scientists tell us that these extreme weather events
2986 will increase, and we must do everything possible to
2987 understand, prepare for, and respond to these extreme weather
2988 events. And it is with that in mind that I want to follow up
2989 on something that you said earlier, Ms. Keyes Fleming, in
2990 response to a request from Miss Rice, that we need to have
2991 sufficient staff around the country for enforcement in that
2992 context, presumably for other purposes.

2993 And as of now, EPA's Region 6 Houston Laboratory, which
2994 is an important and full-service analytical lab that serves
2995 Arizona, Louisiana, New Mexico, Oklahoma, and Texas, is
2996 slated to be relocated to Ada, Oklahoma. We have heard from
2997 employees that this lab -- at the lab that they are extremely

2998 concerned about the relocation. Many of them simply cannot
2999 uproot their families and make them move.

3000 I am concerned, and I think this touches on
3001 Ms. Schakowsky's question that this could further shrink the
3002 size of the EPA's workforce, undermine recruitment efforts,
3003 and undermine its mission. I am also concerned that we need
3004 a robust EPA lab presence that can address the most urgent
3005 environmental concerns, especially during these extreme
3006 weather events in places like Houston, which has a high
3007 concentration of chemical plants and refineries.

3008 Madam Chair, I would like to ask that two letters I sent
3009 during the last Congress questioning the relocation of this
3010 facility be entered into the record. One is dated July 12,
3011 2019 to former Acting Administrator Andrew Wheeler, and one
3012 is dated December 19, 2019 to Acting Inspector General
3013 Charles Sheehan.

3014 *Ms. DeGette. And all of the documents will be
3015 submitted at the end of the hearing.

3016 *Mrs. Fletcher. Thank you, Madam Chair.

3017 So Ms. Keyes Fleming, based on your experience leading
3018 EPA Region 4 and as EPA's chief of staff, can you explain how
3019 the agency's lab network and its dedicated public servants
3020 are central to the mission of EPA, and how the relocation of
3021 labs can lead to a shrinking of this dedicated workforce, and
3022 any other issues you see here?

3023 *Ms. Keyes Fleming. Sure. Certainly. Thank you for
3024 the question. And I think it raised something that we
3025 haven't yet discussed today, and that is EPA's ability to
3026 respond to disasters, whether it is the hurricanes, whether
3027 it is the wildfires. And I have it on good authority that
3028 with the situation in Texas, there were three mobile labs hat
3029 deployed to Texas, two from Atlanta, and one from Kentucky.
3030 So that gives you the sense of the regional footprint and how
3031 it's an all-hands-on-deck response.

3032 But in order to respond, you need those hands. And so
3033 EPA's lab system is headed, obviously, by the Office of
3034 Research and Development in headquarters. But there are
3035 10 different labs around the country. Each region has a
3036 science advisor or science liaison. The administrator has a
3037 science liaison.

3038 But the key, to your point, Congresswoman, is to make
3039 sure that all of that science, all of that technology, those
3040 analysts, are available in the communities that need them,
3041 whether it is disaster response, whether it is air pollution,
3042 whether it is environmental justice concerns. The network
3043 needs to be bolstered so that the people who need the help
3044 most have the fastest access to it.

3045 *Mrs. Fletcher. Thank you so much. So I take it you
3046 would agree with me that it is important to support and
3047 retain EPA's staff and build its scientific conspiracy rather

3048 than dismantle it with these kinds of actions?

3049 *Ms. Keyes Fleming. Absolutely. I was a public servant
3050 for 24 years before going into the private sector. It is an
3051 honorable profession, and I think we need to encourage more
3052 people to join it.

3053 *Mrs. Fletcher. Well, thank you so much for that. And
3054 thanks to all of you for your insights today. I have another
3055 question, but with limited time, I will just submit for the
3056 record. If anyone else wants to weigh in on this question of
3057 why it is so essential that we have a strong, effective,
3058 well-resourced, and well-located EPA to mitigate and adapt
3059 from these impacts of climate change, these extreme weather
3060 events and other things that we are seeing across the
3061 country.

3062 So thank you so much for your time today, and thank you,
3063 Madam Chair, for including me in this important hearing.

3064 *Ms. DeGette. Thank you so much, Congresswoman. And I
3065 want to add my thanks to every single one of our witnesses
3066 for their participation in today's hearing. We dodged the
3067 bullet. They did not call votes on the floor. So I thought
3068 it was a very robust and excellent conversation.

3069 I would like to remind members that pursuant to the
3070 committee rules, they have 10 business days to submit
3071 additional questions for the record to be answered by the
3072 witnesses. And I would ask the witnesses to agree to respond

3073 promptly to such questions, if you receive any.

3074 We have had some documents that have been requested by
3075 unanimous consent, and they will be inserted. Let me list
3076 them.

3077 A letter from six former EPA administrators dated
3078 August 12, 2020 from me.

3079 A letter from Representative Fletcher to EPA's Acting
3080 Inspector General dated December 19, 2019.

3081 A letter from Representative Green and others to EPA's
3082 Acting Administrator dated July 12, 2019, submitted by --
3083 both of those submitted by Ms. Fletcher.

3084 An op-ed from the Wall Street Journal dated January 3,
3085 2021 by Mr. Joyce.

3086 A fact sheet from the EPA on "Key Accomplishments Under
3087 Administrator Wheeler," from Mr. McKinley.

3088 A report from the EPA reviewing the agency's decisions
3089 or actions in 2020 from Mr. McKinley.

3090 And an Article from the Washington Post on fentanyl
3091 dated March 13, 2019 by Mr. Burgess.

3092 Without objection, so ordered.

3093 [The documents listed above follow:]

3094

3095 *****COMMITTEE INSERT*****

3096

3097 *Ms. DeGette. With that, thanks again to everybody, and
3098 the subcommittee is adjourned.

3099 [Whereupon, at 1:15 p.m., the subcommittee was
3100 adjourned.]