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6 FISCAL YEAR 2022 EPA BUDGET

7 THURSDAY, APRIL 29, 2021

8 House of Representatives,

9 Subcommittee on Environment and Climate Change,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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15 The subcommittee met, pursuant to call, at 11:05 a.m.
16 via Webex, Hon. Paul Tonko [chairman of the subcommittee],
17 presiding.

18 Present: Representatives Tonko, DeGette, Schakowsky,
19 Sarbanes, Clarke, Ruiz, Peters, Dingell, Barragan, McEachin,
20 Blunt Rochester, Soto, O'Halleran, Pallone (ex-officio);
21 McKinley, Johnson, Mullin, Hudson, Carter, Duncan, Curtis,
22 Crenshaw, and Rodgers (ex-officio).

23 Also present: Representatives Castor; and Burgess.

24

25 Staff Present: Jeff Carroll, Staff Director; Jacqueline
26 Cohen, Chief Environment Counsel; Adam Fischer, Professional
27 Staff Member; Waverly Gordon, General Counsel; Tiffany
28 Guarascio, Deputy Staff Director; Anthony Gutierrez,
29 Professional Staff Member; Caitlin Haberman, Professional
30 Staff Member; Perry Hamilton, Deputy Chief Clerk; Zach Kahan,
31 Deputy Director Outreach and Member Service; Rick Kessler,
32 Senior Advisor and Staff Director, Energy and Environment;
33 Mackenzie Kuhl, Press Assistant; Brendan Larkin, Policy
34 Coordinator; Dustin Maghamfar, Air and Climate Counsel; Elysa
35 Montfort, Press Secretary; Kaitlyn Peel, Digital Director;
36 Tim Robinson, Chief Counsel; Chloe Rodriguez, Deputy Chief
37 Clerk; Nikki Roy, Policy Coordinator; Andrew Souvall,
38 Director of Communications, Outreach, and Member Services;
39 Rebecca Tomilchik, Policy Analyst; Caroline Wood, Staff
40 Assistant; Sarah Burke, Minority Deputy Staff Director;
41 Michael Cameron, Minority Policy Analyst, CPC, Energy,
42 Environment; Nate Hodson, Minority Staff Director; Peter
43 Kielty, Minority General Counsel; Bijan Koohmaraie, Minority
44 Chief Counsel; Mary Martin, Minority Chief Counsel, Energy &
45 Environment; and Michael Taggart, Minority Policy Director.

46

47 *Mr. Tonko. Good morning. The Subcommittee on
48 Environment and Climate Change will now come to order.

49 Today the subcommittee is holding a hearing entitled,
50 "The Fiscal Year 2022 EPA Budget."

51 Due to the COVID-19 public health emergency, today's
52 hearing is being held remotely. All members and witnesses
53 will be participating via video conferencing.

54 As part of our hearing, microphones will be set on mute
55 for purposes of eliminating inadvertent background noise.
56 Members and witnesses, you will need to unmute your
57 microphone each time you wish to speak.

58 Documents for the record can be sent to Rebecca
59 Tomilchik at the email address we have provided to staff.
60 All documents will be entered into the record at the
61 conclusion of the hearing.

62 I now recognize myself for five minutes for an opening
63 statement.

64 Today we have the pleasure of welcoming the recently-
65 confirmed sixteenth administrator of the U.S. Environmental
66 Protection Agency, Michael S. Regan. And we welcome him to
67 the Energy and Commerce Committee's hearing here, and the
68 subcommittee hearing.

69 And, Mr. Administrator, congratulations on your
70 confirmation, and welcome to the Subcommittee on Environment
71 and Climate Change. We look forward to your testimony and

72 discussion of our President's Fiscal Year 2022 budget
73 request, and other EPA priorities.

74 While you have only recently joined the Agency, I know
75 you are fully aware of the critical role that EPA must play
76 in leading our nation's response to some of the biggest
77 public health, environmental, and economic challenges we now
78 face. None of these challenges will be easy, but I am
79 hopeful that we are entering a new era at EPA, and this reset
80 could not come at a more urgent moment for America or the
81 world.

82 The President's Fiscal Year 2022 discretionary funding
83 request requests \$11.2 billion for the Agency, a \$2 billion
84 increase from last year's enacted levels. The President's
85 requests highlights several priorities, including \$1.8
86 billion for programs to tackle the climate crisis in ways
87 that also promote and restore environmental justice; \$3.6
88 billion for our nation's long-neglected water systems, many
89 of which are contaminated with PFAS, lead, and other
90 dangerous substances; robust funding for Superfund and
91 brownfield remediation projects; and increased air quality
92 monitoring and enforcement in over-burdened communities.

93 As we work to recover from the COVID public health
94 crisis, we must not take our eye off the many environmental
95 threats facing countless American communities. EPA must act
96 boldly to advance robust policies on climate change, on clean

97 water, chemical safety, and on land remediation. This agenda
98 will certainly require increased staffing to meet the
99 nation's needs, a challenge compounded by the loss of nearly
100 1,000 EPA employees over the past 4 years.

101 Today the Agency's workforce is at its lowest level
102 since 1988, even as we are expecting EPA to play such a
103 critical role in addressing numerous complicated public
104 health and environmental challenges. There is a clear need
105 to rebuild the Agency's staff capacity, and to attract new,
106 talented people to public service, both to get the job done
107 today, and to allow for an effective transfer of
108 institutional knowledge to a new generation of public
109 servants from the current, long-term EPA workers who are
110 nearing retirement.

111 I was happy to see funding in the budget for this
112 purpose; a fully-staffed EPA workforce is essential to
113 protecting human health and the environment, enforcing our
114 environmental laws, and, indeed, tackling climate change.

115 I have also been impressed to see the Biden
116 Administration's recommitment to strong scientific integrity
117 principles. Our public health and environmental protections
118 must be grounded in robust science, ensuring that EPA career
119 staffers can conduct their work and develop roles based on
120 sound science, free from interference from political and
121 special interests, is a cornerstone for good, trustworthy

122 governance at the Agency.

123 This should be the case, regardless of which party sits
124 in the White House, and I look forward to working with the
125 Administration to strengthen and codify all agencies'
126 scientific integrity policies.

127 Finally, in addition to this EPA budget request,
128 President Biden has proposed the American Jobs Plan. This
129 subcommittee has the opportunity and the responsibility to
130 take and make tremendous contributions to the American Jobs
131 Plan, or any other infrastructure package being considered in
132 Congress. The AJP includes funding for the Drinking Water
133 State Revolving Fund, full lead service line replacements,
134 remediation of brownfields and Superfund sites, and reduction
135 of diesel emissions from the DERA, and deployment of zero-
136 emission school buses. These programs have enjoyed strong
137 bipartisan support in the past, and significant investments
138 in these areas will, indeed, benefit people and communities
139 in every district across our country.

140 I am looking forward to pursuing this agenda to protect
141 public health and the environment, while modernizing our
142 nation's infrastructure, and jump-starting our post-COVID
143 economic recovery.

144 Again, Mr. Regan, I thank you again for joining us.
145 Congratulations, again, on the appointment. And I look
146 forward to today's discussion.

147 [The prepared statement of Mr. Tonko follows:]

148

149 *****COMMITTEE INSERT*****

150

151 *Mr. Tonko. I will now recognize Mr. McKinley,
152 Representative McKinley, serving as the ranking member of the
153 Subcommittee on Environment and Climate Change.

154 And Representative McKinley, you are recognized for five
155 minutes, please, for an opening statement.

156 *Mr. McKinley. Thank you, Chairman Tonko, and welcome,
157 Administrator Regan, I particularly appreciated our
158 conversation yesterday.

159 But I think one thing we can all agree to is that the
160 world needs to reduce its carbon emissions. And I think we
161 are on the same page here.

162 And what -- the President has repeatedly pledged
163 publicly to decarbonize the power sector by 2035. And some
164 in Congress are trying to upgrade -- move that up to 2030.
165 But I want, in this hearing today, with -- over this budget,
166 is to look at what we will need, and what will have to happen
167 for a power plant to meet that goal.

168 First, we have to have -- carbon capture technology must
169 become commercially viable.

170 Secondly, we have to have a new source review program
171 that must be reviewed.

172 And thirdly, the United States needs to develop a
173 pipeline system to dispose of this captured carbon.

174 Utility companies have found that it takes seven to
175 eight years to get a new source review permit and do all the

176 engineering and designing permitting to install carbon
177 capture to achieve net zero. So if utilities must comply
178 with the Democrats' goal of 2030, they are going to have to
179 start immediately, using today's technology. But it is
180 widely recognized that today's carbon capture technology is
181 not ready for prime time. It is incapable of capturing 80
182 percent of our fossil fuel, or our carbon emissions.

183 So -- but let's just assume that the technology works in
184 the next 12 months, and we can, indeed, capture 80 percent of
185 the carbon emitted. Utilities will next need to have a new
186 source review permit approved to upgrade their facilities.
187 Yet the new source review program lacks certainty and
188 predictability.

189 When -- just think about it. When was the last time any
190 of us in Congress heard of a utility getting a new source
191 review permit to make a major modification? They are not.
192 It is not a reliable process.

193 According to the GAO, all -- recent -- the EPA recently
194 reviewed 831 NSR units that have been approved by the NSR;
195 467 of them were found to be in violation. And they had --
196 the utility had to go back and redo everything that they had
197 just gotten permission to accomplish. That is not certainty,
198 that is insanity. And it can cost hundreds of millions of
199 dollars to utilities and the consumers, as a result of the
200 EPA not following its regulations.

201 So what our utilities need is certainty. That is why
202 the new source review needs to be reformed. But there is
203 nothing in the President's agenda or in this budget that I
204 can see discussing reforms to this program. Rather, it seems
205 the Administration is following the same philosophical agenda
206 as President Biden's, which is focusing on regulations.

207 What a novel thing, Chairman, if we focused instead on
208 innovating first, letting our laboratories, our scientists,
209 and our researchers come up with a way of carbon capture,
210 rather than punishing them. We could be showing American
211 leadership.

212 Now, let's assume that they can get the carbon
213 technology, and there is -- and they actually get a permit
214 for it. So now you need -- the power plant needs to develop
215 a pipeline system to transport the captured carbon. The
216 Democrats don't have -- they have, unfortunately, an adverse
217 position towards pipelines. So just look at what has
218 happened over the Keystone pipeline, the Dakota access
219 pipeline, the Atlantic Coast pipeline, and the Mountain
220 Valley pipeline, the Line 5 in Michigan. All of these are
221 showing a problem.

222 So why do we think, as we develop this, that the
223 environmentalists are going to let us -- let states and the
224 Administration approve more pipelines? I don't think they
225 are going to be built. And those pipelines, if they get held

226 up in court, won't be built by 2030. We will have
227 accomplished nothing.

228 So all these things need to come together. We have to
229 develop carbon capture. We have to have reforms of new
230 source review, and we have to build out a system of carbon --
231 pipelines to get the project going. But in the quiet of the
232 night, the EPA and the Administration know this can't be
233 achieved. You know that, and the rest of the people on this
234 panel. So why isn't the Administration just simply being
235 honest with the American public?

236 There is -- this is nothing but a politically-driven
237 agenda aimed at ending jobs and the use of coal and natural
238 gas in this country. Coal miners and gas workers all across
239 America will suffer, losing their homes, jobs, and
240 livelihoods, and they will fall into poverty.

241 I say again, "Where is the justice in that process?"

242 [The prepared statement of Mr. McKinley follows:]

243

244 *****COMMITTEE INSERT*****

245

246 *Mr. McKinley. So I yield back, Mr. Chairman.

247 *Mr. Tonko. The gentleman yields back, and the chair
248 now recognizes the chair of the full committee,
249 Representative Chairman Pallone.

250 You recognized, Chairman, for five minutes for your
251 opening statement, and thank you for joining us.

252 *The Chairman. Thank you, Chairman Tonko. And it
253 really is a pleasure to welcome the EPA administrator,
254 Michael Regan, to this committee for his first appearance,
255 and I hope there will be many more. I want to thank the
256 administrator and the leadership of President Biden, that now
257 we can actually look at this year's EPA budget with optimism
258 about what can be achieved.

259 The EPA is back to work protecting the planet, and
260 public health and, in my opinion, not a moment too soon. The
261 country is facing multiple overlapping crises, and the EPA
262 will play a critical role in solving them. We must
263 collectively address the climate crisis, the COVID-19
264 pandemic, racial inequality, and the severe economic damage
265 resulting from the pandemic. And these challenges are
266 substantial.

267 But fortunately, the Biden Administration has hit the
268 ground running, really, on day one. President Biden's
269 American Rescue Plan is already making a difference by
270 crushing the virus and providing critical relief to

271 struggling Americans. His American Jobs Plan, which he
272 aligns with this committee's Lift America Act, will help us
273 build back better, so we can create millions of new jobs,
274 combat the climate crisis by setting the course for a clean
275 future, and ensure no community is left behind. And that was
276 certainly an important part of his speech last night. I
277 thought it was a great speech.

278 And then, last week, the President submitted, in this
279 Global Earth Day -- two days -- a strong, national commitment
280 for the Paris Agreement that aligns with the national goal,
281 including -- and that is included in our Clean Future Act.
282 You know, as you know, the Clean Future Act, Administrator,
283 was introduced by myself, Chairs Tonko and Rush, and many of
284 the -- of my colleagues on the committee. And, like the
285 President, we believe the goal of reducing emissions by at
286 least 50 percent by 2030 is necessary and achievable. This
287 year's EPA budget and the American Jobs Plan will help us get
288 there.

289 And I also saw, I think -- I thought I saw Kathy Castor,
290 as well, who has been working with us on the Clean Future
291 Act.

292 The budget includes 1.8 billion for EPA programs to
293 fight climate change, to funding for research, grants to
294 state programs, and support of Agency activities. The
295 investments in the American Jobs Plan go even further, with

296 100 billion for power infrastructure and significant
297 investments in reducing emissions from schools, vehicles, and
298 federal buildings.

299 The budget also increases funding for Superfund and
300 brownfield cleanups. And again, the American Jobs Plan goes
301 even further, calling for reinstatement of the Superfund tax,
302 and investing \$5 billion in cleanups. And, you know, I
303 really want to stress, Administrator, the importance of
304 bringing back the Superfund. We know that investing in
305 Superfund cleanups creates jobs, mitigates threats to human
306 health, and directly benefits the communities around
307 contaminated sites, which are often low-income communities
308 and communities of color.

309 And both the budget and the American Jobs Plan call for
310 big investments in drinking water infrastructure, including
311 the replacement of lead pipes, which is critical to
312 addressing public health threats. Again, the President
313 stressed the lead pipes initiative last night. This funding
314 will be critical to drinking water infrastructure systems
315 serving disadvantaged communities, in particular.

316 I think we are at a crucial time for environmental
317 protection. The impacts of climate change are already here,
318 affecting communities across the nation and the world. PFAS
319 and other emerging contaminants are showing up in our
320 drinking water, air, and soil. I saw Congresswoman Dingell.

321 She has been a leader on PFAS. And our water infrastructure
322 is crumbling, and too many communities are struggling with
323 lead contamination.

324 Unfortunately, over the course of the last
325 Administration, we saw decades of work by EPA's dedicated
326 career staff disregarded or overturned in critical areas of
327 environmental and public health protection. We saw science
328 marginalized under the Trump Administration. We saw special
329 interests favored over the public interest, and we saw
330 secrecy at the highest level.

331 Administrator Regan, it falls to you to right this ship
332 and restore the EPA to the highest standards of scientific
333 integrity. We often say that a budget demonstrates the
334 values and the priorities of the administration, and it is a
335 really --

336 [Audio malfunction.]

337 *The Chairman. -- equity and environmental stewardship.
338 And the American Jobs Plan and our new national commitment
339 under the Paris Agreement make these priorities even clearer.

340 So I just wanted to say, at last year's budget hearing
341 during the last year of the Trump Administration, I said
342 there was a better path forward to combating climate change
343 and protecting public health. And I am happy to say that we
344 are now on that path. We, in Congress and on this committee,
345 are ready to work with you to restore EPA, protect the public

346 health and climate change.

347 And let me also say a word about our chairman as I yield
348 back. I know, Paul, you have been out front on all these
349 things, and I thank you so much. This would be a -- this is
350 a very important hearing. Thank you.

351 [The prepared statement of The Chairman follows:]

352

353 *****COMMITTEE INSERT*****

354

355 *Mr. Tonko. Thank you, Chairman. The gentleman yields
356 back, and the chair now recognizes Mrs. Rodgers, the ranking
357 member of the full committee, for five minutes for her
358 opening statement.

359 Representative Rodgers, please?

360 *Mrs. Rodgers. Thank you, good morning. Good morning,
361 everyone. Good morning, Administrator Regan. Just let me
362 first congratulate and personally welcome you to the Energy
363 and Commerce Committee.

364 Our committee has legislative responsibilities for and
365 regulatory oversight over the vast majority of your statutory
366 authority, and we look forward to working with you. We take
367 our responsibilities very seriously. You know, I think we
368 can be proud that America has led the world in innovation and
369 technology, lifting people out of poverty, raising the
370 standard of living more than any other country in the world,
371 while also leading the world in reducing global carbon
372 emissions -- more than the next 12 countries, combined. We
373 hope that you are committed to implementing the law, as
374 written by the elected representatives of the people, and not
375 creating your own rulebook.

376 And based upon the kind words that I have heard from
377 your home state colleagues, as well as your reputation, I do
378 expect that today will be a thoughtful, ongoing dialogue that
379 we begin with you.

380 We are eager to learn more about the Biden-Harris
381 Administration's proposed EPA budget. It does represent a
382 21.4 percent increase over EPA's current funding levels. And
383 if Congress gives EPA all of the proposed budget, it will be
384 the most money ever appropriated to EPA, by over a billion
385 dollars. And there is really not a lot of details yet, less
386 than two pages, with very limited information. Money is one
387 view of an administration's vision for EPA, but I also think
388 it is important, as those of us who exercise the power of the
389 purse under article 1, that we know what we are buying, and
390 that we don't just base success upon how big that check is.

391 I want to reflect, just for a moment, on the time before
392 the pandemic, just over a year ago, when our economy was
393 booming, we had the hottest job market in half a century,
394 over -- after a decade of people asking, "Where are the
395 jobs?" Wages were rising, more jobs were available than
396 people looking for work. And it was because we had lifted
397 the regulatory burden, reversing the top-down decisions that
398 often comes through federal agencies, and decisions that had
399 been made at EPA that was hurting our economy, hurting our
400 farmers, hurting our ranchers.

401 So when it comes to EPA's budget and the agency's
402 reflection of priorities, we want to understand if
403 innovation, the private-sector foundation of jobs, and the
404 engine of so much success in our country is being sidelined.

405 Regulations and political forces should not be molding the
406 economy and making EPA the arbiter of all acceptable economic
407 growth.

408 We want to work with you to grow the American economy
409 and clean up the environment where it is unsafe. But we also
410 want to understand if this budget will hold back the
411 potential for our economy to boom again in the long term,
412 especially for our fossil fuel communities.

413 We want to know that science, reliable, high-quality,
414 objective science, is being used to inform decision-making,
415 that EPA won't hide from public scrutiny of this science, and
416 that EPA will not intentionally mischaracterize science to
417 politicize actual policy judgments.

418 We want to know if this budget will encourage
419 cooperative federalism as a viable partnership between the
420 federal government and your former colleagues in the states,
421 or if the states are merely seen as underfunded servants of
422 federal centralized planning.

423 We want to know whether this budget envisions EPA
424 following the law, or infusing its own intent into it,
425 whether EPA is focusing its resources on improving
426 environmental and public health outcomes through compliance,
427 or if the agency will use its enforcement policy to punish
428 violators and harass politically-disfavored entities.

429 We want to know if this budget will build on the

430 undisputed environmental successes of the last
431 administration, the most Superfund cleanups in two decades,
432 reduced air pollution with economic growth, and increased
433 inspection and permitting efficiencies. Or does this budget
434 end these results for partisan reasons, dropping agency
435 accountability and responsibility to Americans and the law?

436 We want to know if grave lessons have been learned from
437 past EPA politicians who focused their attention on a few
438 major priorities, allowing the mundane areas to explode, and
439 the horrors in Flint and East Chicago.

440 Finally -- care about the practicalities, including
441 affordability of its actions on futures of people in rural
442 areas and struggling businesses.

443 Mr. Administrator, these are serious questions. We want
444 to work with you for positive gains for our communities we
445 represent, and allow the private-sector expansion in
446 environmental protection. We may not always agree, but we
447 certainly want to focus on these shared goals, and I welcome
448 you being with us. I look forward to your testimony. Thank
449 you very much.

450 [The prepared statement of Mrs. Rodgers follows:]

451

452 *****COMMITTEE INSERT*****

453

454 *Mr. Tonko. The gentleman -- the chair would like to
455 remind members that, pursuant to committee rules, all
456 members' written opening statements shall be made part of the
457 record.

458 I now will introduce the witness for today's hearing.
459 Again, we welcome the Honorable Michael S. Regan,
460 administrator of the United States Environmental Protection
461 Agency. He, before this, served as secretary of North
462 Carolina's Department of Environmental Quality.

463 The distinction here for Administrator Regan is that he
464 becomes the first African-American male to lead the great
465 Agency, and is the first to graduate from a historic Black
466 college. He has his bachelor's degree from North Carolina
467 A&T, and a master's degree in public policy from George
468 Washington University. He has also worked at the
469 Environmental Defense Fund and at EPA.

470 And with that, we welcome him, and wish him well in his
471 new role.

472 And it is very kind of you, sir, to share your thoughts
473 and your time with us today. And so we will recognize you
474 for five minutes, please, for an opening statement.

475

476 STATEMENT OF HON. MICHAEL S. REGAN, ADMINISTRATOR, U.S.
477 ENVIRONMENTAL PROTECTION AGENCY

478

479 *Mr. Regan. Well, thank you, Chairman Tonko, Ranking
480 Member McKinley, Chair and Ranking Member of the full
481 committee, and members of the subcommittee. I am grateful
482 for the opportunity to appear before you today to discuss the
483 U.S. EPA's discretionary funding request for Fiscal Year
484 2022.

485 For half a century, EPA has helped provide the American
486 people with clean air to breathe, clean water to drink, and
487 safe and healthy land.

488 Earlier this month, as it has been mentioned, President
489 Biden sent a discretionary -- President Biden sent Congress a
490 discretionary funding request for EPA at \$11.2 billion. We
491 believe this request will help ensure EPA can continue to
492 meet its essential mandate, set the stage for our nation's
493 economic recovery, and provide the resources necessary to
494 confront our environmental challenges, especially in our most
495 overburdened communities.

496 The President has seized this moment to re-imagine a new
497 American economy that leads the world in advancing clean
498 energy, modernizes our infrastructure, while enabling it to
499 withstand impacts from climate change, and right the historic
500 wrongs of past environmental justice that have held back

501 generations of Black, Latinx, indigenous, and low-income
502 communities.

503 This funding request reflects the understanding that a
504 healthy environment and a healthy economy are not mutually
505 exclusive. They actually go hand in hand. These investments
506 will provide tremendous opportunity to leverage American
507 innovation, put people back to work, protect our communities,
508 families, and children from environmental hazard and harm.
509 In short, the request recognizes the profound urgency and
510 existential threat of climate -- of the climate crisis, and
511 provides EPA with the resources essential to fulfill our
512 mission to protect human health, the environment, and the
513 economy.

514 Ensuring access to clean and safe water for all
515 Americans impacts our nation's climate resilience, and is
516 integral to advancing environmental justice. At EPA we have
517 seen the -- that investing in water infrastructure is a win-
518 win for public health and economic development. EPA's Water
519 Infrastructure, Finance, and Innovation Act loan has helped
520 finance \$19.4 billion in water infrastructure, and helped to
521 create 47,000 jobs, nationwide.

522 The Fiscal Year 2022 funding requests of \$3.6 billion
523 for EPA rebuilds our water infrastructure. It is an increase
524 of more than 600 million over Fiscal Year 2021, because the
525 resources are needed. This includes targeted increases to

526 the State Revolving Loan funds to assist states, tribes, and
527 territories with infrastructure projects that help provide
528 safe drinking water and clean water in communities all across
529 the country.

530 Water infrastructure investments, however, only
531 represent one side of ensuring safe and clean water. The
532 agency will invest resources and expand efforts to address
533 the pervasive and persistent chemicals known as PFAS in our
534 drinking water. As part of the President's commitment to
535 tackle PFAS, the funding request provides approximately \$75
536 million to accelerate toxicity studies and fund research to
537 inform the regulatory developments of designing PFAS --
538 designating PFAS as a hazardous substance, while setting
539 enforceable limits for PFAS under the Safe Drinking Water
540 Act.

541 Under the President's leadership, we are heeding the
542 call of the youth, as well, who are courageously urging world
543 leaders to fight the climate crisis with innovation,
544 fortitude, and resolve. The budget invests in programs that
545 will help reduce greenhouse gas emissions, including \$100
546 million for air quality grants to states and tribes to tackle
547 emissions on the state and local level.

548 Much like climate change, environmental justice
549 underpins all of our work, as well. The pandemic ignited a
550 perfect storm for communities of color and low-income

551 communities who already bear the burden, the highest burdens
552 of pollution, suffer higher rates of mortality from heart and
553 lung disease, and now COVID-19, too. The budget invests \$936
554 million towards new accelerating economic justice initiatives
555 that will help create jobs, clean up pollution, and implement
556 the Justice 40 initiative to advance racial equality.

557 America's most contaminated land reduce emissions of
558 toxic substances and greenhouse gas -- greenhouse gases from
559 existing and abandoned infrastructure also relies on
560 improvements to CERCLA (sic).

561 So, Chairman, what I would like to say, and members of
562 the subcommittee, the Fiscal Year 2022 budget will help
563 ensure EPA can meet the interconnected health and
564 environmental crisis we face, lift up communities who have
565 long been left behind, and put the nation on a prosperous
566 economic path of recovery. This funding request lays down a
567 marker that EPA is ready to meet these challenges.

568 So thank you for the opportunity to testify today in a
569 transparent and honest manner. And I look forward to
570 continuing our partnership, as well as welcome any questions
571 that you might have. Thank you so much.

572 [The prepared statement of Mr. Regan follows:]

573

574 *****COMMITTEE INSERT*****

575

576 *Mr. Tonko. You are most welcome, and thank you for
577 your appearance before the subcommittee today.

578 We will now move to member questions, and I will start
579 by recognizing myself for five minutes.

580 So, Administrator Regan, we thank you for your testimony
581 and for your desire to serve. Are you familiar with the
582 Agency's Scientific Integrity Policy?

583 *Mr. Regan. I am.

584 *Mr. Tonko. And will you ensure that the office
585 responsible for administering this policy has the resources
586 necessary to effectively address scientific integrity
587 complaints when they arise?

588 *Mr. Regan. Absolutely.

589 *Mr. Tonko. Thank you. I look forward to working with
590 you to ensure EPA's technical career staff are able to
591 conduct their work free from the interference of political
592 and special interests. I think it is key to the functioning
593 of the Agency.

594 Last week President Biden announced our next nationally-
595 determined contribution, or the NDC, under the Paris
596 Agreement. The United States is setting an economy-wide
597 target of reducing its net greenhouse gas emissions by 50 to
598 52 percent below 2005 levels in 2030. President Biden has
599 been clear that this target will necessitate a whole-of-
600 government approach on climate action at the federal level.

601 However, we know that EPA, as our nation's expert agency for
602 air pollution, will be critical.

603 So, Administrator, what do you see as the EPA's role in
604 ensuring our country achieves that NDC that has been set out
605 by President Biden?

606 *Mr. Regan. Well, thank you for the question. And
607 there is no doubt that the President has an aggressive
608 posture to mitigate climate, the climate crisis, and EPA
609 plays a central role. We are not the only actor. Wisely so,
610 the President has designated this a government-wide activity.
611 But we do play an important role, and Congress has delegated
612 certain statutory authorities to the Agency to focus on air
613 quality and water quality issues that are relevant to climate
614 change.

615 So we will be focusing on transportation sources,
616 stationary sources, methane, and other categories that fall
617 within our purview that are important to meet our climate
618 goals.

619 *Mr. Tonko. And what could achieving this greenhouse
620 gas emissions goal mean for reducing traditional air and
621 water pollution?

622 *Mr. Regan. There are significant benefits to both air
623 quality, natural resources, and the health of our citizens,
624 so we will see lots of improvement in traditional pollutants,
625 as well, that really do hamper our ability to lead -- to live

626 the healthiest of lives.

627 There are co-benefits, for sure, not only on the health
628 side, but there are lots of economic development and economic
629 opportunities and job creation opportunities, as well. So we
630 see this as a significant opportunity.

631 *Mr. Tonko. Well, to meet this goal, obviously, it is
632 going to take a lot of focus. So what existing programs,
633 authorities, and tools might EPA be looking to utilize,
634 especially considering that we will need reductions from the
635 power sector, transportation, and every other sector of the
636 economy?

637 *Mr. Regan. We are going to do this using the
638 traditional statutory authority that we have, and we are
639 going to go through very transparent rulemaking processes
640 that will engage all of our stakeholders: the regulated
641 community, environmental interests, you know, our Chambers of
642 Commerce, our private sector.

643 And we will focus on looking at tailpipe emissions, and
644 the goals that we have set out there. The President has
645 indicated or requested that the Agency have a proposal due in
646 July for vehicles that run up to the years 2026. We will do
647 that in a very transparent manner.

648 We will also look at methane reductions. We will be
649 looking at a proposal for that this upcoming September.

650 And we will be looking at replacing the Clean Power

651 Plan.

652 All of these will be done in a very transparent and open
653 way, and I pledge that we will convene all of the
654 stakeholders involved, and take input, and have robust
655 discussions on these topics.

656 *Mr. Tonko. Thank you, I appreciate that. And given
657 the urgency of the issue, it is critical we use those
658 existing authorities to the fullest to complement the
659 investments in the American Jobs Plan and the Fiscal Year
660 2022 budget.

661 Many Members of Congress are interested in supporting
662 the Agency's efforts. How can Congress help?

663 And what new resources or authorities are necessary to
664 ensure this target is achieved?

665 *Mr. Regan. Well, we are very well aware that, number
666 one, we cannot regulate our way out of the situation we find
667 ourselves in.

668 And number two, we view Congress, we view the states, we
669 view all of our stakeholders as significant partners as we
670 navigate these waters. We are going to take a look at what
671 we need. But we also want to provide technical expertise to
672 Congress, as you all contemplate new pieces of legislation
673 that might provide complements to the regulatory or statutory
674 authority that has been delegated to our Agency.

675 *Mr. Tonko. Well, thank you, Mr. Administrator. I look

676 forward to working with you on this year's budget and
677 enactment of the American Jobs Plan, so that we can improve
678 public health and protect our environment, while modernizing
679 a great agenda, modernizing the infrastructure desperately
680 needed across our country.

681 Again, I thank you, and I will now recognize
682 Representative McKinley, who is our subcommittee ranking
683 member, as you know. He will be recognized now for five
684 minutes for questioning.

685 *Mr. McKinley. Thank you again, Mr. Chairman.

686 And thank you again, Administrator Regan, not only for
687 appearing before us, but also our conversation yesterday to
688 get to know each other, because we are going to be working
689 well, hopefully, together over the years.

690 But I want to go back to one issue here, and that is the
691 three-legged stool. We talked about that, the carbon
692 capture, new source review, and having a piping system to be
693 able to do this. Then we can achieve this net zero by some
694 time, not politically driven by 2035, but we are moving in
695 that direction. I think the Chairman -- Cathy McMorris
696 Rodgers, mentioned that, too.

697 So let's just focus on this for a minute. If by 2035,
698 do you think -- DoE is already -- I have meetings with them
699 -- DoE says they don't think we are going to have carbon
700 capture technology developed to be zero by 2035. Do you

701 think we will have carbon capture technology by 2035?

702 *Mr. Regan. Well, based on the conversations that I
703 have had with the electric industry, power plant owners and
704 the like, carbon capture isn't the only tool in the toolbox
705 that they plan to look at and deploy.

706 And so, number one, I think we want to continue to
707 invest heavily in all of the efficiencies and technologies
708 available to meet these goals. And I look forward to having
709 a robust conversation with you, with the power plant sector,
710 and others to achieve these goals.

711 *Mr. McKinley. If I could reclaim my time, I want to --
712 so I hear -- but what about 2030? Because I know Chairman
713 Pallone is earnestly moving in that direction to go to 2030.
714 Is that possible, that we could get it to 80 percent
715 reduction by 2030?

716 *Mr. Regan. You know, based on the conversations that
717 we are having with DoE, with the private sector, with the
718 industries, we believe we can make a strong run at and be
719 successful at in 2030.

720 *Mr. McKinley. A strong run isn't the answer. Is 80
721 percent -- that is what this legislation that we are going to
722 deal with -- I want to see in your budget, do you have enough
723 money in there for research to be able to get us down to 80
724 percent by 2030?

725 *Mr. Regan. I think, when you look at our budget, the

726 2022 budget, and what we need to do to fulfill our
727 obligations, yes, I believe that, in concert with DoE; I
728 believe, in concert with EEI and the power sector; I believe,
729 in concert with the rural electric cooperatives, all of which
730 we are having conversations with, that looking at
731 combinations of technologies --

732 *Mr. McKinley. Do you also --

733 *Mr. Regan. -- we can reach the 80 percent goal.

734 *Mr. McKinley. Taking my time back, you understand that
735 has to happen in the next year, not five, six, seven years
736 from now. We have to start now, because it takes seven to
737 eight years to do this. That is why I laid the plan out.

738 So I don't want to know where we are -- can we do it
739 now?

740 But my question, what about the new source review
741 program that -- we know it needs reform. Because, otherwise,
742 utilities right now could be reducing their emissions. But
743 it is such a complicated process that requires -- are you
744 willing to work with us, or -- to make these reforms?

745 Are you willing to reform new source review?

746 *Mr. Regan. I am willing to take a look at any
747 efficiencies that we can put in any of our regulations to
748 achieve these goals.

749 And I do want to comment that, in order to reach the 80
750 percent goal, I don't want to speak for the utilities in

751 terms of market decisions they are making, but all of the
752 decisions made to meet 80 percent won't rely solely on
753 technology. They have plans in place to retire some of these
754 assets.

755 And so this is why we have to --

756 *Mr. McKinley. They are retiring them because of the
757 regulatory uncertainty, and the threats that are being posed
758 to them. I understand that. We could have that -- more
759 conversation.

760 But what about the pipelines? Are you going to be able
761 to work with us to assure that, when our power plants put in
762 the carbon capture, and they want to build the pipelines,
763 will you help us in streamlining in getting those permits?

764 Can you guarantee that, if a coal -- if a utility or
765 fossil fuel plant builds carbon capture, that you will work
766 with us to see that those pipelines are constructed?

767 *Mr. Regan. That is exactly what this process is
768 designed to do, to engage you --

769 *Mr. McKinley. It really is a yes or no, Administrator,
770 if you could. Is it yes or no?

771 *Mr. Regan. Yes, we will work with you, with the
772 utilities, and others who want to --

773 *Mr. McKinley. Thank you. I only have 30 seconds left,
774 Administrator, so my question, I want to know what role will
775 the EPA undertake to keep fossil fuels -- coal and natural

776 gas and oil -- to remain in the energy mix after 2030, 2035?

777 Can you explain that role, how you are going to keep
778 these jobs that are being threatened right now?

779 *Mr. Regan. You know, what I will say is our role is to
780 work with the industry, and take a look at where the market
781 -- where their investments are taking them, and look at how
782 our technology standards complement the desire to reduce
783 emissions, while complement the investments that many of them
784 are making, and leveraging technologies to do so.

785 So I really do look forward to a robust conversation on
786 how we have the science, the markets, the economics, and the
787 technology marry in a way that gives America a competitive
788 edge.

789 *Mr. McKinley. Thank you, Mr. Chairman. I yield back
790 the balance of my time.

791 *Mr. Tonko. The gentleman yields back. The chair now
792 recognizes Chairman Pallone for five minutes for questioning,
793 please.

794 *The Chairman. Thank you, Chairman Tonko.

795 Administrator Regan, I wanted to talk about Superfund
796 and brownfields. The EPA budget request calls for increases
797 in funding for both programs, which I support, especially
798 given the Superfund backlog. And, you know, this is
799 something that has been involved with New Jersey members and
800 this committee for so long.

801 I am always giving out history lessons, but Jim Florio,
802 who is my predecessor on the committee, sponsored the
803 Superfund. Senator Lautenberg was the Senate sponsor, and
804 the brownfields program was the idea of Administrator
805 Whitman, who was the governor of New Jersey, Republican,
806 before she became administrator of the EPA. And Paul
807 Gillmor, a Republican Member, and myself were the ones that
808 sponsored the original brownfields federal program.

809 So how will the requested increase for Superfund impact
810 the backlog that exists, and would you commit to working with
811 Congress to get these backlog cleanups started? That is my
812 first question.

813 *Mr. Regan. The answer is yes, absolutely. There is an
814 \$882 million request in there to really begin to chip away at
815 that backlog of 45 projects. And so we will earnestly work
816 to chip away at that backlog.

817 But we also have to be reminded that, in addition to the
818 Fiscal Year 2022 ask, in the Americans Jobs Plan there is
819 another \$5 billion request for Superfund and brownfield
820 sites, as well. So our budget request is the beginning of
821 what we need to do to earnestly begin to look at cleaning up
822 Superfund sites.

823 *The Chairman. Well, thank you so much. And it is also
824 important to me that polluters pay the costs of these
825 cleanups. And that is why I reintroduced the Superfund

826 Polluter Pays Act to reinstate the Superfund tax. And you
827 could -- you know, obviously, that was included in the
828 President's American Jobs Plan, as well, to bring back the
829 tax.

830 So can you talk very briefly about why reinstating the
831 tax -- well, what reinstating the tax would mean for the
832 Superfund program, and how would the program be improved by
833 reestablishing a dedicated, significant funding stream?

834 *Mr. Regan. You know, when we look at the number of
835 Superfund sites all across this country, they are in all of
836 our backyards. And so the projects right now exceed the
837 revenue. And the President has supported, in the American
838 Jobs Plan, the tax.

839 Listen, we believe that this requires an all-hands-on-
840 deck, and in our 2022 budget request there are resources.
841 There is the tax implication here that could provide a
842 revenue stream. And then there is the American Jobs Plan.

843 We know that, if we clean up these Superfund sites, that
844 we will be putting people back to work. But more
845 importantly, we will be restoring these lands so that they
846 can be competitive once again for economic development and
847 community vitality. And so this is extremely important, that
848 we have all of these legs of the stool.

849 *The Chairman. And let me ask you this. Like so many
850 of these environmental challenges, climate change threatens

851 to make the risk from Superfund sites even worse. And many
852 of the communities around the Superfund sites now live in
853 fear of the toxic releases, you know, from another hurricane
854 or extreme weather event. I know a lot of environmental
855 justice communities are near these Superfund and brownfield
856 sites, and this is something that you have championed,
857 addressing the concerns of environmental justice communities.

858 So do you agree that climate change makes it even more
859 imperative that we get these sites cleaned up? That is my
860 question.

861 *Mr. Regan. Absolutely, and you will see a reflection
862 in the budget. Climate change permeates through Superfund,
863 brownfields, water infrastructure. We have to make sure that
864 we are rebuilding a resilient community in all of these areas
865 to reduce the threats that we are facing.

866 *The Chairman. And I know that -- you know, look,
867 obviously, you want to work with us to clean up these sites.
868 But I just want a -- sort of a pledge from you, if you will,
869 that you and other agencies, you know, would really
870 prioritize these sites that are vulnerable to climate change,
871 if you will.

872 *Mr. Regan. We -- I can commit that to you, Chairman.

873 *The Chairman. And, you know, again, I really
874 appreciate your being here, and your support of so many of
875 these things, particularly Superfund and brownfields.

876 You know, the problem, as you know, is that, if we don't
877 have a Superfund tax, and the costs continue to be borne, in
878 many cases, by the taxpayer, through their income tax, I
879 mean, that is -- you would agree with that, certainly,
880 correct?

881 *Mr. Regan. Yes, I would.

882 *The Chairman. And I just don't want that to be the
883 case. I think that the cost should be borne by the
884 polluters, and by the chemical and petroleum industry, and
885 not by taxpayers with their income tax.

886 So thanks again for all your support. And I know you
887 are doing a great job. Thank you.

888 Thank you, Mr. Chairman.

889 *Mr. Tonko. You are welcome, and the gentleman yields
890 back. The chair now recognizes the -- Representative
891 Rodgers, the ranking member of the full committee, for five
892 minutes of questioning, please.

893 Representative Rodgers?

894 *Mrs. Rodgers. Thank you, Mr. Chairman. And again,
895 hello, Administrator Regan. We really appreciate you
896 spending this time with us.

897 And just kind of following up on Chairman Pallone's line
898 of questioning, there is -- I wanted to highlight some of the
899 successes of the previous Administration, when you consider
900 that the EPA deleted all or parts of 27 sites from the

901 Superfund National Priorities List, and it was the largest
902 number of deletions in 2 decades. Yes, there is still more
903 work to be done, but this is -- this was a priority, and we
904 are -- and we must stay focused on getting results.

905 The EPA delivered approximately 295 million in
906 brownfield grants directly to communities and nonprofits in
907 need. I know in Spokane we have had a brownfield cleaned up,
908 and it is now just a -- it is a great contributor to our
909 community.

910 The EPA closed on 41 WIFIA loans, which led to financing
911 of 16.8 billion for water infrastructure, creating more than
912 38,800 jobs, and saving ratepayers nearly \$4 billion.

913 There were management reforms, such as 33 percent
914 improvement in on-time completion of inspections, and a
915 reduction in backlogged permits by 150.

916 You know, the combined air pollution emissions fell more
917 than seven percent, even as the economy grew.

918 And I just highlight this because there -- we continue
919 to build on this record of success and accomplishments. I
920 believe that we need to stay focused on results. We need to
921 stay focused on making sure that we are spending money in a
922 way that is actually going to get results. And it is very
923 important that we keep the processes and programs that
924 produced these results in place.

925 The EPA received 9.34 billion in roughly the last year

926 for its standard fiscal year appropriations, as well as the
927 supplemental funding. Included in the supplemental funding
928 is \$100 million appropriated to the EPA under the recent
929 budget reconciliation bill.

930 This week Senator Capito and I sent you a letter
931 requesting an accounting of that \$100 million appropriated to
932 EPA through reconciliation. Are you able to tell us today if
933 that \$100 million has been spent? And if so, what have the
934 funds been spent on?

935 *Mr. Regan. I will circle with my staff. I know that
936 that request came in, and I have not been briefed on that
937 yet, but we can get you those details.

938 *Mrs. Rodgers. Okay, okay, thank you.

939 I also -- I wanted to switch gears a little bit on a
940 matter that is important in my home state of Washington, and
941 that is cleaning up Puget Sound. And I wanted to raise this
942 issue with you this morning, Administrator Regan.

943 You know, I think we all agree that, generally speaking,
944 it is better to limit pollution at the source, rather than
945 continuing to try to clean up efforts post-pollution. And I
946 think that we agree that the deployment -- I hope we would
947 agree -- that carbon free, renewable, reliable electric
948 generation like hydropower is very important.

949 In Puget Sound we continue to have a lot of work that
950 needs to be done, and a clean sound will benefit our economy.

951 It will also help the critical salmon stocks in the Pacific
952 Northwest.

953 You know, and one of the main reasons that the Puget
954 Sound is dirty is because King County and the State of
955 Washington is turning a blind eye to the pollution, to the
956 sewer -- the sewage discharge that continues to happen in
957 Puget Sound. You know, there is over 70 sewage treatment
958 plants dumping millions of gallons of raw sewage into Puget
959 Sound every year, and it is threatening the salmon species in
960 Puget Sound, the salmon species that are critical to the
961 orcas, for example.

962 But it is really concerning that, once again, these
963 permits are going to be issued, instead of actually stopping
964 the dumping of the raw sewage. You look at the Washington
965 State salmon report, the Puget Sound salmon are in crisis.
966 Having EPA remind the state and the city of its legal
967 obligations will save future cleanup dollars.

968 And so I wanted to ask you if I can get your commitment
969 to look into making these large cities like Seattle stay
970 within their limits of sewage discharge, just like the small
971 towns in eastern Washington are forced to do.

972 *Mr. Regan. Yes, you have my commitment there, and I
973 have already committed to the governor of Washington and
974 other representatives that we want to work with the state to
975 make sure that their delegated authority is being done

976 correctly.

977 And I agree with you, that the Puget Sound is not only
978 great ecologically, but provides economic opportunities, as
979 well. So we want to partner with you on that.

980 *Mrs. Rodgers. Well, what is happening right now is
981 unacceptable, in my opinion, for the salmon, for the orcas,
982 and for our water quality. So I look forward to working with
983 you, and with that I yield back.

984 Thank you, Mr. Chairman.

985 *Mr. Tonko. You are welcome. The gentlelady yields
986 back. The chair now recognizes for five minutes of
987 questioning the gentlelady from Colorado, who also serves as
988 subcommittee chair on oversight.

989 Representative DeGette?

990 *Ms. DeGette. Thank you so much, Mr. Chairman, and
991 welcome, Administrator Regan. We are very happy to have you
992 in your maiden appearance in front of this committee. And we
993 all welcome your new role. We know you have got a really big
994 job to do over there, reconstituting this agency, but we have
995 the faith that you can do it.

996 As Chairman Tonko just said, I am the chair of the
997 oversight subcommittee, and the last -- as Mrs. McMorris
998 Rodgers was talking about, what the last Administration did,
999 but one thing I will say is the oversight subcommittee made
1000 numerous requests for information to the EPA that were never,

1001 ever responded to.

1002 And so I know that you, in your new job, and your staff
1003 will want to work with our full committee and our
1004 subcommittee to make sure that, when we ask for information
1005 in our investigations, we get it in a timely fashion. So can
1006 I get that commitment from you?

1007 *Mr. Regan. Absolutely.

1008 *Ms. DeGette. Thank you. I was -- when I looked at the
1009 EPA budget, I was absolutely thrilled to see your request for
1010 \$936 million towards a new accelerating environmental and
1011 economic justice initiative, because this is an issue that I
1012 have worked on with my urban district for many, many years.
1013 And I have a bill. I would like to ask you to take a look at
1014 this bill, and see what -- the EPA's position on it.

1015 What it does is it requires the EPA to identify 100
1016 environmental justice communities which have seen the worst
1017 under-enforcement, and to work with the state and local co-
1018 regulators to address its root causes. I don't know if you
1019 are familiar with this legislation yet or not.

1020 *Mr. Regan. I am not quite familiar with that
1021 legislation, but I will be sure that staff connects with you
1022 to provide the technical assistance needed.

1023 *Ms. DeGette. It seems like this is something that we
1024 could really work together on.

1025 I have got an area in the northern part of my district

1026 that has been an environmental justice area for decades,
1027 Swansea-Elyria-Globeville. I think the members of this
1028 committee are getting sick of me, hearing -- to talk about
1029 it. But it has everything. It has got a highway going
1030 through, it has lead, it has factories on the other side of
1031 the boundary, and so we have been doing everything for many
1032 years to get that cleaned up.

1033 Do you think that the EPA -- that it will be a focus of
1034 the EPA to actually work with state and local co-regulators
1035 to clean up these sites all around the country? Because that
1036 seems to be a key issue for me.

1037 *Mr. Regan. Absolutely. The resources that we get
1038 through the budget, through the American Jobs Plan, and the
1039 resources that we were appropriated through the American
1040 Rescue Plan are all designed to partner with state and local
1041 -- locally-elected officials, as well as community members.
1042 You all know your communities better than the federal
1043 government ever could, so we need that level of partnership
1044 to be successful.

1045 *Ms. DeGette. Okay, thanks. Another topic I want to
1046 talk to you about, that is the issue of methane. As you
1047 know, yesterday the Senate passed a resolution of disapproval
1048 for the Trump Administration's rollback of the EPA's methane
1049 regulations. And I am the lead sponsor, along with several
1050 of our colleagues, Mr. Peters and others, in the House.

1051 And I wonder -- I am assuming the EPA supports that
1052 resolution of disapproval.

1053 *Mr. Regan. We look forward to working with the
1054 decision that Congress has made, and we are poised to look
1055 forward to a methane regulation that should be coming forth
1056 in September. As you know --

1057 *Ms. DeGette. Great.

1058 *Mr. Regan. -- this is something that API and the
1059 Chamber has asked for, as well. So we look forward to
1060 working on that.

1061 *Ms. DeGette. Wonderful. Now, here is an issue. I
1062 don't know if you know the answer, or if someone at your
1063 agency knows the answer, but one of the issues we have had
1064 with methane regulation is, because of the way they do the
1065 detection and testing, you can often have methane emissions
1066 happening for months without detection.

1067 We are now developing technology to do continuous
1068 emissions monitoring on methane waste. Do you know if they
1069 are able to do that technologically yet?

1070 And is the EPA working with industry to make that
1071 happen?

1072 *Mr. Regan. You know, that will be part of the
1073 discussion that we have through our regulatory process.

1074 And, you know, the good news is many technologies and
1075 opportunities have evolved since the previous rule. So we

1076 will be taking advantage of all of the gains that have been
1077 made over the past few years.

1078 *Ms. DeGette. Great, thank you very much, and I am
1079 really looking forward to working with you.

1080 I yield back, Mr. Chairman.

1081 *Mr. Tonko. The gentlelady yields back. The chair now
1082 recognizes for five minutes Representative Johnson, the
1083 gentleman from the State of Ohio.

1084 *Mr. Johnson. Well, thank you, Mr. Chairman, and thank
1085 you, Administrator Regan, for joining us today.

1086 You know, last week, while speaking at the White House
1087 Climate Summit, President Biden announced a new "nationally
1088 determined contribution," a document submitted to the United
1089 Nations which outlines how his Administration intends to
1090 dramatically cut greenhouse emissions in the United States by
1091 2030.

1092 The sectors impacted include power generation,
1093 transportation, manufacturing, and agriculture. No part of
1094 American life goes untouched. According to this document,
1095 National Climate Adviser Gina McCarthy and the White House
1096 staff conducted a detailed analysis on how to achieve these
1097 drastic emissions -- the emissions cuts, in consultation with
1098 cabinet agencies, including yours, Mr. Regan, the EPA.

1099 After completing its so-called analysis, the document
1100 says that the Biden Administration then turned to activist

1101 and -- "advocates and activists'" for advice, and also other
1102 entities such as universities, businesses, and local
1103 governments.

1104 So, Mr. Regan, would you briefly describe EPA's role in
1105 this process, and the related interagency process? How did
1106 it work?

1107 *Mr. Regan. Well, you know, the Administration's
1108 climate NDC process was a whole-of-government process, so --

1109 *Mr. Johnson. Well, did you participate, directly?

1110 *Mr. Regan. So our agency provided qualitative
1111 information around what our regulations could do, and the
1112 role that they play in sort of the emissions profile.

1113 You know, we house the greenhouse gas inventory. So,
1114 number one --

1115 *Mr. Johnson. So you --

1116 *Mr. Regan. So --

1117 *Mr. Johnson. But you did not participate directly, it
1118 was members of your staff?

1119 *Mr. Regan. Yes, our staffs coordinated with the White
1120 House staff, shared the qualitative analysis of our statutory
1121 regulatory authority, as well as the contents that we contain
1122 in the greenhouse gas inventory.

1123 *Mr. Johnson. Well, I find it interesting that this in-
1124 depth analysis didn't include direct participation by you,
1125 Administrator Regan.

1126 Let me go on. For the --

1127 *Mr. Regan. Well, I would -- what I would say is my
1128 staff received direction from me to provide --

1129 *Mr. Johnson. Okay.

1130 *Mr. Regan. -- the relevant information for EPA's
1131 participation in the development of that number.

1132 *Mr. Johnson. Okay, but you didn't directly provide any
1133 feedback is what I am hearing.

1134 For the stakeholders that were consulted, were they
1135 representative of all economic sectors of the United States?

1136 *Mr. Regan. You know, I can't speak to the stakeholders
1137 that the White House engaged. I can speak to EPA's
1138 participation in that process.

1139 Now, what I can say is --

1140 *Mr. Johnson. Well, what was -- Administrator Regan,
1141 what was EPA's role, then, in developing or analyzing sector-
1142 specific pathways for emissions reductions?

1143 And will you provide the analyses that you relied upon,
1144 or that your Agency relied upon, will you provide that
1145 analysis for the record?

1146 *Mr. Regan. So EPA provides the greenhouse gas analysis
1147 that characterizes the emissions profile for all of these
1148 sectors. And then --

1149 *Mr. Johnson. Okay, so can you provide what you guys
1150 used, for the record?

1151 *Mr. Regan. Yes, we can provide the contents of the
1152 greenhouse gas inventory that characterizes the emissions
1153 profiles of the individual sectors, and --

1154 *Mr. Johnson. What I am looking for is what EPA's role
1155 was in developing or analyzing the sector-specific pathways
1156 for those emission reductions. And that is what I would like
1157 you to provide to this subcommittee, for the record. Can you
1158 do that?

1159 *Mr. Regan. What I can provide to the subcommittee,
1160 just to be sure we are communicating consistently, is the
1161 contents of the greenhouse gas inventory, and the qualitative
1162 analysis that describes the statutory authority and the
1163 regulative participation that we would have --

1164 *Mr. Johnson. Okay, I am running out of time, Mr.
1165 Regan.

1166 The nationally-determined contributions submitted to the
1167 UN identified pathways to meet the specific economic sector
1168 of targets. Were cost estimates develop for these targets?

1169 *Mr. Regan. You know, that analysis was done by the
1170 White House, and that is why I wanted to --

1171 *Mr. Johnson. You don't have any insights into that.

1172 Has the EPA started its action development process for
1173 developing regulations to meet these nationally-determined
1174 contribution goals?

1175 *Mr. Regan. Our process is we develop rules

1176 specifically, and we do that through the regulatory process,
1177 which is completely transparent --

1178 *Mr. Johnson. I know what the regulatory process is.
1179 But for this specific nationally-determined contribution
1180 document, have you started developing the regulations to meet
1181 those goals?

1182 *Mr. Regan. Some we are in the process of, and some we
1183 are not. The contribution from, let's say, cars, we will be
1184 proposing a tailpipe emissions standard in mid-July for the
1185 role of methane. We will be proposing a rule in September.
1186 And as you all know, I have committed to engaging on the
1187 replacement of the Clean Power Plan.

1188 All of these are contributors to how we get to the
1189 emissions targets, but it is very -- I need to be very
1190 specific. Those are not predetermined numbers or outcomes;
1191 that is a process that we go through in a transparent manner
1192 with all of our stakeholders.

1193 *Mr. Johnson. All right, Mr. Chairman, I apologize, we
1194 ran over. I yield back.

1195 *Mr. Tonko. Okay, the gentleman yields back. Now the
1196 chair will recognize the gentlelady from Illinois,
1197 Representative Schakowsky, who also serves as chair of the
1198 Subcommittee on Consumer Protection.

1199 *Ms. Schakowsky. Thank you, Mr. Chairman, very much,
1200 and I want to give a special welcome to our Administrator

1201 Regan for being here, and to -- for -- and to congratulate
1202 you for this really wonderful position that you have right
1203 now. I am so glad you are there.

1204 And I am very glad to see that the Fiscal Year 2022
1205 budget includes \$3.6 billion invested in critical drinking
1206 water infrastructure and creating jobs. But, really, this is
1207 just a small part of the water infrastructure request that
1208 goes along with the American Jobs Act (sic): \$111 billion
1209 over 8 years.

1210 And I want to tell you, the issue of lead and water is a
1211 huge one in Chicago. Actually, I didn't know how big it was
1212 until the Vice President came here a few -- to Chicago a few
1213 weeks ago, and informed me that Illinois has about 25 percent
1214 of all lead service pipelines in the country, and that
1215 includes the City of Chicago and -- a part of which is part
1216 of my district. And I was so pleased to see last night the
1217 President saying that 100 percent of the lead pipes are going
1218 to be replaced.

1219 And we all know the problem with lead, especially with
1220 children, lifelong effects, irreversible effects having to do
1221 with cognition, and focus, and ability to achieve, so we have
1222 to deal with this. What I want to ask you is how much would
1223 these proposed investments in drinking water infrastructure
1224 contribute to lead service line removal in places like the
1225 City of Chicago?

1226 *Mr. Regan. Well, thank you for that question. And,
1227 you know, in the American Jobs Plan, the President has carved
1228 out \$45 billion to replace 100 percent of the lead pipes.
1229 And we could be executing this program through an existing
1230 program at EPA. It wouldn't be recreating the wheel, it
1231 would be done through EPA's Drinking Water State Revolving
1232 Fund and our Water Infrastructure Improvements for the
1233 Nation's grants. So those two programs have a track record
1234 of pushing resources around water infrastructure to not only
1235 deal with infrastructure and water quality, but to help
1236 create jobs, as well.

1237 So we have a process and criteria set up to be sure that
1238 those resources are distributed equitably, and they also will
1239 focus on -- in the broader context of the \$111 billion --
1240 water affordability, as well.

1241 *Ms. Schakowsky. Now, you were mentioning grants. Are
1242 these competitive grants that states and localities are going
1243 to have to apply for?

1244 *Mr. Regan. You know, I think what I would like to do
1245 is provide that for -- grant process information for you. I
1246 think we have a couple of grant programs. Obviously, the
1247 needs are great here. But we do know that most of our cities
1248 and municipalities cannot afford to take out loans, so we do
1249 emphasize that grants are important, and we want to be sure
1250 that everyone is competitive for those resources.

1251 *Ms. Schakowsky. Great. So, you know, Chicago
1252 residents are -- that are most impacted by lead service lines
1253 are often in communities of color and more low-income
1254 communities. So, Mr. Regan, how does investing in drinking
1255 water infrastructure contribute to your environmental justice
1256 agenda?

1257 *Mr. Regan. It contributes significantly. We know that
1258 we need to implement programs that provide for -- monitoring,
1259 but we also know that water quality is a critical component.
1260 Good, clean drinking water is a must in this country. And
1261 too many of our disproportionately-impacted communities, both
1262 communities of color and low-income, do not have enough
1263 access to clean, quality drinking water. So that is a
1264 priority for us, and it is a priority as part of our
1265 environmental justice and equity programs.

1266 *Ms. Schakowsky. I know -- we know that there are,
1267 literally, millions of homes and daycare centers that are
1268 affected. And we have to just make sure that we can do that.

1269 I am almost out of time, and I can submit the rest of my
1270 questions in writing. But I certainly will be watching for
1271 the focus on lead, which can be so devastating when it is in
1272 the pipes and the service lines. And I thank you for your
1273 focus on that.

1274 And I yield back.

1275 *Mr. Regan. Thank you.

1276 *Mr. Tonko. The gentlelady yields back. We now
1277 recognize the gentleman from Oklahoma.

1278 Representative Mullin for five minutes, sir, please.

1279 *Mr. Mullin. Thank you, Chairman, and I appreciate you
1280 all's patience with me. I have been traveling. I got bad,
1281 bad reception throughout Oklahoma -- or my district is pretty
1282 bad.

1283 I don't know if you guys already tried to address it,
1284 but Director, have you -- they already tried to address your
1285 mike yet? Because your mike is really bad on our end. It
1286 sounds -- it is very -- I mean, I -- it is very hard to hear
1287 you.

1288 [Pause.]

1289 *Mr. Mullin. I can't even hear you now.

1290 *Ms. Schakowsky. Nobody is saying anything.

1291 *Mr. Regan. My microphone?

1292 *Mr. Mullin. Yes, it is real hard to hear.

1293 And I don't know, Chairman, if you can -- and we can get
1294 that fixed, because this is -- that is -- it is hard for us
1295 to hear him, and it is pretty distracting.

1296 *Mr. Tonko. Is there --

1297 *Mr. Regan. What about now? Can you guys hear me now?

1298 *Mr. Tonko. It is still kind of scratching. Is there
1299 any way we can take, like, a minute or two to see if we can
1300 address it, the technology?

1301 *Mr. Regan. Yes, we will take a minute on our end here,
1302 and see if we can resolve it.

1303 *Mr. Tonko. Okay, thank you.

1304 Representative Mullin, hold on. We will be with you in
1305 a second -- in a minute or two.

1306 *Mr. Mullin. Thank you.

1307 [Pause.]

1308 *Ms. Schakowsky. Mr. Chairman, you ought to keep
1309 talking to see if it is getting any better, maybe.

1310 *Mr. Tonko. They have got the EPA team and our team
1311 working on this sound, so hopefully --

1312 *Ms. Schakowsky. It sounds good to me.

1313 *Mr. Tonko. Administrator, you can hear me, right?

1314 Why don't -- is it any better if you say -- if you say
1315 something, we will see how the quality is working here.

1316 *Mr. Regan. I don't know if it is improved yet or not.
1317 I see them still working on it. Okay.

1318 *Mr. Tonko. Okay, let's give it a minute or two, and we
1319 will be in a slight recess here.

1320 [Recess.]

1321 *Mr. Tonko. Administrator, how is -- I think we have a
1322 new device now.

1323 *Mr. Regan. Yes. Is this better?

1324 *Mr. Tonko. That is much better. Thank you.

1325 Why don't -- Representative Mullin, are you still with

1326 us?

1327 *Mr. Mullin. Yes, sir. Did we get it fixed?

1328 *Mr. Tonko. Let's -- I believe we have, so thank you.

1329 So your five minutes will start now, please.

1330 *Mr. Mullin. Thank you, sir. Chairman, thank you for
1331 working with me on that.

1332 And Director, we really appreciate you working with it,
1333 too, and your time being with us.

1334 Look, we understand this -- that EPA is sometimes viewed
1335 different, obviously, between Republicans and Democrats. But
1336 I think we all agree we feel like the EPA does play a role in
1337 our government, but it is how we approach that.

1338 And so a couple of questions I have is, one, do you feel
1339 like it is the role at EPA to create and enforce their own
1340 policies, or do you think it is the role to look at the
1341 legislation, and the meaningful legislation that Congress has
1342 passed, to create their policies to follow?

1343 *Mr. Regan. Well, thank you for that question. I can
1344 answer it very clearly. EPA's role is to follow the law, and
1345 the laws that Congress has designed and given us to follow.

1346 And so we want to be transparent. We want to follow the
1347 law and follow science.

1348 *Mr. Mullin. So when you are talking about being
1349 transparent, underneath the Obama Administration we didn't
1350 really feel like they were as transparent. In fact, when

1351 they were working with Congress, they never worked with
1352 Congress. It was very difficult. They would go at it alone,
1353 they would sometimes make their own policies before even
1354 trying to figure out what Congress's intent was. And it
1355 seems like the EPA was more used as a political arm and a
1356 policy-driven place than it was actually working with
1357 Congress.

1358 So are you saying, underneath your direction, you feel
1359 like -- that the EPA is going to work with Congress,
1360 regardless of who is in charge?

1361 Because, you know, there is a good chance -- I am not
1362 trying to be political here, but there is a good chance that
1363 there could be a different party in charge of the House of
1364 Representatives in two years.

1365 *Mr. Regan. You know, our job is to work with every
1366 single Member. And that is what I did in North Carolina. We
1367 had a Republican-led General Assembly, although I worked for
1368 a Democratic governor, and we got a lot of work done.

1369 So at EPA -- and I have already told all of my senior
1370 leadership and my staff -- we are going to be transparent.
1371 We are going to respond to the IG, we are going to respond to
1372 GAO. We are going to respond to congressional Members. That
1373 is the mandate here.

1374 *Mr. Mullin. Good. You know, and the -- I don't -- and
1375 I -- listen, I am not -- I am comparing you to the last

1376 Administration underneath Obama, because there is a lot of
1377 lookalike, there is a lot of people that was with that
1378 Administration that is back with the Biden Administration.
1379 And underneath the Obama Administration, the EPA, it didn't
1380 really seem like it wanted to work with industry on best
1381 business practices.

1382 And in fact, it seemed like to me -- because I am a
1383 product of that, the reason why I am in Congress today is
1384 because of the run-in I had with the EPA back in 2011.
1385 Otherwise, I wouldn't even be here. And -- but it seemed
1386 like, to me, back then, that they were more interested in
1387 giving fines than they were actually working with us, working
1388 with the business community, working with our economy. And
1389 sometimes, you know, the regulations can be detrimental to
1390 the industry.

1391 Are you -- would you commit to working with industry,
1392 getting best business practices, before you guys roll out
1393 something that could actually destroy an entire industry?

1394 *Mr. Regan. We are committed to engaging our regulated
1395 community. I have a track record for doing that. We have
1396 already been doing that.

1397 And on that enforcement piece, one of the things that we
1398 have been discussing is having enforcement involved in
1399 regulation on the front end helps for the ease of
1400 implementation on that back end. We are not into the gotcha

1401 games. We want to put out regulations that are easily
1402 understood, and can be complied with. And so we will be
1403 working with our stakeholders to do that.

1404 *Mr. Mullin. Do you plan on being heavy-handed with the
1405 fines, or do you plan on giving industry an opportunity to
1406 fix whatever issue may be -- because I will tell you, a lot
1407 of times, on the state side of it, there is a conflict
1408 between state regulations, say in the Oklahoma department of
1409 environmental quality, versus what EPA is requiring. And, as
1410 a business owner that has an environmental company, there can
1411 be a conflict between those two, and you have got to choose
1412 which one you are going to follow. You are licensed in your
1413 state, but then the EPA can come back on top of it.

1414 And we saw, with the Obama Administration, that fines
1415 would be levied when you are doing your best, as a business
1416 owner, to try to comply with, actually, the requirements.
1417 But there was no working with the industry. That is why I
1418 said working best business practices. And it is a huge
1419 concern a lot of business owners like myself have with this
1420 new Administration, hoping that we don't have a rollback to
1421 the way it was handled with the Obama Administration.

1422 *Mr. Regan. You know, what I can do is I can pledge
1423 that we are going to have strong relationships with our state
1424 regulators and with the industry. I personally happen to
1425 know and have a relationship with your DEQ secretary there in

1426 Oklahoma, and I plan to, as a former state regulator, you
1427 know, look at cooperative federalism for what it is, and have
1428 very strong relationships with our state regulators and with
1429 our business community, because, at the end of the day, we
1430 want the best environmental outcomes while we are spurring
1431 economic opportunities, as well.

1432 *Mr. Mullin. Director, I really appreciate that. I
1433 really do honestly look forward to working with you. Thank
1434 you so much. I appreciate you.

1435 *Mr. Regan. Thank you.

1436 *Mr. Tonko. The gentleman yields back, and the chair
1437 now recognizes the gentleman from Maryland.

1438 Representative Sarbanes, you are recognized for five
1439 minutes, please.

1440 *Mr. Sarbanes. Thanks very much, Chairman, thank you
1441 for the hearing.

1442 Administrator Regan, welcome to the committee. I have,
1443 as I know my colleagues do, great expectations for the EPA
1444 under your leadership.

1445 Unfortunately, under the last Administration, there were
1446 a lot of -- at the EPA, where industries that should be
1447 regulated were much too cozy with the Agency. And I think it
1448 harmed, impacted negatively, our approach to protecting the
1449 environment. So I am looking forward to your work at the
1450 agency.

1451 I am going to be parochial, the way some others have
1452 been. That is that is the way this game is played, of
1453 course. And so I want to focus -- it won't surprise you --
1454 on the Chesapeake Bay.

1455 First, let me say that I am gratified that, as part of
1456 the American Jobs Plan, the Administration has focused on
1457 environmental restoration and protection. Chesapeake Bay is
1458 an economic engine for my home state of Maryland and,
1459 frankly, for the whole region, which is one reason protecting
1460 it is so vitally important. So I am very pleased to see the
1461 Biden Administration's emphasis on restoration and
1462 protection.

1463 In the last Administration there were a lot of proposals
1464 -- continuously, unfortunately -- to cut funding to critical
1465 Bay programs. And in addition, there was not the commitment
1466 to the kind of cooperative and collaborative leadership
1467 across the states in the Chesapeake Bay watershed that we
1468 need to ensure the restoration of the Bay. An example of
1469 that in the last Administration was a failure to really have
1470 robust enforcement when it comes to that kind of
1471 collaborative approach.

1472 So I am hoping that the state and local partners, as
1473 well as Bay colleagues in Congress, can count on you to
1474 change that, help provide that cooperative framework that we
1475 need to meet goals that are coming at us fast. Those are

1476 2025 goals that we are trying to get in place.

1477 I know there is an effort underway to reconstitute the
1478 position of senior advisor for the Chesapeake Bay and the
1479 Anacostia River at the EPA, and that will certainly be
1480 helpful. Can you provide some perspective on other plans to
1481 work with state, local, and federal partners to meet the
1482 goals of the Chesapeake Bay agreement?

1483 Specifically, can we count on you and your staff to use
1484 all the tools available to you through the Bay program,
1485 through grants, and certainly enforcement authority to ensure
1486 that the region is on track to meet those 2025 goals?

1487 *Mr. Regan. Well, thank you for that question, and yes,
1488 we are actively focusing on the Chesapeake Bay. We see it as
1489 a national treasure, and understand the ecological and
1490 economic benefits to all of us. We look forward to playing
1491 an active role in ensuring that all of the states that have
1492 agreed to preserving the Bay do their part, and can claim
1493 their role.

1494 And, you know, the details are to follow in the budget,
1495 but what I can say to you is that there is resource support
1496 included in this budget focused on the Chesapeake Bay. So we
1497 are excited to partner with you and understand, you know, how
1498 special it is, not only to the State of Maryland, but to all
1499 of us, as a country.

1500 *Mr. Sarbanes. Thanks very much. Let me raise another

1501 dimension of it, which also calls for collaboration. As you
1502 probably know, 80 percent of the remaining pollutant load
1503 reductions that we need to achieve in order to meet these
1504 goals come from agriculture. And that means it is imperative
1505 that the EPA be working with USDA to ensure that there is
1506 sufficient financial and technical assistance in place to
1507 provide the Bay Region farmers with those tools, so that we
1508 can get the job done.

1509 This is going to take a lot of cooperation, bringing
1510 people together. I think the EPA can play a critical role in
1511 facilitating that. Can you commit to that?

1512 And what steps do you see there that perhaps might be
1513 new and different from what has already been done to address
1514 these needs?

1515 I have some other questions; I will make sure I get
1516 those submitted in writing to you and your staff, but I
1517 appreciate your testimony here today. Could you just --
1518 EPA connection?

1519 *Mr. Regan. Absolutely. You know, during the
1520 nomination process for being in this position and throughout,
1521 I have been in close contact with and developing a
1522 relationship with Secretary Vilsack. We are committed to
1523 partnering.

1524 I also, you know, have enjoyed experience with the
1525 agricultural community, and received a lot of support from

1526 the agriculture community because of the work that I have
1527 done in the past.

1528 So this is not foreign territory for me, and we will
1529 bring all of those relationships to bear.

1530 *Mr. Sarbanes. Great, thanks very much. I yield back,
1531 Mr. Chairman.

1532 *Mr. Tonko. Thank you. The gentleman yields back. The
1533 chair now recognizes the gentleman from Utah.

1534 Representative Curtis, you are recognized for five
1535 minutes, please.

1536 *Mr. Curtis. Thank you. Thank you, Mr. Chairman, and
1537 thank you very much to our witness today.

1538 I -- we hear a lot of clamor about the science involved
1539 with climate change, and I can speak personally, for me -- I
1540 don't know of anybody else on this committee that would
1541 differ with me -- I don't question that science. But there
1542 is another aspect of science that we don't talk about a lot,
1543 and that is that currently 90 percent of all carbon emissions
1544 come from outside the United States. The U.S. is on track to
1545 emit just about 10 percent of worldwide carbon emissions.
1546 And at the same time, China is on a path to greatly increase
1547 their emissions for years to come.

1548 In other words, the atmosphere doesn't care what country
1549 emits the carbon, just how much is in the atmosphere.

1550 So, Mr. Director, do you agree with this science that

1551 cutting the U.S. carbon emissions in half by 2030 will not
1552 have a profound impact on the climate change problem?

1553 *Mr. Regan. I believe that the NDC that the President
1554 has set and our approach will have a significant influence on
1555 how the world behaves. And collectively, I believe that the
1556 world will rally to meet the necessary reductions required.

1557 *Mr. Curtis. So if I might just have a fun moment with
1558 you, you sound a little bit like some of my colleagues when
1559 they are asked about the science of climate change, which is
1560 to really deflect the question and to not answer the
1561 question.

1562 And really, I think, why this is of concern is because
1563 we are embarked on a path that will dramatically alter the
1564 U.S. economy. And if that really reduces worldwide carbon,
1565 then that is something significant, and something that we
1566 should pay attention to.

1567 And I think more of a concern to me is will you work on
1568 policies that only advance policies that actually impact this
1569 worldwide carbon, rather than just carbon here in the United
1570 States?

1571 And coming back to the science, carbon doesn't care
1572 which country it comes from.

1573 *Mr. Regan. I agree, and I think that when we take a
1574 look at what we are doing as a country, it is to mitigate
1575 carbon, but it is also to take advantage of technological

1576 advancements and to create jobs. So I view the steps that we
1577 are taking as hugely impactful on reducing carbon, because we
1578 are setting the stage, we are leading. But also, during that
1579 process, we are taking advantage of where the markets are
1580 driving us, we are taking advantage of technologies that I
1581 believe we can deploy internationally, as well.

1582 So in total, I fully believe that the actions that this
1583 Administration are taking will impact climate change, and
1584 will create jobs.

1585 *Mr. Curtis. Well, do you agree with the fact that
1586 approximately, over the last decade, the United States has
1587 reduced more carbon than all the carbon-producing countries,
1588 combined?

1589 *Mr. Regan. Yes, I agree that carbon has been on the
1590 decline.

1591 *Mr. Curtis. Yes, and my point with that is that we
1592 have been setting an example, and other countries have not
1593 been following.

1594 Let me switch gears quickly before I run out of time.
1595 National ambient air quality standards were designed to help
1596 reduce the amount of pollutants that we know cause human
1597 health issues. This is a big deal in my state. Utah has
1598 really struggled with this. As a mayor, we dealt with PM2.5,
1599 and understand these standards.

1600 And I agree we need to reduce greenhouse gas emissions.

1601 However, the National Ambient Air Quality Standards were
1602 clearly never intended to regulate greenhouse gas emissions,
1603 nor would it be an effective way to combat global climate
1604 change, as we just talked about, when nearly nine percent of
1605 emissions come from outside the United States.

1606 Are you ready to assure this committee that you have no
1607 plans to pursue a greenhouse gas National Ambient Air Quality
1608 Standard?

1609 *Mr. Regan. I haven't discussed that with anyone. I
1610 think that the Supreme Court has given us the authority to
1611 regulate greenhouse gases, and we will use the statutory
1612 authority we have to do so.

1613 *Mr. Curtis. So it sounds like you are planning to do
1614 that. I just want to be clear. I am not pushing you to a
1615 yes or no, but rather just to know exactly what your
1616 intentions are.

1617 *Mr. Regan. You know, I will be honest with you, the
1618 statutory authorities that are provided to the Agency to
1619 regulate greenhouse gases is what we will take a look at.

1620 So I have not had any discussions with my staff about
1621 solely using the NAAQS, or using the NAAQS as a complement.
1622 We will be looking at all of the tools we have to regulate
1623 greenhouse gases.

1624 *Mr. Curtis. All right. Thank you, Mr. Chairman. I am
1625 out of time, and I yield my time.

1626 *Mr. Tonko. The gentleman yields back. The chair now
1627 recognizes the gentleman --

1628 [Audio malfunction.]

1629 *Mr. Tonko. -- vice chair of the full committee.

1630 [Audio malfunction.]

1631 *Ms. Clarke. Mr. Chairman?

1632 *Mr. Tonko. -- for five minutes, please.

1633 *Ms. Clarke. Thank you very much, Mr. Chairman, and I
1634 thank our -- I am sorry, Mr. Chairman, did you say
1635 Congresswoman Yvette Clarke?

1636 *Mr. Tonko. Yes, I did. I guess there was some trouble
1637 with the sound. But yes, Representative Clarke, you are
1638 recognized for five minutes, please.

1639 *Ms. Clarke. Okay, thank you very much, Mr. Chairman.
1640 And I thank our Ranking Member McKinley for convening today's
1641 hearing on EPA's Fiscal Year 2022 budget proposal.

1642 Let me also thank Administrator Regan for joining us
1643 today to offer your testimony, and to say that I am excited
1644 about your leadership at EPA. So let's go.

1645 After four years of systemic witnessing -- of witnessing
1646 a systemic attempt to dismantle our nation's environmental
1647 infrastructure and protections, it is nice to finally see a
1648 budget proposal that prioritizes our environment and the
1649 well-being of our communities.

1650 The transportation sector has recently become the

1651 largest source of greenhouse gases in the United States, and
1652 vehicle emissions, such as particulate matter, are a major
1653 contributor in cities like mine, Brooklyn, New York, to
1654 medical conditions including asthma, heart disease, and
1655 premature death. You add to it COVID-19, and it has been a
1656 perfect storm.

1657 Cleaning up emissions from medium and heavy-duty
1658 vehicles, in particular, is long overdue for the communities
1659 living adjacent to highways, ports, freight hubs, with a
1660 predominantly low-income -- with predominantly low-income
1661 communities and communities of color. The Biden
1662 Administration has committed to centering equity in its work,
1663 and we need to build on that commitment by taking ambitious
1664 action to reduce emissions of both air pollutants and
1665 greenhouse gases from heavy-duty vehicles.

1666 Do you agree that EPA needs to tackle emissions of
1667 nitrogen oxides and greenhouse gases from heavy-duty vehicles
1668 as soon as possible in model year 2027?

1669 And what is your Agency doing right now to start an
1670 ambitious rulemaking on this critically important issue?

1671 *Mr. Regan. I do agree that we need to reduce those
1672 emissions, and we are taking a very close look at that. You
1673 know, we are on target for a light-duty emissions vehicle
1674 standard in July, and we are looking at the follow-up to that
1675 and heavy-duty vehicles.

1676 We are engaging with the industries, and I am engaging
1677 with my staff to take a look at, number one, what does the
1678 science call for, not solely from a greenhouse gas
1679 standpoint, but as we model out and look at these
1680 disproportionate impacts that these emissions are having on
1681 moderate to low-income communities of color, urban areas, how
1682 we take that into consideration as we develop these proposals
1683 for rulemakings.

1684 *Ms. Clarke. One major tool already at the EPA's
1685 disposal is the DERA program, which has been used very
1686 effectively for vehicles like school buses to lower harmful
1687 emissions and improve air quality at the heavily-impacted
1688 communities. At a time when we need to be focused on
1689 tackling the climate crisis and creating good-paying jobs,
1690 DERA stands out as a prime example of what works.

1691 What resources or support does EPA need to ensure that
1692 the DERA program is able to benefit the greatest number of
1693 people?

1694 *Mr. Regan. Well, thank you for that. I think the DERA
1695 program has been extremely successful, in terms of Congress's
1696 intent, and our ability to execute. You know, the DERA
1697 program is like a lot of programs: there is more demand than
1698 there are resources.

1699 What I would say is we have a good track record of
1700 getting those resources to those who need them the most to

1701 get the biggest bang for the buck. But, you know, that
1702 program, like many programs, could use financial bolstering.
1703 And it would be good for the economy, in terms of looking at
1704 advanced diesel technology, as we segue to electric vehicles.
1705 But it is also good for the planet and good for people.

1706 So I believe it is an excellent program, and I would say
1707 that the demand outpaces the resources.

1708 *Ms. Clarke. We also need to be thinking about how we
1709 can reduce emissions from refrigerated trucks that transport
1710 our food and medications, including our vaccines, from
1711 freight depots to restaurants, grocery stores, and
1712 pharmacies. Right now, almost all of the trucks are
1713 secondary diesel engines that run nearly 24/7 in order to
1714 keep contents cold.

1715 My legislation, the Freezer Trucks Act of 2021, is
1716 modeled after the DERA program, and would address this issue
1717 by helping to fund electric refrigeration units, as well as
1718 the charging infrastructure to support them. Is this
1719 something that your Agency has been looking into, and do you
1720 agree that it is an important piece to addressing the impacts
1721 of diesel pollution from the transportation sector on the
1722 hardest-hit communities?

1723 *Mr. Regan. Well, thank you for that, and thank you for
1724 your leadership on that. I am not as familiar with that
1725 piece of legislation as maybe some of my staff.

1726 It is an important piece of the pie, and I can commit
1727 that this Agency will look into and support you all in your
1728 efforts, from a technical assistance standpoint, any way we
1729 can.

1730 *Ms. Clarke. Very well. Thank you, and I yield back,
1731 Mr. Chairman.

1732 *Mr. Tonko. The gentlelady yields back. The chair now
1733 recognizes the gentleman from Texas.

1734 Representative Crenshaw, you are recognized for five
1735 minutes, please.

1736 *Mr. Crenshaw. Thank you, Mr. Chairman. Good to be
1737 back with you all. I still can't see you all, so it will be
1738 a few more weeks until that, hopefully, happens. I am doing
1739 well, and you don't need to feel bad for me. We raised our
1740 right hand, and then we asked to go to war, and sometimes
1741 this is what happens. But I hope to be back to normal within
1742 a couple of months. But for now, even a blind knuckle
1743 dragger can do a hearing, so here I am, and let's get to
1744 work.

1745 Administrator Regan, thank you so much for being with
1746 us, and congratulations on your new position. So I do have
1747 some questions.

1748 You have said that, in your budget proposal, about eight
1749 percent of EPA's budget will be used for environmental
1750 justice and, as you put it, rewriting the DNA of the EPA. I

1751 am hoping you can tell us what you mean by that. How do you
1752 attach dollars to the notion of implementing environmental
1753 justice?

1754 *Mr. Regan. Well, thank you for that question,
1755 Congressman, and thank you for your service to this country.

1756 You know, environmental justice and equity will be part
1757 of EPA's DNA. And what I mean by that is there are areas
1758 that we can bolster our efforts to be sure that communities
1759 that have had the disproportionate impact from pollution no
1760 longer suffer disproportionately. So there are opportunities
1761 for us to take a look at overburdened communities to ensure
1762 that we have the appropriate air quality monitoring in place,
1763 that when we look at water quality needs from an
1764 infrastructure standpoint, that those communities have good-
1765 quality drinking water. Lead service lines and pipes that
1766 are disproportionately impacting communities --

1767 *Mr. Crenshaw. Administration, since I have limited
1768 time, I think your answer so far is fairly reasonable, to be
1769 honest with you. But that is my -- thank you for defining
1770 that.

1771 The concern I have is certain legislation that may come,
1772 that may be written into law, that you would have to then
1773 regulate. The CLEAN Future Act, for instance, in section
1774 601, defines environmental justice rather differently than
1775 you just did. It defines it based on 17 principles from the

1776 1991 People of Color Environmental Leadership Summit.

1777 Among some of these principles it states that it must
1778 affirm the sacredness of Mother Earth. This is -- I am not
1779 sure what that means, but paganistic. Another principle
1780 would say that we must oppose the destructive operations of
1781 all multinational corporations. So my question would be does
1782 that make sense to write something like that into law?

1783 It is one thing for activists to be saying that kind of
1784 rhetoric. It is quite another for that to be written into
1785 law, which your agency would have to then regulate. How on
1786 earth would you do that?

1787 *Mr. Regan. Well, I thank you for the question. I am
1788 not familiar with that piece of legislation, so I am not
1789 quite sure I can fully answer your question. I think any
1790 piece of legislation, we would like to be sure that, number
1791 one, it follows the law, and it gives -- and we have the
1792 authority to actually execute on what is being asked of us.

1793 *Mr. Crenshaw. Okay.

1794 *Mr. Regan. So I will take a look at that, but I am not
1795 familiar with it.

1796 *Mr. Crenshaw. Well, thank you, Administrator. I mean,
1797 I do find it a little hard to believe that you haven't seen
1798 that piece of legislation. It is a flagship bill for your
1799 party, and it would directly influence everything you do at
1800 the EPA.

1801 Along the same lines, in title 9 of the CLEAN Future
1802 Act, it effectively bans plastic for the next -- years. At
1803 least puts a pause on it, with the promise of burdensome
1804 regulations right after that, effectively curtailing any kind
1805 of investment in new plastic production in the United States.
1806 We have some of the best natural gas resin-based plastic
1807 production.

1808 So the problem is this. There is opposing forces here.
1809 On the one hand, the Biden Administration wants to implement
1810 an enormous infrastructure plan that requires massive new
1811 plastic production, whether it is building EV batteries,
1812 lightweight materials for EV cars, new syringes and
1813 biomedical devices, and syringes which we use to vaccinate
1814 people, thousands of miles of fiber optic cable wrapped in
1815 plastic. But this would be banned, on the other hand, and
1816 your agency would be tasked to effectively ban that,
1817 according to the law. So what would we do?

1818 *Mr. Regan. Well, I want to be clear, honest, and
1819 transparent with you.

1820 Number one, I am unfamiliar with the piece of
1821 legislation, have not been briefed by my team, which sends a
1822 signal to me that it may not be high on our priority. So I
1823 am not in a position to address many of those questions.

1824 *Mr. Crenshaw. So, Administrator --

1825 *Mr. Regan. This is the first time I am hearing that --

1826 *Mr. Crenshaw. Okay, Administrator Regan, you are
1827 saying that no one has consulted with -- you are the expert,
1828 you are the head of the EPA, but no one has consulted with
1829 you about the CLEAN Future Act?

1830 *Mr. Regan. That is exactly what I am telling you.

1831 *Mr. Crenshaw. Okay. Well, thank you.

1832 No further questions, Mr. -- I can't see my time, so
1833 maybe I am over time. And if I am, thank you for allowing
1834 me. If not, I yield back.

1835 *Mr. Tonko. Okay, the gentleman yields back. The chair
1836 now recognizes the gentleman from California.

1837 Representative Peters, you are recognized for five
1838 minutes, please.

1839 *Mr. Peters. Thank you, Mr. Chairman, and thank you,
1840 Administrator Regan, for being here. We are eager for your
1841 leadership.

1842 The Journal of Environmental Research Letters recently
1843 published a study showing that steeply limiting or
1844 eliminating methane emissions can slow the rate of the
1845 Earth's warming by as much as 30 percent. There is a lot to
1846 do on climate, but getting methane out of the atmosphere is
1847 critical to keeping warming below the two degrees targeted by
1848 the Paris Climate Accord. I am happy to cosponsor with Ms.
1849 DeGette the CRA, that will restore the Obama new source
1850 rules.

1851 But on methane regulation I want to point out that we
1852 can build back better. Instead of prescribing technology,
1853 which is a proxy for lower emissions, we now have the
1854 monitoring ability, which we did not have in 2016, to impose
1855 direct emission standards. And last week I introduced the
1856 METHANE Act that would do just that, direct the EPA to set
1857 methane emission limits for oil and gas facilities, reduced
1858 over time, encouraging investment in technologies that
1859 provide the greatest emission reductions at the lowest cost.

1860 So, Mr. Administrator, I ask you to consider this new
1861 approach, and whether there is a benefit to passing it --
1862 legislation that would provide reliability to the environment
1863 and to industry. I ask that your budget dedicate the
1864 resources under any circumstances to monitor emissions and
1865 enforce compliance.

1866 I am going to ask you to respond to that in writing, so
1867 I can bring another urgent matter to your attention today.

1868 On behalf of the people I represent in San Diego and
1869 Coronado, I have to tell you about what has to be one of the
1870 most dire environmental catastrophes on the continent. Tens
1871 of millions of gallons of raw sewage, human and chemical
1872 waste from commercial and industrial facilities, are flowing
1873 down through the Tijuana River across the U.S./Mexico border
1874 into San Diego communities.

1875 This is toxic stuff. When it dries, the dust blows into

1876 nearby neighborhoods. The smell and noxious fumes make
1877 people sick. Border Patrol agents and Navy SEALs who are
1878 trained to protect our country have to wade and swim through
1879 it, and are stricken with skin rashes, nausea, and even their
1880 boots disintegrating on their feet because of the chemicals
1881 in this sludge.

1882 Sewage from Baja, California and northern Mexico is
1883 being pumped untreated into the ocean. It makes its way to
1884 the San Diego County beaches in a matter of hours. Over the
1885 past few weeks, more than 550 million gallons of wastewater
1886 was pumped into the ocean, just a few short miles south of
1887 the border. And within hours, it is on San Diego beaches.
1888 People are getting sick. Beaches are getting closed. The
1889 Tijuana estuary is completely fouled. And this has been
1890 going on for far too long.

1891 We worked hard, as a congressional delegation, to fix
1892 the problem, and secured more than \$300 million as part of
1893 the USMCA. We are supporting your agency and IBWC as they
1894 plan, design, and permit the big projects we need to address
1895 it, but we need action now.

1896 This is an international catastrophe. It is happening
1897 in a working-class, minority -- majority minority community
1898 in a far country -- corner of our country. So I have to tell
1899 you today that these Americans are counting on you and me to
1900 fix it.

1901 The best way to describe how much worse the problem has
1902 become is by the number of beach closure days at these
1903 locations. In 2018 south San Diego County beaches were
1904 closed 101 days. In 2019 that increased to 243 days. In
1905 2020, 295 days. And in 2021, the beaches have been closed
1906 for the entire year. The nearby canyons have experienced
1907 toxic, dangerous spills every single day.

1908 In August 2020, the governor of Baja California declared
1909 the sewer system fixed in Tijuana after they replaced a pump
1910 station with the new diversion pumps. Around the same time,
1911 the EPA, as part of the USMCA process under President Trump,
1912 stated it was not necessary to implement short-term emergency
1913 measures to control trans-boundary flows, because Mexico had
1914 fixed the pumps. But as I explained, it is now nine months
1915 later. We are still getting daily trans-boundary flows, and
1916 our beaches are still polluted.

1917 We can't wait for more public scoping meetings and
1918 studies. I am going to ask you four things today.

1919 First, we need urgent, immediate fixes, anything to slow
1920 the flows.

1921 Second, we need a diversion structure built immediately,
1922 either through executive order or, otherwise, fast track.

1923 Third, we ask your help in proclaiming the urgency to
1924 the Administration about the need for the State Department to
1925 engage with Mexico and insist that they do their part, and

1926 build the infrastructure needed to keep up with their
1927 population growth.

1928 And fourth, and finally -- and this is the only question
1929 I would ask you to answer today -- will you please join
1930 Representative Juan Vargas, who represents the border area
1931 with me, and me in San Diego soon to see this tragedy for
1932 yourself? We desperately need your help, and we would love
1933 to show you the problem that we are facing.

1934 Your comments on clean water in your written testimony
1935 could have made me feel better about this. We would love to
1936 have you out in San Diego, so we can work on this together.
1937 And I would ask you to come visit us. And with that, I will
1938 take your answer, but I will yield back, Mr. Chairman.

1939 *Mr. Regan. Well, thank you. I absolutely would love
1940 to visit with you. It is a priority for EPA. I have already
1941 spoken with my Mexican counterpart about how urgent this
1942 problem is, and appreciate the resources that Congress
1943 allocated a couple of months ago. And we are working hard on
1944 a solution.

1945 *Mr. Peters. Thank you very much. I yield back.

1946 *Mr. Tonko. The gentleman yields back, and we now
1947 recognize the gentleman from Georgia.

1948 Representative Carter, you are recognized for five
1949 minutes, please.

1950 *Mr. Carter. Thank you, Mr. Chairman, and thank you,

1951 Administrator, for being here. I appreciate you being here.

1952 I wanted to ask you, it is my understanding that the
1953 Paris pledge commits the United States to a 50 percent
1954 reduction of economy-wide greenhouse gases below the 2005
1955 levels, and we are supposed to reach this by 2030. You know,
1956 this is ambitious, to say the least.

1957 Last week, the Biden Administration filed its
1958 nationally-determined contribution, or NDC, if you will, with
1959 the United Nations under the Paris agreement. We know that
1960 includes plans to pursue aggressive new regulations of the
1961 electricity and transportation sectors. But we know that
1962 these plans will still leave the Administration short of the
1963 50 percent NDC Paris pledge.

1964 After transportation and electricity, the economic
1965 sectors with the highest emissions are industry and
1966 agriculture. Can you please tell us if the new regulations
1967 on these sectors are part of the President's plan to achieve
1968 the NDC?

1969 *Mr. Regan. Well, thank you. I think that our
1970 participation in the development of the NDC was to
1971 characterize the emissions, and then do a qualitative
1972 analysis of the regulatory authority we have to pursue it.

1973 And so, you know, this is a government-wide approach.
1974 This isn't a EPA regulate solely your way out of this
1975 situation. And so, you know, what I can say is, between

1976 regulatory and non-regulatory opportunities, I think that the
1977 Administration-wide is all in for looking at this 50 percent
1978 reduction goal. It is not squarely on the shoulders of EPA
1979 and EPA's regulatory authority.

1980 *Mr. Carter. But tell me what non-regulatory procedures
1981 are. I am not sure I am understanding. I want to make sure
1982 I understand that.

1983 *Mr. Regan. Well, I think that there are a lot of
1984 activities that are occurring in the private sector that we
1985 don't regulate. I know for sure, in talking with Secretary
1986 Vilsack, that there are a lot of activities that agriculture
1987 is pursuing voluntarily that we don't quantify, and don't
1988 regulate.

1989 And so, again, these -- and then there are lots of other
1990 things that happen outside of EPA's scope. I can't speak to
1991 the totality of all of the activities, but I can speak to
1992 EPA's activities, and can assure you that, as we develop
1993 these regulations that contribute to the NDC, it will be done
1994 in a fully transparent manner that will engage all of our
1995 stakeholders.

1996 *Mr. Carter. It is important to understand that these
1997 sectors, they are not monolithic, of course, and that true
1998 transparency requires more information. Can you tell the
1999 committee, or provide for the record whether or not EPA
2000 plans, regulations on, let's just say, livestock operations,

2001 soil management, iron and steel, municipal landfills, pulp
2002 and paper, refineries and petrochemical facilities, aluminum
2003 manufacturing, glass manufacturing, soda ash production, all
2004 of these things? Are you intending to pass regulations on
2005 these?

2006 *Mr. Regan. You know, you gave a really long list, of
2007 which many are already following regulations, or have
2008 regulations that they are working with the Agency on.

2009 And so, again, I think that we provided a qualitative
2010 assessment of what regulations or what statutory authority
2011 Congress has given us that will help contribute to the
2012 emission reductions that the NDC speaks to.

2013 So, you know, I don't know if the question is asking are
2014 there new regulations, or how existing regulations
2015 complement, but what I will tell you is, as we traditionally
2016 do when we develop regulations, we engage our stakeholders,
2017 those who are in the regulated community, and we plan to do
2018 that this time, no differently than we always have.

2019 *Mr. Carter. I am sorry, Mr. Regan, and with all due
2020 respect, I am just having trouble understanding exactly what
2021 your plans are. And I think it is very important. You just
2022 said that you wanted to be transparent, but I think it is
2023 very important we understand.

2024 Look, I represent a lot of agriculture. I represent a
2025 lot of forestry. And they are not the problem. They are

2026 part of the solution. And I want to make sure EPA
2027 understands that they are part of the solution.

2028 *Mr. Regan. I think if you were to speak with the ag
2029 CEOs across this country, and the elected ag officials who
2030 supported my nomination, I have a track record of working
2031 with agriculture. And I have been working with Secretary
2032 Vilsack on how we can ensure that agriculture is at the
2033 table. So you and I are in agreement there.

2034 *Mr. Carter. I certainly hope so, Mr. Regan. I
2035 appreciate you being here, and I appreciate you responding.

2036 And I will yield back, Mr. Chairman,

2037 *Mr. Tonko. The gentleman yields back, and the chair
2038 now recognizes the gentleman --

2039 [Audio malfunction.]

2040 *Mr. Tonko. You are recognized for five minutes,
2041 please.

2042 *Mr. Ruiz. Thank you.

2043 Administrator Regan, welcome, and thank you for being
2044 here. We speak the same language in environmental justice
2045 concerns.

2046 I want to start by addressing the EPA's ongoing
2047 oversight of the Oasis Mobile Home Park in my district. It
2048 is very specific, but it really highlights some of the
2049 challenges in environmental justice that your agency is
2050 facing.

2051 This park is located on tribal private land in a rural
2052 farm-worker community, and has been under an EPA emergency
2053 order due to high levels of arsenic in the park's drinking
2054 water since August 2019. I am very happy with the
2055 Administration's efforts on lead in pipe water throughout
2056 America. Arsenic is dangerous, and causes harmful health
2057 effects, and we find arsenic in some of our low-income
2058 communities, as well. This effort to deal with the emergency
2059 order since August 2019, that is more than 20 months ago.

2060 I understand EPA's mission is to help water system
2061 owners get back into compliance when there is no
2062 contamination. However, this assumes that the system owners
2063 act in good faith. All public accounts indicate that the
2064 owner of Oasis Mobile Home Park has not acted in good faith.
2065 Over the past 20 months, park ownership has repeatedly missed
2066 EPA deadlines, failed to adequately provide replacement water
2067 for residents, threatened evictions, raised rent by more than
2068 30 percent, and the list goes on, including informing their
2069 residents that the water was safe to drink when the EPA had
2070 not allowed that, or cleared the water to drink. And
2071 therefore, residents were drinking with this water.

2072 As the EPA continues to work with the park, I am
2073 concerned that the focus on compliance is failing to address
2074 accountability. Administrator Regan, how will you work to
2075 ensure that Oasis residents are protected, and that bad

2076 actors are held accountable for repeatedly violating EPA
2077 orders to provide clean, safe drinking water?

2078 [Pause.]

2079 *Mr. Ruiz. You are on mute, sir.

2080 *Mr. Regan. Thank you for that. You know, I fully
2081 believe every community deserves clean drinking water. We
2082 will continue to partner with your office, the Bureau of
2083 Indian Affairs, California's EPA, and ensure that the
2084 technical assistance required from our agency is given to the
2085 state, so that we can ensure that these --

2086 *Mr. Ruiz. Well, I understand the technical --

2087 *Mr. Regan. -- infractions are limited.

2088 *Mr. Ruiz. I understand the technical assistance. My
2089 question is accountability. How far is far enough? How long
2090 is long enough?

2091 You know, we talk about the BIA. The BIA has been
2092 negligent, and never permitted them to begin with to operate
2093 this business. And now they are coming around. So when is
2094 enough enough, and hold individuals accountable?

2095 *Mr. Regan. Well, I will tell you what, I will look
2096 into the particulars of this, and speak with my enforcement
2097 folks, and we will get an answer to you on that.

2098 *Mr. Ruiz. I appreciate working with you, because I
2099 know in your heart you are about helping the environmental
2100 justice community. And at the core, this is an environmental

2101 justice issue. This is about the decisions and actions of
2102 the powerful affecting the health and well-being of the
2103 powerless.

2104 In my remaining time I would like to ask you about
2105 another element of the EPA's EJ mission. The American Rescue
2106 Plan included my bill, the Environmental Justice for
2107 Coronavirus-Affected Communities, which provided EPA with
2108 \$100 million for both environmental justice grants and air
2109 monitoring grants under the Clean Air Act. Community groups
2110 in my district, such as Alianza and Leadership Council, have
2111 long been advocating for better air monitoring in the
2112 Coachella Valley. My district faces a range of respiratory
2113 threats, from the particulate matter from the Salton Sea to
2114 agricultural burns and smog pollution.

2115 Yesterday the Washington Post reported that, "Nearly
2116 every source of the nation's most deadly air pollutants
2117 disproportionately affect Americans of color.'" This makes
2118 it that much more important that the affected communities
2119 have access to the funding meant to protect them.

2120 Administrator Regan, what is the status of this funding,
2121 and how is your office making sure that communities like mine
2122 are notified of these resources, and that they are able to
2123 access these critical funds?

2124 *Mr. Regan. Well, thank you for that. Thank you for
2125 your leadership on this. And we are in the process right now

2126 of developing the criteria to administer these funds.

2127 And what I can tell you is what we did immediately was
2128 we engaged the communities, to be sure that they were a part
2129 of our criteria and decision-making for those who actually
2130 receive these funds. So it is a priority for us. We thank
2131 you for the resources that we received recently. And we have
2132 -- we are on the ball.

2133 *Mr. Ruiz. Doctor -- Administrator Regan, I am a doctor
2134 in public health, emergency medicine. You cannot
2135 disassociate our environmental health with our public health
2136 and individuals' health. Part of our chronic health
2137 disparities is due to the chronic exposure to toxins in our
2138 water and air. And if we are going to address the pandemic
2139 appropriately, and the chronic health disparities, and the
2140 health of the American people, we need to address
2141 environmental justice.

2142 You are the guy that is going to help us get it done,
2143 and let's work together to ensure that every child can drink
2144 clean water, and every family can bring clean -- can breathe
2145 clean air in America.

2146 I yield back my time.

2147 *Mr. Regan. Thank you.

2148 *Mr. Tonko. The gentleman yields back. The chair now
2149 recognizes the gentlelady from the State of Michigan.

2150 Representative Dingell, you are represented for -- or

2151 you are recognized for five minutes, please.

2152 *Mrs. Dingell. Thank you, Mr. Chairman. Thanks for
2153 today's important -- and thank you, Administrator Regan, for
2154 being here, and congratulations on your historic appointment.

2155 Under the last Administration, EPA ignored pressing
2156 environmental risks, and moved the United States in the wrong
2157 direction on so many essential environmental protections.
2158 With your historic appointment, EPA is back in action. Sound
2159 science is the guide to policy. You have taken over this
2160 agency at a critical time, and your to-do list is long, and I
2161 care about most of your to-do list. So there is a lot of
2162 ground to cover, so I am going to move fast.

2163 Fuel economy. I am a car girl. I applaud the
2164 Environmental Protection Agency's proposal to restore
2165 California's authority to set its own emission standards.
2166 Yes, I support California. After the previous Administration
2167 stripped this authority from the State of California, it
2168 caused serious uncertainty to the auto industry. Thank you
2169 for clarifying earlier EPA's timeline for reviewing the GHG
2170 and the fuel economy stance, but I need to dig deeper.

2171 As I understand it, due to lead time requirements, EPA
2172 will not be able to set a new rate until 2023, and NHTSA
2173 won't be able to set it until 2024. So just the delay in all
2174 of this is moving it down the line. It, obviously, worries
2175 many of us, because we want to see the industry moving

2176 forward.

2177 Can you walk me through how compliance will work for
2178 model years 2021 and 2022?

2179 Are Trump standards enforced for companies that didn't
2180 sign on to the California framework, or at least for the non-
2181 section 177 states?

2182 And will the section 177 states enforce --

2183 [Audio malfunction.]

2184 *Mrs. Dingell. -- for those years?

2185 What role does California play?

2186 And I am concerned that the Trump standards might
2187 persist, and I think we all need to have a better
2188 understanding of what you are thinking about this. And I
2189 want to make sure the companies that did sign on to the --
2190 California aren't disadvantaged. So I think the industry is
2191 looking for some clarification.

2192 *Mr. Regan. Well, we are engaging directly with the
2193 industry and with states like California.

2194 Number one, I believe in the statutory authority that
2195 California has. Each state should be able to lead. So we
2196 want to be sure that we follow the law, and we have filed the
2197 first step of a two-step process to do that.

2198 Listen, I think that we all have to live with the fact
2199 that we lost a few steps during the past Administration. And
2200 so we have to go through a regulatory process, which -- the

2201 President has indicated he wants to see a new proposed rule
2202 by July, all hands on deck. We are working extremely hard to
2203 do that. And while this first step does focus on model years
2204 through 2026, we are going to be very aggressive there.

2205 We also know that we have a second bite at the apple
2206 beyond model years 2026, and we have a rulemaking process
2207 there, as well.

2208 And so, you know, regrettably, we lost a step, in terms
2209 of emission reductions. But we are coming back, and focused
2210 on how we make up for that lost time.

2211 And I can assure you, we are having conversations not
2212 only with the automobile industry, but the unions, as well.
2213 I believe that what the science requires for us to do, where
2214 the industry is moving, and a manner by which we can do it to
2215 keep these jobs domestically is within our reach.

2216 *Mrs. Dingell. I want to work with you on that, and I
2217 hope that we get to know each other, and helping that.

2218 But I want to hit another subject before I am out of
2219 time. If you come from Michigan, you know about -- you worry
2220 about clean water, and you worry about what my other
2221 colleagues have raised about the pandemic has really made us
2222 focus on water as a human right. We tell people to wash
2223 their hands, and many people have had their water turned off,
2224 and they haven't -- they don't have access to clean water for
2225 public health, sanitary conditions. Water is life.

2226 I have been encouraging this Administration to do an
2227 executive order preventing water shutoffs nationally, and
2228 especially while HHS has yet to fully implement and deploy
2229 money from the Low-Income Household Water Assistance Program,
2230 a new assistance program that Congress authorized in December
2231 through this committee, with my colleague, Rashida Tlaib, and
2232 I leading on.

2233 Can you tell me what efforts are underway at EPA to
2234 ensure every American has access to clean water during this
2235 ongoing global health panic -- pandemic?

2236 And how do you plan to tackle the water debt crisis
2237 across so many communities?

2238 *Mr. Regan. That is an important piece of the Fiscal
2239 Year 2022 budget, but it is really prominently featured in
2240 the American Jobs Plan.

2241 What we need to do, while we are assessing and looking
2242 at water infrastructure, is ensuring that we pay attention to
2243 water affordability, as well. I believe that we can focus on
2244 quality and affordability at the same time. And EPA has a
2245 track record in our loan and grant programs, where we do just
2246 that, we focus on fixing the problem, providing quality
2247 water, and there is a significant focus on water
2248 affordability, as well. And that is where grants primarily
2249 become the option, versus loans.

2250 It is a very serious issue, and we are grateful, in the

2251 American Jobs Plan, that the President is focused on it.

2252 *Mrs. Dingell. Let's just try to not turn off anybody's
2253 water during this pandemic, and this Administration needs to
2254 make sure that happens, I beg you.

2255 Thank you, I yield back.

2256 *Mr. Tonko. The gentlelady yields back. The chair now
2257 recognizes the gentlelady from California.

2258 Representative Barragan, you are recognized for five
2259 minutes, please.

2260 *Ms. Barragan. Thank you, Chair Tonko. The proposed \$2
2261 billion increase for the EPA budget is very promising,
2262 especially the focus on investing on -- in programs that
2263 address clean air, and clean water, and environmental justice
2264 communities.

2265 In my district, the Port of Los Angeles is both a major
2266 economic engine that provides jobs, but it is also a source
2267 of pollution. This is a public health burden for communities
2268 of color in South Los Angeles, and it is an environmental
2269 justice issue felt by communities near ports around the
2270 country.

2271 Administrator Regan, can you please describe how EPA's
2272 proposed budget will help improve air quality at ports?

2273 And would you agree that this type of work is central to
2274 realizing the Administration's climate and justice --
2275 environmental justice goals?

2276 *Mr. Regan. Well, thank you for that question, and it
2277 is central.

2278 And when we look at our budget request of 2022, but also
2279 when we look at the American Jobs Plan, the American Jobs
2280 Plan really features resources that we can deploy to take a
2281 look at the impacts that ports are having on our communities.
2282 There are resources in there that really focus on how we get
2283 more air quality monitoring in these communities that are
2284 disproportionately impacted.

2285 But there are also grant dollars that would flow through
2286 the Agency to these communities to do a lot of work, in terms
2287 of how we develop partnerships with the communities and the
2288 ports to ensure that we have the best management practices in
2289 place, that we understand, from an air quality monitoring
2290 standpoint, what is happening on the ground, such that our
2291 regulations are accommodating to reducing the threat that
2292 emissions from ports have not only on the climate, but also
2293 on our vulnerable communities.

2294 *Ms. Barragan. And would you agree that the EPA has the
2295 experience and the expertise needed to establish and
2296 implement a program specifically focused on decarbonizing
2297 ports?

2298 *Mr. Regan. We have the experience. We just need the
2299 resources.

2300 *Ms. Barragan. Well, it is definitely worth noting that

2301 the American Jobs Plan seeks to invest heavily in efforts to
2302 reduce emissions from ports, in turn creating good-paying,
2303 high-quality jobs.

2304 Mr. Administrator, I want to shift a little to a bill
2305 that I have. It is called the Climate Smart Ports Act. It
2306 established an -- it establishes an EPA grant program to help
2307 ports purchase and install zero-emissions equipment and
2308 technology. These investments will address major sources of
2309 emissions from port infrastructure, and the ships and trucks
2310 and trains that serve ports, while also cleaning up the air
2311 that nearby communities breathe.

2312 House Democrats have introduced legislation called the
2313 CLEAN Future Act, and we believe that this bill can help
2314 implement parts of the American Jobs Plan. Do you believe
2315 that legislation should include a port electrification and
2316 decarbonizing program so that we can help meet these goals of
2317 the American Jobs Plan?

2318 *Mr. Regan. You know, I would love to take a look at
2319 that legislation. You know, I have been on the job for about
2320 a good six weeks now, I haven't had a chance to look at all
2321 of the legislation that has been raised today.

2322 But I do believe that, if we can advance electrification
2323 in our ports and in our transportation, it will only help,
2324 from an air quality standpoint, as well as a climate
2325 standpoint.

2326 *Ms. Barragan. Great. And the EPA -- just -- now I
2327 want to turn to something more local.

2328 The EPA is investigating a former industrial site in my
2329 district called Central Metal for eligibility on the
2330 Superfund National Priorities List. It was used for
2331 recycling scrap metal up until 2016. The EPA is supposed to
2332 test the soils in nearby neighborhoods this year for
2333 contamination.

2334 This facility was allowed to operate, for 15 years, so
2335 close to a district that is majority Latino and African-
2336 American. It is an example of the kind of environmental
2337 injustice we need to prevent. Residents complained for years
2338 about bad odors, metallic taste in their mouths, loud noises,
2339 and bad truck traffic. I will invite you and the EPA, and
2340 hope that we can work together closely with our office to
2341 move as quickly as possible to evaluate and, if necessary,
2342 remediate the Central Metal site.

2343 Thank you again, Administrator Regan, for your
2344 leadership, and I look forward to working with you.

2345 With that, I yield back.

2346 *Mr. Regan. Thank you.

2347 *Mr. Tonko. The -- recognized from Virginia.

2348 Representative McEachin, you are recognized for five
2349 minutes, please.

2350 *Mr. McEachin. Thank you, Mr. Chairman. Thank you, as

2351 always, for convening today's hearing, and for -- on this
2352 important subject of the Fiscal Year 2022 EPA budget.

2353 Mr. Regan -- it is good to see you again, Director
2354 Regan.

2355 As a founding member of the United for Climate and
2356 Environmental Justice Task Force, along with my colleagues,
2357 Congresswoman Nanette Barragan and Congresswoman Jayapal, and
2358 as a proud lead sponsor alongside Chairman Grijalva of the
2359 Environmental Justice For All Act, I was heartened to see the
2360 justice-supporting initiative included in the President's
2361 executive order 14008 on tackling climate change. This
2362 initiative is critical. I am excited to partner with you on
2363 this work.

2364 Administrator Regan, how will your office work with
2365 communities that are most impacted to communicate the new
2366 funding opportunities under your EPA leadership?

2367 *Mr. Regan. Well, thank you for that question. And,
2368 you know, I have directed every office within the Agency to
2369 look at how environmental justice and equity is integrated
2370 into our policies, our regulations, our contracting, and our
2371 procurement. So we do have a formal education outreach arm
2372 that will do a lot of the outreach.

2373 But I have the expectation that every single office has
2374 the accountability to engage with the communities that they
2375 do business with regularly, whether that be regulations,

2376 policy, and/or grant or loan programs.

2377 *Mr. McEachin. Administrator, I need you to educate me
2378 a little bit on how your agency is working with CEQ on
2379 establishing what programs and investments will count towards
2380 the 40 percent.

2381 *Mr. Regan. There is a very strong partnership there.
2382 The CEQ just confirmed the nominee, and so we have had an
2383 introductory meeting, and we are mapping out how we best
2384 partner together.

2385 We know that there is an automatic chemistry between the
2386 White House Environmental Justice Interagency Council and
2387 EPA's National Environmental Justice Advisory Council. Those
2388 are two arms that -- both entities will enjoy direct access
2389 to the community. So we plan to leverage that, in addition
2390 to some other plans that we are working on.

2391 *Mr. McEachin. Let me just say, Mr. Administrator,
2392 that, as we build back better, communities that have been
2393 historically left behind must be prioritized. Forty percent
2394 should be the floor, quite frankly, not the ceiling, and I
2395 look forward to seeing how the Americans Jobs Plan can help
2396 meet that goal.

2397 Moving on to EJ screening, I believe the EPA's EJ
2398 screening tool has the potential to be incredibly helpful,
2399 not only for communities, but for policy-makers. Being able
2400 to better identify impacted communities will allow for more

2401 thoughtful considerations when it comes to permitting,
2402 enforcement, and overall prioritization of revitalization and
2403 mitigation efforts.

2404 Mr. Administrator, can you tell us how the EPA is
2405 working in tandem with OMB and CEQ to create a tool that
2406 accurately identifies environmental hazards and impacted
2407 communities?

2408 *Mr. Regan. Well, this is very important, and this is
2409 something that I have experience in doing in North Carolina.
2410 You are exactly right. If we have the right tools, the right
2411 screening tools, local economic developers, Chambers of
2412 Commerce, lots of individuals are interested in that
2413 information so that they can do the appropriate planning. No
2414 one wants to run afoul of the law, or be accused of
2415 disproportionately impacting anyone.

2416 And so I plan to bring that recipe to EPA, as we work
2417 with CEQ and OMB, to ensure that our screening tools don't
2418 only empower us as the regulator, but empower the very people
2419 who have to make decisions on the ground -- many times are
2420 making decisions because they lack the information that we
2421 can provide.

2422 *Mr. McEachin. You know, Mr. Administrator, the notion
2423 of cumulative impact, to my mind, is awfully important. Do
2424 you envision this tool helping to identify cumulative impacts
2425 that a community may be subject to?

2426 *Mr. Regan. We believe that it can inform us on
2427 cumulative impacts, and we are in conversations -- or I am in
2428 conversations right now with my general counsel and the
2429 experts here in the Agency to determine if we have all the
2430 tools we need to adequately address cumulative impact, or do
2431 we need more assistance from Congress. And we look forward
2432 to partnering with you on answering that question.

2433 *Mr. McEachin. And to the extent that you feel like you
2434 need more assistance, please holler. You know, we want to
2435 make sure that we have cumulative impacts appropriately
2436 identified, and make sure that we are protecting these
2437 communities from any further damage.

2438 Mr. Chairman, EJ screening is a critical piece of the
2439 puzzle in terms of prioritizing and identifying communities
2440 most at risk. I look forward to working with EPA to address
2441 cumulative impacts, enforcement, and investment as we
2442 continue our work with the Agency.

2443 Mr. Chairman, I thank you for your time and your
2444 attention, and I yield back.

2445 *Mr. Tonko. The gentleman yields back. We thank you.
2446 And the chair would now recognize the gentlelady from the
2447 State of Delaware.

2448 Representative Blunt Rochester, you are recognized for
2449 five minutes, please.

2450 *Ms. Blunt Rochester. Thank you so much, Mr. Chairman,

2451 and especially for calling this important hearing.

2452 And Administrator Regan, congratulations. It is good to
2453 see you in your new role. And thank you for your testimony
2454 here today.

2455 Like my colleagues, Representative Barragan and Dingell,
2456 I am working on and have introduced legislation such as my
2457 Climate Action Planning for Ports bill, or working on
2458 affordable, accessible, and clean water issues. But today I
2459 would like to focus on clean air.

2460 Last week, the American Lung Association released their
2461 annual State of the Air Report, showing that 40 percent of
2462 Americans live in areas where the air is unsafe to breathe --
2463 40 percent. Clearly, we still have a lot of work to do to
2464 clean up our air.

2465 The report also reminded us that we need to improve our
2466 air monitoring system. Fewer than one-third of U.S. counties
2467 have monitors, meaning that families don't have access to
2468 real-time information about the air they are breathing.
2469 Frontline communities have been subjected to unsafe air for
2470 decades, and have suffered the long-term health consequences
2471 and complications because of it.

2472 COVID-19 has only exacerbated this, and shown us just
2473 how dangerous air pollution is to human health, particularly
2474 in our frontline communities. One step in empowering and
2475 protecting these communities is figuring out what pollutants

2476 they are currently exposed to. That is why I introduced the
2477 Public Health Air Quality Act, and I am proud it is included
2478 in the CLEAN Future Act. This bill will significantly
2479 improve and expand our air quality monitoring network, and
2480 make sure EPA has the resources it needs.

2481 Administrator Regan, I would ask that my staff continue
2482 to work with your office, and I would love to have a
2483 commitment that you will work with us on some of those
2484 important issues.

2485 *Mr. Regan. Well, thank you. You do have my
2486 commitment, and I will say that, in our 2022 budget and in
2487 the ARP, this is exactly why we requested resources for air
2488 quality monitoring. It is a very important piece of the
2489 puzzle.

2490 *Ms. Blunt Rochester. Thank you so much. As a matter
2491 of fact, you preempted me. In the American Rescue Plan, we
2492 appropriated \$50 million to EPA for air quality monitoring
2493 programs under the Clean Air Act. What progress has EPA made
2494 in getting the \$50 million out the door, and what will that
2495 money accomplish?

2496 *Mr. Regan. You know, it will accomplish a lot. And
2497 what we have done is we have started the process of engaging
2498 directly with our communities that have been overburdened to
2499 determine and ascertain where these monitors should be
2500 placed, and the types of information that we should be

2501 collecting.

2502 We didn't want to rush and be paternalistic. We wanted
2503 to engage the communities, get their buy-in. The \$50 million
2504 is going to be a good shot in the arm. The \$100 million, as
2505 we have asked for in the 2022 budget, would be another shot
2506 in the arm. But we need to keep right on pressing on this
2507 air quality issue.

2508 *Ms. Blunt Rochester. Could you talk a little bit
2509 deeper -- I was pleased to see that your discretionary budget
2510 request asked for 100 million for a new air quality
2511 monitoring and notification program. Can you talk a little
2512 bit more about it?

2513 What goals do you have for the funding and the new
2514 program?

2515 *Mr. Regan. Well, you know, it is really designed to
2516 better inform our air quality monitoring system. This isn't
2517 a situation where government wants to grow and build, this is
2518 an opportunity for us to give grants directly to the states,
2519 to the tribes, and to the communities, arm them with the
2520 information on how to use these resources so that they can
2521 begin to monitor their air quality themselves, and then
2522 communicate with us, as the federal government, so that we
2523 can partner with these local communities and these states.

2524 This is extremely important, and a really good step
2525 forward, in terms of building the confidence that we need our

2526 communities to have in their federal government.

2527 *Ms. Blunt Rochester. And my last question is, do you
2528 need more to repair and expand on the air quality monitoring
2529 system?

2530 In particular, do you have sufficient staff to address
2531 these challenges?

2532 *Mr. Regan. You know, we have taken a serious hit in
2533 staff over the past four years. Over close to 1,000 people
2534 have walked out of the door. We are hoping to recoup some of
2535 that lost expertise.

2536 I want to say we are making progress. With this 2020
2537 ask, the resources that the President is calling for in the
2538 American Jobs Plan, you know, we really want to fight for
2539 those precious resources, and they will get us on our way.

2540 *Ms. Blunt Rochester. Thank you, Mr. Administrator.
2541 And also, I want to say, on behalf of my sister, she too has
2542 Aggie Pride. So welcome, and we are glad to have you on this
2543 mission. Thank you, sir.

2544 And I yield back, Mr. Chairman.

2545 *Mr. Tonko. Okay, thank you. The gentlelady yields
2546 back. The chair now recognizes the gentleman from Florida.

2547 Representative Soto, you are recognized for five
2548 minutes, please, and thank you for joining.

2549 *Mr. Soto. Thank you, Chairman Tonko, and welcome,
2550 Administrator Regan. I appreciate your leadership on EPA.

2551 In Florida we face intensifying hurricanes, rising sea
2552 levels, and if we do nothing to bend the curve on emissions,
2553 we will see over 100 extremely hot days a year by 2050. We
2554 know we have to do something about it, which is why I am so
2555 excited about President Biden's goal of cutting U.S.
2556 greenhouse gas emissions in half by 2030, which reflects this
2557 urgency.

2558 According to a recent New York Times report, new data
2559 shows methane levels in the atmosphere reaching record-high
2560 levels last year. If the 2020 rescission rule remains in
2561 effect, would the U.S. still be on track to make the methane
2562 reductions necessary to limit warming by 1.5 degrees, and
2563 avoid the worst climate harms, and meet the President's
2564 climate targets?

2565 *Mr. Regan. Well, you know, based on the activities
2566 that are occurring with the CRA, what I would say is we are
2567 on target to propose a new regulation in September that would
2568 be on track with helping to get the deep cuts in methane
2569 emissions to help, in part, meet the President's goal. We
2570 are excited to say that we are engaging with the industry,
2571 because the technology exists, and we are going to keep
2572 forging ahead.

2573 *Mr. Soto. So with these new protections to protect our
2574 air and atmosphere from methane at high levels, it looks like
2575 we will stay on track. Thank you, Mr. Administrator.

2576 In addition, we are really appreciative of the 21
2577 percent increase in drinking water infrastructure. We have
2578 seen some issues with some of the cleaning resin affecting
2579 water infrastructure in central Florida, and the city of St.
2580 Cloud in my district.

2581 We are also really excited about the increase from 682
2582 to \$882 million for the Superfund sites, because we have an
2583 issue still with phosphogypsum stacks, both in Polk County,
2584 as well as in Piney Point, which you may have seen just
2585 recently.

2586 Can we count on you to commit, if we get this increased
2587 funding, to help clean up these sites, and hold polluters
2588 accountable for these phosphogypsum stacks in central Florida
2589 and Tampa Bay?

2590 *Mr. Regan. Yes, we have been in close communication
2591 with the State of Florida on these issues. We see an
2592 effective partnership occurring with the state, and we will
2593 continue to be present, and provide resources and technical
2594 assistance as needed.

2595 *Mr. Soto. Thank you so much, Mr. Administrator.

2596 And finally, I am very excited to see strong climate
2597 leadership from the Biden Administration to boldly act on the
2598 climate crisis, rebuild our economy, and create millions of
2599 good, family-supporting jobs in the process.

2600 Turning to President Biden's American Jobs Plan, which

2601 boldly outlines an economic recovery centered around tackling
2602 the climate crisis, how would the investments in the American
2603 Jobs Plan address the climate crisis, and what is EPA's role,
2604 overall?

2605 *Mr. Regan. You know, EPA plays a significant role.
2606 And, you know, the climate crisis, this is an opportunity for
2607 us to look at ways to leverage technology to reduce the
2608 harmful pollutants, like you mentioned, with methane.

2609 But the reality is that we are going to be living with
2610 many of the impacts that we are seeing. And so resiliency is
2611 incredibly important. And this is where the \$111 billion in
2612 water infrastructure is so important. We need a more
2613 resilient water infrastructure to withstand not only climate
2614 change impacts, but the attacks we are seeing from cyber
2615 issues, as well.

2616 But the good news is that, not only are we hardening
2617 that structure, we are creating millions of jobs, and
2618 creating opportunities to provide good-quality drinking
2619 water.

2620 And by the way, in states like North Carolina and
2621 Florida, we need to repair our storm water so that we can
2622 decrease the flooding that we are seeing because of
2623 inadequate infrastructure, as well as our wastewater
2624 treatment facilities overflowing, as well.

2625 So pollution reduction, resiliency, jobs, good-quality

2626 drinking water, there are huge opportunities for EPA in the
2627 Jobs Plan.

2628 *Mr. Soto. Mr. Administrator, I am glad you mentioned
2629 the storm water issues. We just saw a grant being awarded to
2630 our district just yesterday from the HUD resiliency grants
2631 that came about through reaction and response to Hurricane
2632 Irma in Buenaventura Lakes in my district. So we strongly
2633 encourage you to continue working with your partners in HUD
2634 on those stormwater resiliency methods, as well as with
2635 utilities.

2636 We are only going to get stronger hurricanes, both in
2637 the Outer Banks of North Carolina and South Carolina, as well
2638 as in Florida. So we look forward to continuing to work with
2639 you. And thank you so much for your leadership.

2640 *Mr. Tonko. The gentleman yields back, and we now will
2641 move to a few of our colleagues who have waived on to the
2642 subcommittee. We will begin with Dr. Burgess, the gentleman
2643 from the State of Texas.

2644 You are recognized for five minutes, please, sir.

2645 [Pause.]

2646 *Mr. Tonko. Representative Burgess, Dr. Burgess from
2647 the State of Texas, if you are with us, I know you wanted to
2648 waive on to subcommittee --

2649 *Mr. Burgess. Yes, sir.

2650 *Mr. Tonko. You are recognized for five minutes,

2651 please.

2652 *Mr. Burgess. Thank you. Thank you, Chairman, for the
2653 recognition.

2654 Administrator Regan, welcome to our subcommittee. Thank
2655 you for testifying today. You spoke just a moment ago to
2656 Representative Blunt Rochester from Delaware about having to
2657 restore some staffing capacity to the Agency. Did I hear you
2658 correctly?

2659 *Mr. Regan. Yes.

2660 *Mr. Burgess. So at the present time can you kind of
2661 give us a round-number figure as to the number of staff that
2662 you intend to hire?

2663 *Mr. Regan. Well, over the past 4 years we lost close
2664 to 1,000 employees. And as we look at what is required of
2665 the Agency to be sure that we are protecting our drinking
2666 water, and looking at air quality issues as to climate, what
2667 this budget does for us, it spells out needed resources to
2668 get back to where we were prior to four years ago, and then
2669 assess the additional staff we need to carry out our duties
2670 to protect clean air and clean water.

2671 *Mr. Burgess. Well, and that is very admirable. We
2672 want you to have the staff that you require. We would also
2673 like some transparency in the hiring process, and how people
2674 are -- throughout the agency.

2675 As you know, our committee is tasked with the oversight

2676 of your budget. Do you know what title 42 hiring authority
2677 is?

2678 *Mr. Regan. I am sorry?

2679 *Mr. Burgess. Do you know what title 42 hiring
2680 authority is?

2681 *Mr. Regan. I don't believe I am familiar with that
2682 specific authority.

2683 *Mr. Burgess. So years ago, the Environmental
2684 Protection Agency was actually part of the Department of
2685 Health and Human Services, or perhaps even the Department of
2686 Health, Education, and Welfare. But there was a title 42
2687 exception that allowed personnel to be hired at a higher pay
2688 rate than they -- to which they would otherwise have been --
2689 had available to them. And this was the subject of an IG
2690 report, and this is back in March of 2015. And, Mr.
2691 Administrator, I will be happy to make sure my staff gets a
2692 copy of this to you, if you don't have it already. The title
2693 of the IG -- the report of the inspector general was "EPA
2694 Needs to Justify How it is Using Title 42 Hiring Authority."

2695 And here is the concern, that a -- and in some of our
2696 previous investigative work that we did in previous
2697 congresses, we found, for example, that a starting chemist
2698 might be hired at a much higher rate than they otherwise
2699 would have been at one of the other agencies.

2700 So here is one of the things that has bothered me,

2701 historically, as a member of this committee. It appears that
2702 the EPA is using title 42 hiring authority, despite lacking
2703 the authorization to do so from this committee. It was an
2704 assumed authorization when the EPA was previously within
2705 Department of Health and Human Services, and has endured
2706 without the proper authorization from the authorizing
2707 committee, which would be the Committee on Energy and
2708 Commerce.

2709 So, I guess from your original answer, you are not aware
2710 that the EPA was using title 42 hiring authority, despite not
2711 having the authorization.

2712 *Mr. Regan. I was just informed by my CFO that we do
2713 have the hiring authority -- the authorization, excuse me.
2714 We do have the authorization.

2715 *Mr. Burgess. Well, that has, actually, been the
2716 subject of some debate, and your inspector general, perhaps,
2717 felt otherwise. In that 2015 report your own office of
2718 inspector general called for the Environmental Protection
2719 Agency to justify how it is using that authority. My feeling
2720 on this committee, as the authorizing committee, that is a
2721 legitimate question, and I would just ask you if we can
2722 expect to get that question answered.

2723 *Mr. Regan. Yes. I have had a couple of meetings with
2724 my IG, just as late as this week, and that hasn't come up.
2725 But I will circle back with our IG and get that answer --

2726 that question answered for you.

2727 *Mr. Burgess. But -- and the only other request is, if
2728 you do use the title 42 hiring authority, can you -- moving
2729 forward, will you help us, and commit to us that each hire is
2730 properly justified, and regularly reported to this committee?

2731 *Mr. Regan. Yes, we want to be transparent and follow
2732 the rules and follow the law. So, yes.

2733 *Mr. Burgess. I appreciate your candor.

2734 Thank you, Mr. Chairman, for the recognition. I will
2735 yield back.

2736 *Mr. Tonko. Okay, the gentleman yields back. The chair
2737 now recognizes the gentlelady from the State of Florida, who
2738 is also waiving on to the subcommittee. She serves as chair
2739 of the Select Committee on Climate.

2740 Representative Castor?

2741 *Ms. Castor. Well, thank you, Chair Tonko, for allowing
2742 me to waive on, and thank you for your leadership.

2743 Administrator Regan, it is very good to see you again.
2744 The Environmental Protection Agency is central to the ability
2745 of our neighbors to lead healthy lives, so I am grateful to
2746 everyone who serves there every day. And it occurred to me,
2747 just over the past couple of weeks being home here in Tampa,
2748 how EPA improves the health and the lives of my neighbors,
2749 day in and day out.

2750 One, I was out at a -- with the university-area CDC.

2751 They are focused on an at-risk community, and they have used
2752 a brownfields assessment grant. And the leaders there said
2753 that it has been instrumental in their ability to go into
2754 some drug-infested neighborhoods, purchase property, turn
2755 that into a park, single family homes, and they want to do
2756 more. So it is good to see brownfields included in the
2757 budget.

2758 Then I was out with the county commissioner earlier this
2759 week. We were looking at a part of town where they are still
2760 on a septic system, but they are very close to Tampa Bay.
2761 And they have a plan to connect a lot of those homes to water
2762 and wastewater over time, but they can only take a little
2763 chunk at a time. So it is great to see you putting more --
2764 proposing more resources for a clean water revolving loan.

2765 And then, as my colleague, Congressman Soto, mentioned,
2766 we just had a devastating toxic stew from an abandoned
2767 phosphogypsum stack pour millions of gallons of -- it was a
2768 very acidic water into Tampa Bay. It is pretty gross, by the
2769 way. It is impacting shellfish areas, fishermen. It is
2770 probably going to lead to harmful algal bloom, where -- you
2771 know, we are suffering through red tide that comes and goes
2772 over time. But this -- it also impacts the health of folks.
2773 And EPA was here, in partnership with folks at the local
2774 level in the state. And I want to thank you for that.

2775 And then it is the Tampa Bay estuary program that has

2776 been able to follow up and keep track of the water quality in
2777 the Bay, and make sure that the public understands what is
2778 happening. And I know that the estuary program is another
2779 EPA initiative, as well.

2780 So all of these, I understand, will receive additional
2781 support in the proposed budget, is that right?

2782 *Mr. Regan. Yes, that is right.

2783 *Ms. Castor. That is fantastic, and that is just in my
2784 community. This is -- you just replicate that all across
2785 America, and it is so very important.

2786 Now that the -- with President Biden's election, there
2787 is a new emphasis, thankfully, as many of my colleagues have
2788 mentioned, on environmental justice. Congressman McEachin
2789 and others have asked some questions on that, and we do
2790 understand that there are many working-class communities and
2791 communities of color all across America that have been
2792 disproportionately burdened by pollution.

2793 In the Select Committee on Climate Crisis, in our action
2794 plan that we published last year, we had some recommendations
2795 there for stepping up the monitoring of the air and water
2796 quality, increased enforcement, increased capacity of our
2797 environmental justice groups. How will EPA prioritize
2798 environmental justice communities for more monitoring and
2799 enforcement?

2800 *Mr. Regan. Well, thank you. It is a critical

2801 component of how we plan to do business. moving forward.

2802 Again, I have directed all of my senior leadership to
2803 incorporate environmental justice and equity into the DNA of
2804 the work that they do in all of the offices at EPA.

2805 But as you note, in the 2022 budget and in the American
2806 Jobs Plan, there are specific resources called out to focus
2807 specifically on environmental justice communities that have
2808 been disproportionately impacted, especially through that air
2809 quality lens, but also, as we look to address water quality
2810 issues, as well, like, you know, lead in pipes, and the like.

2811 So there is a combination of looking at how we integrate
2812 it through policy and regulation, through our existing work,
2813 and then those additional resources we need for air quality,
2814 water affordability, as we move forward.

2815 *Ms. Castor. Thank you, and I know we need to also
2816 build the capacity of those groups, so that they have a
2817 meaningful seat at the table when it comes to clean water,
2818 clean air, and action on climate. So is that included, as
2819 well?

2820 *Mr. Regan. There are. There are opportunities for
2821 grants, in partnership with communities directly, as well as
2822 with the states. We know that communities and states know
2823 themselves much better than the federal government ever
2824 could. And so we are relying heavily on that to get it
2825 right.

2826 *Ms. Castor. Thank you very much.

2827 Thank you, Chairman Tonko.

2828 *Mr. Tonko. You are welcome. The gentlelady yields
2829 back. The chair now recognizes the gentleman from Arizona.

2830 Representative O'Halleran, you are recognized for five
2831 minutes.

2832 *Mr. O'Halleran. Well, thank you, Chairman Tonko, for
2833 holding this important meeting today. I would like to thank
2834 the Administrator Regan for testifying today. I am
2835 encouraged by what I have seen from the EPA for the first 100
2836 days of this Administration.

2837 I represent an area in Arizona that is large and rural,
2838 spanning more than half the State of Arizona. I guess you
2839 can say the easy part is it is larger by 2,000 square miles
2840 in the State of Illinois. Rural areas need infrastructure
2841 investments. I appreciate your mentioning the need for water
2842 infrastructure projects, which is a big concern in Arizona.

2843 In your testimony you also said that, under your
2844 leadership, the EPA will do everything in its power to clean
2845 up and restore land for our communities. I hope you don't
2846 mind that I am going to hold you to that promise.

2847 There are over 250 abandoned uranium mines on Navajo
2848 Nation land in Arizona. They are there because the
2849 government asked them to allow that mining to go on in the
2850 1940s. For decades, millions of tons of uranium were mined

2851 on Navajo lands. These mines have had health impact to local
2852 families, including children, including death, also. None of
2853 the sites could be considered safe, but families live there,
2854 children play there, and livestock grazes there. In fact,
2855 there is 1,000 homes with -- partially made out of land,
2856 adobe, from those mines.

2857 Last year your predecessor in the EPA added the Navajo
2858 abandoned uranium mines to administrator's Superfund emphasis
2859 list. This is a welcome step in the right direction. It is
2860 only about six decades too late, or five decades too late.

2861 Two months ago, the EPA announced 220 million in cleanup
2862 funds, contracts coming out of a \$1.77 billion settlement in
2863 2015. I want to see this cooperation continue at a higher
2864 level. Those funds will only address 200-some mines, maybe,
2865 at the continuing cost figures. Those funds have been there
2866 for a long time, and not been used for whatever reason.
2867 There needs to be more personnel placed on this project.
2868 They need to work closer to the project, instead of San
2869 Francisco or -- now Denver is going to open up as an area. I
2870 want to see this cooperation continue at a much higher rate.

2871 Now, what approach are you going to take, when working
2872 with communities such as the Navajo Nation, which are hardest
2873 hit by environmental hazards?

2874 And it has been mentioned, environmental justice is
2875 important.

2876 Would you please answer that?

2877 *Mr. Regan. Yes. Well, thank you for raising that, and
2878 I know we will continue to work very closely with the Navajo
2879 Nation on expediting the cleanup of those, as you mentioned,
2880 230 sites. But we recognize that there is about 270 more.
2881 And we are going to put a special emphasis on 46 sites, which
2882 we have ranked really high. The reality is that, with the
2883 resources that we are asking for in the 2022 budget, and with
2884 the American Jobs Plan, there is a focus on how we engage
2885 more closely and more strongly with these disadvantaged
2886 communities.

2887 It only empowers and bolsters EPA's ability to do so if
2888 we get those results, and so my staff is keenly focused on
2889 continuing to do the work that we are doing, but also ways
2890 that we can strengthen our partnerships with these local
2891 communities to be sure that we are putting the resources in
2892 the right place.

2893 *Mr. O'Halleran. How is the EPA, under your leadership,
2894 going to make these cleanup efforts a priority?

2895 We have heard this from past administrations, from past
2896 EPA directors, we have heard it time and time and time again,
2897 and yet decades go by and nothing gets done.

2898 And you don't have to ask for money. It is there, in
2899 the trust fund, right now. So I am still wondering where we
2900 are at, and how can your leadership make a change?

2901 *Mr. Regan. I think what we have done is we have
2902 prioritized these types of issues. And this is where,
2903 through the environmental justice lens, this Agency is taking
2904 very seriously how we prioritize our response to communities
2905 that have been disproportionately impacted for far too long.

2906 And so it does require a new emphasis on these
2907 communities, which we are engaging on, but it also requires
2908 additional resources. This agency has been hit severely over
2909 the past four years, and prior. And so the combination of
2910 additional resources and this new focus on environmental
2911 justice and equity should yield a stronger result in this
2912 area.

2913 *Mr. O'Halleran. Mr. Regan, I appreciate your time here
2914 today. I look forward to extended discussions on this issue
2915 and other issues of cleanup.

2916 And, Mr. Chairman, I yield back.

2917 *Mr. Tonko. The gentleman yields back, and that, I
2918 believe, concludes the list of colleagues who have chosen to
2919 question our witness today. I will take care of some
2920 additional business before we move to adjourn.

2921 I request unanimous consent to enter the following
2922 documents into the record: a 2020 letter from 27 Members of
2923 Congress to former EPA Administrator Wheeler on the proposed
2924 PM2.5 rule; a 2020 letter from 28 Members of Congress to
2925 former EPA Administrator Wheeler on the proposed Ozone Air

2926 Quality Standards Rule; an article from Politico entitled,
2927 "Biden's Climate Target Map Still A Mystery''; an article
2928 from E&E News entitled, "The Whiff of the Unthinkable at EPA:
2929 CO2 Standards for States''; an article from Inside EPA
2930 entitled, "Environmentalists Bolster Years-Old Petition for
2931 EPA to Set CO2 NAAQS''; and a client update from Baker Botts
2932 entitled, "EPA's PFAS Policy Change May Delay Market Entry
2933 for Innovative Chemicals''; a 2018 letter from 6 state
2934 attorneys general to Texas Attorney General Ken Paxton; a
2935 submission of the United States nationally-determined
2936 contribution, in line with article 4 of the Paris Agreement;
2937 a 2021 letter from Patrick Morrissey, attorney general of
2938 West Virginia, to EPA Administrator Regan.

2939 So any objection?

2940 Hearing none, without objection, so ordered.

2941 [The information follows:]

2942

2943 *****COMMITTEE INSERT*****

2944

2945 *Mr. Tonko. Again, Administrator Regan, we thank you
2946 for participating with us today. You have endured for
2947 several hours here, and we thank you for responding to the
2948 questions posed your way.

2949 I speak for myself for certain, and I believe members
2950 across the board on this subcommittee, and with the standing
2951 Committee of Energy and Commerce, that we look forward to
2952 working with you.

2953 I wish you success. Your success translates into
2954 success for the stewardship of our planet Earth. So we thank
2955 you for your leadership.

2956 I remind members that, pursuant to committee rules, they
2957 have 10 business days by which to submit additional questions
2958 for the record to be answered by our witness.

2959 I ask that you, Administrator Regan, respond promptly,
2960 please, to any such questions that you may receive.

2961 And at this time, the subcommittee is adjourned.

2962 [Whereupon, at 1:47 p.m., the subcommittee was
2963 adjourned.]