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5 THE FISCAL YEAR 2025 ENVIRONMENTAL PROTECTION AGENCY BUDGET

6 WEDNESDAY, MAY 15, 2024

7 House of Representatives,

8 Subcommittee on Environment, Manufacturing,

9 and Critical Materials,

10 Committee on Energy and Commerce,

11 Washington, D.C.

12

13 The subcommittee met, pursuant to call, at 10:06 a.m. in

14 the Room 2123, Rayburn House Office Building, Hon. Earl L.

15 "Buddy" Carter [chairman of the subcommittee], presiding.

16

17 Present: Representatives Carter, Palmer, Pence,

18 Crenshaw, Joyce, Weber, Allen, Balderson, Pfluger, Miller-

19 Meeks, James, Rodgers (ex officio); Tonko, DeGette,

20 Schakowsky, Sarbanes, Clarke, Ruiz, Peters, Barragan, and

21 Pallone (ex officio).

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22           Also present: Representatives Curtis, Griffith,  
23 Walberg, Obernolte; Cardenas, Castor, and Dingell.

24

25           Staff Present: Sarah Burke, Deputy Staff Director;  
26 David Burns, Professional Staff Member; Jerry Couri, Deputy  
27 Chief Counsel; Nick Crocker, Senior Advisor and Director of  
28 Coalitions; Sydney Greene, Director of Operations; Nate  
29 Hodson, Staff Director; Calvin Huggins, Staff Assistant; Tara  
30 Hupman, Chief Counsel; Sean Kelly, Press Secretary; Alex  
31 Khlopin, Staff Assistant; Peter Kielty, General Counsel;  
32 Emily King, Member Services Director; Elise Krekorian,  
33 Counsel; Drew Lingle, Professional Staff Member; Mary Martin,  
34 Chief Counsel; Brandon Mooney, Deputy Chief Counsel; Kaitlyn  
35 Peterson, Clerk; Karli Plucker, Director of Operations  
36 (shared staff); Peter Spencer, Senior Professional Staff  
37 Member; Dray Thorne, Director of Information Technology;  
38 Timia Crisp, Minority Professional Staff Member; Tiffany  
39 Guarascio, Minority Staff Director; Anthony Gutierrez,  
40 Minority Professional Staff Member; Caitlin Haberman,  
41 Minority Staff Director; Emma Roehrig, Minority Staff  
42 Assistant; Kylea Rogers, Minority Policy Analyst; and Rebecca

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43 Tomilchik, Minority Professional Staff Member.

44

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45           \*Mr. Carter. The subcommittee will now come to order.

46           The chair will recognize himself for five minutes for  
47 the purpose of an opening statement.

48           Administrator Regan, welcome to the Subcommittee on  
49 Environment, Manufacturing, and Critical Materials. Thank  
50 you for appearing before us today to discuss the President's  
51 fiscal year 2025 budget request for the Environmental  
52 Protection Agency.

53           I recently assumed the gavel of this subcommittee, and I  
54 am privileged to be able to lead this panel's important work  
55 to advance policies which provide for environmental  
56 protection while also growing our manufacturing and  
57 industrial base.

58           My district in southeast Georgia features over 100 miles  
59 of pristine coastline, the Okefenokee Swamp, and thriving  
60 forest lands. These are resources we cherish and strive to  
61 protect for future generations.

62           We are also one of the fastest growing economies in the  
63 country. Billions of dollars of investment are flowing to my  
64 district, fueled by Georgia's pro-business policies, low  
65 electricity rates, and access to the Ports of Savannah and

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66 Brunswick.

67 To the detriment of my district and the stated goals of  
68 this Administration, the EPA's regulatory agenda is poised to  
69 choke the prospects for increased prosperity. The recently  
70 finalized Particulate Matter, PM, 2.5 standard will gridlock  
71 permitting at new and expanded manufacturing facilities. By  
72 placing the standards so close to the natural background  
73 level, studies indicate that nearly 80 percent of  
74 manufacturing projects would fail to obtain a permit,  
75 including the \$5.5 billion Hyundai EV battery plant in my  
76 district. Luckily, this investment received its permit  
77 before the standard was revised.

78 China controls over 75 percent of the EV battery supply  
79 chain, and actions like the PM 2.5 standard threaten to  
80 tighten their choke hold on battery manufacturing.  
81 Meanwhile, the EPA and its zealous rush-to-green agenda has  
82 mandated that almost 70 percent of new passenger vehicles  
83 sold by 2032 will be electric.

84 I am not anti-EV, not at all. I believe there is a  
85 market for EVs, and we should be building up our entire  
86 supply chain, including in Georgia, to reduce reliance on

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87 China. However, I am anti-mandate. The EPA's EV mandate  
88 reduces consumer choice, and its efforts to limit new  
89 critical mineral refining ties us to China and threatens grid  
90 reliability.

91 While the Administration pushes grandiose  
92 electrification visions, the EPA seems to have forgotten that  
93 electricity does not come from the plug. The illegal Clean  
94 Power Plan 2.0 threatens to shutter 16 percent of our  
95 reliable baseload generation that comes from coal-fired  
96 power, stranding assets, raising rates, and increasing  
97 blackouts. Section 111 of the Clean Air Act requires the  
98 best system of emission reduction to be adequately  
99 demonstrated. By mandating that states require coal-fired  
100 plants with a useful life beyond 2039 achieve 90 percent  
101 carbon capture by 2032, the EPA overstepped its authority and  
102 will land itself back in crosshairs of the courts.

103 No coal-fired power plant in North America has achieved  
104 a 90 percent capture rate. There are no projects to  
105 demonstrate this even close to development. Guess work is  
106 not a basis for telling states what standards to set.

107 The EPA does not have a history of timely permitting the

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108 injection wells necessary for carbon sequestration. I note  
109 two states have -- finally allowed to do this have permitted  
110 more injection sites in just two years than the EPA has in a  
111 decade -- not a sign that EPA is serious about relying on  
112 this technology.

113 I am surprised that, since you are a former state  
114 regulator, the Administration has not more effectively  
115 leveraged your experience and relationships with your co-  
116 regulators to states. Unfortunately, a much different  
117 relationship has been fostered, and it is my view that the  
118 agency has drifted far from the statutory principle of  
119 cooperative federalism.

120 Last year's interstate transport rule underscores this  
121 sad situation. In the rule the EPA denied 21 state  
122 implementation plans for ozone standards, and less than one  
123 month later the agency imposed Federal implementation plans  
124 on 23 states, nearly half of the country. Now the agency  
125 finds itself again in the Supreme Court, something that could  
126 have been avoided if the agency had worked with its co-  
127 regulators.

128 Today we will explore these regulatory topics, as well

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129 as the agency's activities with this massive infusion of  
130 funding from the IRA. It is imperative that Congress  
131 conducts robust oversight of the more than \$41.5 billion  
132 given to EPA in the IRA, including the \$31 billion in  
133 taxpayer funds the EPA was provided for its Green Bank and  
134 Environmental Justice Block grant programs.

135 Administrator Regan, I appreciate our conversations and  
136 thank you for being here. I look forward to our conversation  
137 today.

138 [The prepared statement of Mr. Carter follows:]

139

140 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

141



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142           \*Mr. Carter. I now recognize the gentleman from New  
143 York, the ranking member, Representative Tonko, for five  
144 minutes for an opening statement.

145           \*Mr. Tonko. Thank you, Mr. Chair.

146           And Administrator Regan, thank you for being here. And  
147 thank you for all you are doing to lead the Environmental  
148 Protection Agency. I truly believe you will go down as one  
149 of the agency's greatest leaders. And that is not only  
150 because you are implementing historic funding opportunities  
151 provided by the Infrastructure Investment and Jobs Act and  
152 the Inflation Reduction Act.

153           Undoubtedly, these laws are playing a critical role in  
154 getting the lead out of our drinking water, protecting us  
155 from PFAS, cleaning up brownfields and Superfund sites, and  
156 deploying fleets of zero-emission buses. But these are not  
157 the only reasons why these laws are transformational. It is  
158 how these resources are reaching people. For the first time  
159 ever, many disadvantaged communities, tribal communities, and  
160 community-based organizations are able to access funding that  
161 had previously been unreachable.

162           There has been an increased emphasis by EPA on building

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163 capacity and providing technical assistance to these  
164 communities to better address historic environmental  
165 injustices, and you have led these efforts with great  
166 sensitivity and awesome commitment. I know that was the case  
167 when you worked with former Subcommittee Chair Bill Johnson  
168 in East Palestine, and I saw it firsthand when you met with  
169 community leaders that I represent from Albany's South End  
170 neighborhood. A robust EPA budget is critical to communities  
171 like these.

172         The President's fiscal year 2025 budget request will  
173 continue to enable EPA to fulfill its core mission, while  
174 ensuring that these historic investments are administered  
175 effectively and, indeed, efficiently. And based on the  
176 agency's proposed agenda and the statutory requirements, it  
177 is clear that the additional resources and personnel called  
178 for in the budget request are necessary.

179         During the Biden Administration there has been a  
180 concerted effort to rebuild the agency's capacity to  
181 administer and oversee funding opportunities, as well as  
182 carry out the agency's regulatory and enforcement agendas.  
183 This regulatory agenda has included finalizing important

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184 environmental and public health protections to address  
185 threats, threats that are posed by traditional and climate  
186 pollutants from power plants and vehicles, lead and PFAS in  
187 drinking water, and asbestos and other dangerous chemical  
188 substances in commerce.

189         Simply put, each of these rules will save lives and  
190 deliver significant benefits to the American people.

191         Not only will these efforts protect public health, but  
192 many of them are also critical to the Biden Administration's  
193 Investing in America agenda, which supports the reshoring of  
194 domestic manufacturing in key strategic industries. Newly  
195 finalized standards for power plants, light duty vehicles,  
196 and heavy duty vehicles will drive innovation and deployment  
197 of pollution controls and clean energy technologies, many of  
198 which will be made right here in America.

199         I believe we can compete with China and other nations,  
200 and we can do that in a way that does not require us to race  
201 to the bottom and undermine our critical environmental and  
202 labor protections. These rules are part of that effort.

203         So, Mr. Administrator, I also want to recognize and  
204 express my appreciation for EPA's efforts to update and

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205 strengthen its scientific integrity policy. Ensuring that  
206 EPA's career public servants are able to do their work guided  
207 by science and free from political and special interests is  
208 imperative. And I believe, once finalized, EPA's scientific  
209 integrity policy will become the gold standard amongst our  
210 Federal agencies. This is just one part of the effort to  
211 recruit, retain, and develop the workforce necessary to carry  
212 out the agency's mission while being guided by the best  
213 available science.

214 So Administrator Regan, I thank you again for joining  
215 us. I look forward to working with you as EPA carries out  
216 its responsibilities to address our nation's greatest  
217 environmental challenges, including climate change, clean air  
218 and clean water, and chemical safety and environmental  
219 justice. And I do hope Congress will deliver the resources  
220 necessary in fiscal year 2025 to ensure that that agenda  
221 stays on track.

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

223

224 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

225

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226 \*Mr. Tonko. With that I yield back.

227 \*Mr. Carter. The gentleman yields. I now recognize the  
228 chair of the full committee, the Honorable Chair Rodgers, for  
229 five minutes for an opening statement.

230 \*The Chair. Thank you. Thank you, Mr. Chairman.

231 Welcome, Administrator Regan. We appreciate you being  
232 here today to discuss the President's budget and priorities  
233 for the Environmental Protection Agency.

234 This committee plays a critical role in ensuring U.S.  
235 energy and economic security and leadership.

236 For decades, America has led the world in innovation and  
237 entrepreneurship while continuing to maintain the highest  
238 environmental standards in the world. We should be proud of  
239 this legacy, and work together to advance smart policies that  
240 continue to build that legacy for generations to come.

241 But sadly, what we see today is the Administration is  
242 promoting policies that dismantle that legacy. The spending  
243 and regulatory policies continue to put America on a  
244 dangerous path that threatens our economic and energy  
245 security, while enriching our adversaries like China and  
246 making us beholden to them for critical materials. The Biden

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247 Administration and its allies have done this in ways that  
248 lack transparency and prevent accountability for their  
249 actions that threaten American manufacturing and energy  
250 resources. It is not acceptable.

251 Since President Biden took office, the EPA has been  
252 given over \$109 billion in additional funding, and grown its  
253 workforce to over 15,000 employees. President Biden's budget  
254 request for fiscal year 2025 contains almost 11 billion in  
255 new funding requests for EPA, an increase of more than 8  
256 percent since the current year. It is over 16 percent since  
257 President Biden took office.

258 Americans are already feeling the impacts of this  
259 agenda. Since the Biden Administration took office,  
260 electricity prices have risen 30 percent. And really, it is  
261 energy prices that are driving inflation, and that is more  
262 than 50 percent more than that -- electricity prices are more  
263 than 50 percent than overall pace of inflation. Unilateral  
264 actions like those taken by the Administration are driving  
265 out affordable, reliable baseload generation needed to keep  
266 energy prices low and the lights on.

267 Grid operators and others have been sounding the alarm,

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268 warning that the U.S. is on a dangerous and unsustainable  
269 path. Continuing this trend will mean higher prices and what  
270 the grid experts have warned the committee about,  
271 catastrophic blackouts. It is not the American way, and it  
272 doesn't need to be this way.

273 In addition, the auto waivers for California and other  
274 allied states, as well as Federal mandates on car makers are  
275 taking away affordable and practical transportation from  
276 Americans. Ask any car dealer. Their lots are full of EVs  
277 that won't sell, and they have limited access to vehicle  
278 models people actually want.

279 What we have seen is a record number of rules and  
280 regulations coming out of the EPA, over 125 major rules  
281 resulting in over \$1 trillion in new regulatory costs on  
282 American businesses. And ultimately, that is on families.

283 And as an elected representative of the people, I note  
284 that there is a lack of accountability to the elected  
285 representatives or the people as you continue to write record  
286 rules without input from the people or their elected  
287 representatives.

288 And I continue to believe we must authorize the EPA.

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289 EPA has never been authorized by Congress, and perhaps that  
290 is where we should be starting to get the EPA back on  
291 mission.

292 EPA rules are a critical part. We have seen the new PM  
293 2.5 standard. It is going to make permitting for  
294 manufacturing and development nearly impossible. I hope you  
295 have looked at the map. We are not going to be able to site  
296 a new manufacturing plant in the United States, and I want to  
297 understand why EPA thinks that the United States is going to  
298 be able to maintain our economic leadership with these anti-  
299 manufacturing, anti-American -- really, anti-jobs. You are  
300 taking away opportunities from people and making us more  
301 reliant on China. That is where we are going to go. That is  
302 where we are going. We are dependent on China.

303 If we are really serious about growing our economy and  
304 not China's, we need a predictable and realistic regulatory  
305 environment. We need EPA to actually meet statutory  
306 deadlines for new chemical reviews. We need data-driven  
307 decisions that appropriately balance a healthy environment  
308 and a healthy economy. EPA must return to a position where  
309 they are accountable to the elected representatives of the



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310 people. That is our form of government, and it is key to  
311 American leadership, to the prosperity of the people that we  
312 represent, and driving down costs for Americans.

313 I look forward to discussing how we can work together to  
314 ensure this.

315 [The prepared statement of The Chair follows:]

316

317 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

318

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319           \*The Chair. And I yield back.

320           \*Mr. Carter. The gentlelady yields. I now recognize  
321 the ranking member of the full committee, the gentleman from  
322 New Jersey, Representative Pallone, for five minutes for an  
323 opening statement.

324           \*Mr. Pallone. Thank you, Mr. Chairman. I want to  
325 welcome Administrator Regan back to the committee.

326           And thank you for being here today to discuss President  
327 Biden's fiscal year budget for the EPA. And since our last  
328 budget hearing, EPA has been hard at work protecting public  
329 health and the environment. The agency has been implementing  
330 the Bipartisan Infrastructure Law and the Inflation Reduction  
331 Act that were delivered last Congress by President Biden and  
332 congressional Democrats, and I look forward to hearing about  
333 the agency's progress. These laws are directing investments  
334 into communities across the nation, modernizing our aging  
335 infrastructure and helping us lead the world in the  
336 transition to a clean energy economy.

337           So last month the Administration announced \$20 billion  
338 in grant awards as part of the Inflation Reduction Act's  
339 Greenhouse Gas Reduction Fund to deploy clean energy projects

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340 in communities nationwide. In February the EPA announced the  
341 final \$1 billion allotment of funding for a total of 3.5  
342 billion from the Bipartisan Infrastructure Law to clean up  
343 contaminated Superfund sites. And then earlier this month  
344 the EPA announced \$3 billion in funding to replace up to \$1.7  
345 million in toxic lead service lines nationwide. And these  
346 investments are already making a difference. More than  
347 271,000 clean energy jobs have already been created, with  
348 millions of good-paying American jobs expected over the next  
349 decade. The investments from these two laws will grow our  
350 economy and cut costs for American families.

351 Now, the President's Fiscal Year 2025 request builds on  
352 the success of our historic climate laws by investing in the  
353 health, safety, and prosperity of all American families and  
354 moving the country forward. To combat the climate crisis I  
355 am pleased that the budget invests nearly \$3 billion for  
356 reducing greenhouse gas emissions and helping communities  
357 build resilience to the impacts of a changing climate. EPA  
358 will continue to drive down potent super-pollutants with key  
359 climate programs to cut methane and curb the production and  
360 use of hydrofluorocarbons, and the budget includes funding to

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361 implement achievable carbon pollution standards for fossil  
362 fuel power plants and vehicles, as directed by Congress.

363 I also commend the Administration for devoting \$170  
364 billion to combat PFAS pollution and increase funding to  
365 effectively implement TSCA, the Toxic Substances Control Act,  
366 and this funding will allow the agency to evaluate and manage  
367 risks from toxic chemicals to protect workers and families.  
368 This investment builds on EPA's recent drinking water  
369 standards and hazardous substance designations for specific  
370 PFAS chemicals which will protect Americans from these  
371 forever chemicals.

372 Now, the budget request supplements the revenue  
373 collected from the reinstatement of the Superfund tax to fund  
374 more cleanup activities. I fought for decades to reinstate  
375 this tax and, thanks to these new laws, it is once again a  
376 reality.

377 I am also pleased to see the budget bolster EPA's work  
378 to advance environmental justice through the President's  
379 Justice40 initiative.

380 Overall, I believe this budget request appropriately  
381 prioritizes the protection of human health and the

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382 environment. It demonstrates the value that the Biden EPA  
383 places on ensuring access to clean air and water, meeting our  
384 shared climate goals, driving innovation in homegrown clean  
385 energy, creating good-paying middle-class jobs, and  
386 protecting American consumers by holding polluters  
387 accountable.

388           And the budget stands in sharp contrast to the  
389 Republicans' polluters over people agenda. It is bad enough  
390 that not one Republican on this committee supported either  
391 the Bipartisan Infrastructure Law or the Inflation Reduction  
392 Act, but they have spent the last year trying to undermine  
393 these investments at every turn. Republicans are also  
394 working behind closed doors with the Trump campaign to  
395 develop a radical policy roadmap that would repeal the  
396 Inflation Reduction Act, slash the EPA, and dismantle bedrock  
397 environmental protections. And according to recent reports,  
398 Trump is selling off his policy priorities to the highest  
399 bidder to the tune of demanding \$1 billion in campaign  
400 contributions from big oil and gas corporations in exchange  
401 for executing their pro-polluter agenda.

402           So the priorities of the Democrats and the Biden

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403 Administration could not be more different, and the  
404 President's fiscal year 2025 request reflects that. You  
405 know, the difference, obviously, from the Republicans.  
406 Sometimes I wonder if the Republicans, you know, even care  
407 about protecting the environment at all.

408 So I appreciate Administrator Regan's leadership, and I  
409 am committed to working together to secure a more sustainable  
410 future for all Americans.

411 [The prepared statement of Mr. Pallone follows:]

412

413 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

414

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415           \*Mr. Pallone. And with that, Mr. Chairman, I yield  
416 back.

417           \*Mr. Carter. The gentleman yields. We now conclude  
418 with member opening statements.

419           The chair would like to remind members that, pursuant to  
420 the committee rules, all members' opening statements will be  
421 made part of the permanent record.

422           Our witness for today is the Honorable Michael Regan,  
423 the administrator at the U.S. Environmental Protection  
424 Agency.

425           Administrator Regan, thank you for being here. You are  
426 now recognized for five minutes for your opening statement.  
427

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428 STATEMENT OF MICHAEL S. REGAN, ADMINISTRATOR, U.S.

429 ENVIRONMENTAL PROTECTION AGENCY

430

431 \*Mr. Regan. Thank you. And Chair Rodgers, Ranking  
432 Member Pallone, Chair Carter, Ranking Member Tonko, and  
433 members of the committee, thank you for the opportunity to  
434 appear before you today to discuss the bold vision laid out  
435 by the U.S. EPA's proposed fiscal year 2025 budget request.  
436 Our partnership and open dialogue with Congress is invaluable  
437 for EPA to carry out its mission to protect public health and  
438 the environment.

439 Over the last year we have been hard at work at EPA, and  
440 under President Biden's leadership my agency has finalized  
441 protections that will bring 100 million people cleaner and  
442 safer drinking water, free from PFAS. And we have worked  
443 hard to right many of the historic wrongs communities have  
444 faced for generations.

445 Through our critical rulemaking we banned the last  
446 remaining kind of asbestos used in our country, and we have  
447 issued final technology standards that will eliminate more  
448 than 6,000 tons of toxic air pollution from chemical plants



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449 each year, slashing cancer-causing pollution from covered  
450 processes and equipment by nearly 80 percent, and reducing  
451 the elevated cancer risk for those living near these  
452 facilities by 96 percent.

453 EPA is committed to protecting public health and the  
454 environment for the American people. But more than just  
455 powerful health impacts EPA is undertaking, my agency is  
456 working hard to implement the historic laws that you have  
457 passed and President Biden's Investing in America agenda.

458 President Biden's Investing in America agenda has not  
459 only directed investment in communities nationwide, but it  
460 has generated nearly \$700 billion in funding from private-  
461 sector manufacturing and clean energy projects, protecting  
462 our planet and enhancing our global competitiveness. Last  
463 May I visited Chair Carter's district, and I was pleased to  
464 announce programs that will invest \$4 billion from the  
465 Inflation Reduction Act to upgrade our nation's port  
466 infrastructure while improving air quality and protecting  
467 public health.

468 Together, President Biden's Investing in America agenda  
469 and EPA's fiscal year 2025 budget request will continue to

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470 invest in environmental actions that will promote cleaner  
471 communities and produce economic benefits for years to come.  
472 President Biden's proposed fiscal year 2025 budget request  
473 for EPA provides nearly \$11 billion to advance key priorities  
474 for the American people, including protecting air quality,  
475 cleaning up pollution, upgrading the nation's aging water  
476 infrastructure, urgently fighting the climate crisis, and  
477 advancing environmental justice.

478 Millions of people across the country are still  
479 grappling with the effects of poor air quality, perpetuating  
480 harmful health and economic impacts. In fiscal year 2025 EPA  
481 will improve air quality for communities by reducing  
482 emissions of ozone-forming pollutants, particulate matter,  
483 and air toxics. The President's budget includes 1.3 billion  
484 to improve air quality for communities across the country, to  
485 reduce exposure to dangerous levels of radiation, and to  
486 leverage regulatory tools and public and private-sector  
487 partnerships to promote environmental stewardship.

488 EPA's work to set these standards provides certainty to  
489 industry, builds on the advancements of technology, and  
490 reinforces market movement towards a cleaner energy system

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491 that provides reliable, affordable energy.

492           Additionally, the budget provides \$100 million to expand  
493 availability of Diesel Emissions Reduction Act grants to  
494 replace older diesel engines with newer technologies.

495           Clean and safe water is also essential for healthy  
496 communities and a thriving economy. Although substantial  
497 progress has been made, many areas across our nation still  
498 face significant barriers and challenges to achieving this  
499 goal. Aging water infrastructure, the effects of lead pipes,  
500 cybersecurity threats to our water systems, climate change,  
501 and emerging contaminants such as PFAS all pose dangerous  
502 health risks to our nation's water supply and the American  
503 people. EPA's budget request includes a total of \$101  
504 million for two EPA grant programs dedicated to remediating  
505 lead contamination in our drinking water.

506           From investing in -- to clean air to cleaning up  
507 contaminated land and water, there is absolutely no shortage  
508 of important work to be done. Members of the committee, EPA  
509 is up for the task. We are eager to work with all of you to  
510 deliver for our fellow Americans and to secure our nation's  
511 global competitiveness, but we need your support. The fiscal

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512 year 2025 President's budget continues the historic progress  
513 and investments made by the Biden-Harris Administration, and  
514 positions EPA to advance our vital mission to -- of  
515 protecting public health and the environment, championing  
516 environmental justice, and again, tackling the climate  
517 crisis.

518 So thank you for the opportunity to be here today and to  
519 submit this testimony for the record. I look forward to our  
520 continued partnership and yet -- to achieve these ambitious  
521 yet necessary goals, and I welcome all questions. Thank you.

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

523

524 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

525

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526           \*Mr. Carter. Thank you, Mr. Administrator. We will now  
527 begin questioning, and I will recognize myself for five  
528 minutes.

529           Administrator, if we could start with Clean Power Plan  
530 2.0, the EPA recently finalized its greenhouse gas standards  
531 and guidelines for fossil fuel-fired power plants. In  
532 requiring coal-fired power plants that will operate past 2039  
533 to install carbon capture infrastructure that achieves a 90  
534 percent capture rate, if we talk about section 111 of the  
535 Clean Air Act, how would you describe -- in your words --  
536 what the term "adequately demonstrated" means, considering  
537 factors such as cost, non-air-quality, health, and  
538 environmental impact and energy requirements?

539           Again, "adequately demonstrated," it seems to be  
540 somewhat subjective. How would you define it?

541           \*Mr. Regan. Well, I would define it in the way that we  
542 have defined it in this power sector rule, which is a  
543 technology that is available to reduce the targeted  
544 pollutants that we are after, or various technologies and  
545 best management practices that can do such. And so in this  
546 power sector rule, what you see is the opportunity for

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547 multiple technologies, but especially technologies like CCS  
548 that are receiving tax credits, that the industry is  
549 investing heavily in, that we believe is competitive for  
550 reducing some of these climate pollutants.

551 \*Mr. Carter. Last week, when ranking member Senator  
552 Capito asked you to identify a coal-fired power plant that  
553 achieves a 90 percent capture rate, you didn't answer her  
554 question. Can you give us an example of a coal-fired plant  
555 in North America that adequately demonstrated a 90 percent  
556 capture rate over the life of its systems operation?

557 \*Mr. Regan. Well, I think we have plants that have the  
558 potential to do so. And again, this is a 90 percent capture  
559 rate in the future. There is a runway here for that. And so  
560 we have facilities like Petra Nova in Texas, we have  
561 facilities in Wyoming and North Dakota that are demonstrating  
562 at a very high proficiency rate that this is possible.

563 So what we are looking at, again, is a runway to allow  
564 for this technology to thrive so that we can see these  
565 important reductions occur. And there are billions, billions  
566 of dollars in the Inflation Reduction Act and the Bipartisan  
567 Infrastructure Law that lay the groundwork that utilities are

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568 currently taking advantage of to meet what we believe is a  
569 reasonable goal.

570 \*Mr. Carter. So should we add on there just  
571 "potentially adequately demonstrated" ' '? I mean, you say  
572 there are examples of -- out there that have potential to do  
573 it, but there is not one out there.

574 \*Mr. Regan. Well, we have adequately demonstrated  
575 evidence that these carbon capture technologies work, and can  
576 perform at high efficiency rates. The question is -- which  
577 we have a runway far out -- the stringency that the rule  
578 requires, there is time to develop a pathway to do that at  
579 that level.

580 \*Mr. Carter. Okay, I am going to take you for your word  
581 on that.

582 If we could just go now to PM 2.5, we understand that  
583 the particulate matter standard will make it nearly  
584 impossible for new manufacturing projects, including EV  
585 battery plants. Most projects need at least three micrograms  
586 per cubic meter of headroom to obtain an air permit. And we  
587 understand that the background concentration, the average  
588 throughout the nation, is eight.

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589           With that revised standard, 89 percent of counties in  
590 the country now lack sufficient headroom for economic  
591 expansion. Prior to finalizing that rule, were you aware  
592 that this lack of permitting headroom would force almost 90  
593 percent of the country into permitting gridlock, stopping new  
594 manufacturing?

595           \*Mr. Regan. I think we have a difference of opinion in  
596 terms of numbers. We project that when the PM NAAQS fully  
597 kicks in, 99 percent -- 99 percent -- of counties will  
598 qualify for the levels that we have set.

599           \*Mr. Carter. How can there be that much of a difference  
600 between one side saying that almost 90 percent aren't going  
601 to be able to adhere to it, and you are saying 99 percent  
602 will be able to?

603           \*Mr. Regan. Yes, we have modeled it out. And I would,  
604 you know, like to suggest --

605           \*Mr. Carter. Can you share that model with us?

606           \*Mr. Regan. I would love for our staff to --

607           \*Mr. Carter. Can I share an example with you?

608           \*Mr. Regan. -- get together and talk about that.

609           \*Mr. Carter. We have the single largest economic



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610 development project in the history of our state in my  
611 district, and it was approved before this rule went into  
612 effect. It is the Hyundai EV plant. We are very excited  
613 about it, very excited. It is going to -- a \$5.5 billion  
614 investment creating 8,100 jobs.

615 But in my district, the background concentration is 7.3.  
616 And Hyundai estimates that it would increase the  
617 concentrations by 2.5. That would put them in violation. If  
618 they were applying for the permit now, they wouldn't get it.

619 \*Mr. Regan. Well, I would love to talk to specifics  
620 about plants themselves, because I think when you are looking  
621 backwards, that is -- yes, they have applied for a permit,  
622 they have qualified, they are there. Looking forward at the  
623 new standard, again, we have modeled this out, 99 percent of  
624 counties in this country will meet that standard. So there  
625 is 1 percent out there that we have to engage with. I would  
626 really love for our staffs to talk and engage in this  
627 conversation because, as you pointed out, there is a big gap  
628 between the stats we are talking about and the stats you  
629 just --

630 \*Mr. Carter. There is a big gap. And look, we are

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631 excited about this. And it would not have happened under  
632 these new rules. That is just one example there.

633 I am out of time. I am going to move on. At this time  
634 I want to recognize the ranking member of the full committee,  
635 Representative Tonko, for his five minutes of questioning.

636 \*Mr. Tonko. Of the subcommittee.

637 \*Mr. Carter. Of the subcommittee.

638 \*Mr. Tonko. Yes.

639 \*Mr. Carter. Did I say full committee?

640 \*Mr. Tonko. Yes.

641 \*Mr. Carter. I tried to give you a --

642 \*Mr. Tonko. I know you did, but -- I appreciate that.

643 \*Mr. Carter. Take it. Frank is not here.

644 [Laughter.]

645 \*Mr. Tonko. Thank you, Mr. Chair.

646 And thank you again, Mr. Administrator. I have already  
647 mentioned the historic funding opportunities that you are  
648 overseeing to invest in our nation to protect Americans'  
649 public health by improving water infrastructure, cleaning up  
650 our brownfields, and deploying zero-emission buses, and so  
651 much more. But you are also carrying out the agendas -- the

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652 agency's responsibilities to implement a complimentary  
653 regulatory agenda.

654       Recently, EPA finalized new rules related to power  
655 plants. While I certainly characterized the previously-  
656 mentioned funding opportunities as historic, I am not sure  
657 the same can be said for the 111 rules. Yes, these standards  
658 will limit carbon pollution from some power plants for the  
659 first time, but they do so in a manner that is very  
660 consistent with past EPA efforts to limit pollution. Is that  
661 correct?

662       \*Mr. Regan. Yes, it is correct.

663       \*Mr. Tonko. And one of the hallmarks of your leadership  
664 of the EPA has been a commitment to stakeholder engagement in  
665 the rulemaking process.

666       Can you explain, Mr. Administrator, how EPA developed  
667 this proposal, and how you sought input from technical  
668 experts including Federal partners, states, and regulated  
669 entities?

670       \*Mr. Regan. Well, thank you for the question. And I  
671 have spent quite a bit of time with industry on this rule.  
672 As you know, it really looks at reducing carbon, but also

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673 mercury air toxics, effluent waste discharge from these  
674 plants, as well as cleaning up the coal ash residue.

675         About two years ago I spent some time with industry  
676 leaders in Texas at a nationally-recognized convention,  
677 talking about the benefits of combining these regulations so  
678 that they don't die from 1,000 paper cuts. I don't think we  
679 are arguing with the industry over the fact that we have  
680 coupled this, because I think they like that in terms of  
681 long-term investment. I think what we are debating at times  
682 is the stringency.

683         But we have to look at the cost benefit analysis of this  
684 rule. The costs definitely are less significant than the  
685 benefits. And we are reducing mercury, we are reducing  
686 carbon pollutants that impact public health and the  
687 environment, and we are cleaning up our waters.

688         So this is a very effective rule that, again, we have  
689 had a number of conversations with the industry about the  
690 technologies that are available, and feel really comfortable  
691 about what we proposed.

692         \*Mr. Tonko. Well, I appreciate the dialogue with the  
693 industry. And did that robust process give you confidence

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694 that this rule will reduce pollution while allowing for a  
695 reliable and affordable electric system?

696 \*Mr. Regan. Well, we have spent time with Congressman  
697 Bill Johnson before he departed on this very issue. And  
698 absolutely, we have got an MOU with the Department of Energy.  
699 We have met with grid reliability operators. We are -- have  
700 a very strong relationship and engaged with FERC, as well as  
701 across the Federal family.

702 We know that what we propose will not impact  
703 reliability, and we believe that it is very cost effective.  
704 As a matter of fact, when we look at consumer costs, we  
705 estimate that it will increase less than one percent over the  
706 span of this rule.

707 \*Mr. Tonko. Is there anything else you would like to  
708 add about the benefits compared to the costs of this rule?

709 \*Mr. Regan. Well, listen, we are talking about lives  
710 saved, workdays that are not missed, school days that are not  
711 missed, reduced levels of cancer, reduced levels of asthma.  
712 We are talking about increasing the health and vitality of  
713 not only public health, but the economy, as well.

714 \*Mr. Tonko. And all done in concert with the industry.

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715           On TSCA, in previous hearings EPA has discussed the  
716 backlog of new chemical reviews. When reforming TSCA eight  
717 years ago, Congress certainly required more work from the  
718 agency to mitigate risks posed by chemicals before they  
719 indeed enter the market. So our nation has learned that  
720 allowing chemicals to enter commerce without thorough review  
721 has at times led to serious harm and even death.

722           Unfortunately, the previous Administration did not set  
723 the agency up for success, and I know you and your team have  
724 been working diligently to remedy that.

725           Everyone would like to see timely reviews of chemicals,  
726 but I want to make certain that we do so while ensuring that  
727 we are safeguarding public health. So can you talk about  
728 what you and your team are doing to address the backlog,  
729 while also ensuring robust review of new chemicals?

730           And how can Congress support the agency as it moves  
731 forward to implement TSCA?

732           \*Mr. Regan. Well, unfortunately, with some of the  
733 reductions that we are seeing in this budget, it means slower  
734 approval for new chemistries that propel our semiconductor  
735 industry, automotive industry, battery manufacturing industry

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736 because we are just not able to keep pace.

737           With the increases that you all had given us just the  
738 two years ago, we more than doubled the new -- the number of  
739 new chemicals we review each month. We have cleared out more  
740 than half the backlog cases, and we have prioritized the new  
741 chemistries that the industry has asked us to do. And so we  
742 are making progress. And right now it is just not the  
743 opportune time to reduce that funding, considering the  
744 progress that we are making on TSCA.

745           \*Mr. Tonko. Thank you. Well, it sounds like it is  
746 indeed a function of human infrastructure to implement TSCA.  
747 So I appreciate the leadership again.

748           With that, I yield back, Mr. Chair.

749           \*Mr. Carter. The gentleman yields. The chair now  
750 recognizes the chairman of the full committee, Representative  
751 Rodgers, for five minutes of questioning.

752           \*The Chair. Administrator Regan, EPA's recent  
753 regulatory actions put the agency in the middle of states'  
754 responsibilities to assure an electric generation mix that  
755 provides reliable, affordable power for their citizens. The  
756 Clean Power Plan 2.0 requires states to impose costly and

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757 unproven performance standards on new and existing power  
758 plants. You just testified that no system right now, no  
759 system right now has the adequate -- has adequately  
760 demonstrated to capture 90 percent. For existing plants you  
761 rely on the same subsection of the Clean Air Act that the  
762 Supreme Court said could not be used to force a transition to  
763 new generation sources to usurp state authorities over their  
764 electricity systems.

765 Administrator, is it the EPA or the states that  
766 ultimately decide what the appropriate emissions standards  
767 will be for existing plants?

768 \*Mr. Regan. For existing plants? So you are talking  
769 about coal or natural gas?

770 \*The Chair. I am talking about existing plants across  
771 the board.

772 \*Mr. Regan. Well, this rule only addresses existing  
773 coal. It does not address existing natural gas. For --

774 \*The Chair. So is it EPA? Is the answer yes, it is  
775 going to be EPA, not the states determining what is the  
776 appropriate emission standard? Is that what I am hearing?

777 \*Mr. Regan. What we do is we set Federal standards and



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778 we work with our co-regulators to design state implementation  
779 plans to meet that. That is the way it has always been done.  
780 That is the way that Congress wrote the Clean Air Act, was to  
781 --

782 \*The Chair. If I may take it back --

783 \*Mr. Regan. -- execute on the law.

784 \*The Chair. -- Congress gave states broad discretion to  
785 implement emission standards for existing power plants.  
786 Under your new rule, if a state chooses a less stringent  
787 standard, the state must demonstrate to EPA why its  
788 assessment is fundamentally different than EPA's assessment.

789 How do you justify EPA, through the Clean Power Plan  
790 2.0, taking discretion away from the states?

791 \*Mr. Regan. As a former state regulator, I can assure  
792 you that we have not taken any power. There has always been  
793 a co-regulation relationship that exists between the states  
794 and the Federal Government, and states have delegated  
795 authority to execute and implement these Federal laws. We  
796 like to give states flexibility.

797 \*The Chair. Mr. --

798 \*Mr. Regan. So I am not quite sure -- the way you are

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799 positioning the question is not factually correct. As a  
800 former state regulator --

801 \*The Chair. Well, if I may take this back, under the  
802 rule, if -- EPA could take away states' authority over their  
803 power generation with a Federal implementation plan.

804 \*Mr. Regan. There is no taking. I just reject the  
805 premise that the Federal Government is taking anything from  
806 the states.

807 \*The Chair. Is EPA going to issue a Federal -- if it  
808 disagrees with the states' implementation plan, will EPA  
809 issue their own plan, then?

810 \*Mr. Regan. That is the authority Congress has given to  
811 EPA.

812 \*The Chair. So EPA -- Congress gave the authority to  
813 the states. EPA is taking it away.

814 \*Mr. Regan. No, Congress --

815 \*The Chair. Yes, and you have written a rule that the  
816 courts said could not be used to force a transition to new  
817 generation sources or usurp states' authorities.

818 \*Mr. Regan. That is just not factually true. We have  
819 not written a rule --

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820           \*The Chair. Okay, okay, we are going to set that aside,  
821 then.

822           \*Mr. Regan. Oh, okay.

823           \*The Chair. I want to get to -- well, I just -- I have  
824 a problem with a lot of things that are going on right now.  
825 EPA, billions of dollars for a clean school program that has  
826 gone almost entirely to electric vehicles, contrary to the  
827 statute, 27 billion in a green bank giveaway to groups  
828 littered with Democrat political operatives. I guess you  
829 described them as Investing in America. EPA has avoided  
830 audit thresholds by manipulating the amount of grants  
831 awarded, hundreds of millions of dollars to regional grant  
832 makers under an environmental justice program, and those  
833 grant makers are not even located in the regions that they  
834 are intended to serve.

835           But I want to get to home in eastern Washington, because  
836 EPA recently listed Lake Roosevelt above Grand Coulee as a  
837 Superfund site, and this is going to have huge impacts on my  
838 -- the communities that I represent. So I would like to ask  
839 you, Mr. Administrator, why did EPA refuse to give the  
840 communities a chance to do the studies and work together to

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841 clean it up?

842 \*Mr. Regan. We didn't. The listing of this site,  
843 according to our Federal authority, helps us expedite the  
844 cleanup because it unlocks Federal funding when we list these  
845 national --

846 \*The Chair. Okay.

847 \*Mr. Regan. -- sites --

848 \*The Chair. Can I ask you a question about funding,  
849 then? Because the White House recently announced the  
850 Columbia River basin settlement, which was negotiated by the  
851 White House. It includes -- it says it includes efforts to  
852 target at Superfund sites. Does the EPA plan to use some of  
853 this money from the settlement to fund the cleanup of the  
854 upper Columbia River?

855 \*Mr. Regan. Is my assumption that not only will we use  
856 settlement dollars, but we can unlock the billions of dollars  
857 in the Bipartisan Infrastructure Law to help these Superfund  
858 sites expedite their cleanup all over the country.

859 \*The Chair. Okay.

860 \*Mr. Regan. That is the purpose of the program.

861 \*The Chair. Yet to be seen. Thank you, Mr.

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862 Administrator.

863 For years, everything from old tires to raw sewage has  
864 been dumped into Puget Sound. This is destroying the salmon  
865 populations in Puget Sound. Salmon runs are in decline.  
866 Will EPA commit to enforcing the Federal water quality  
867 standards being ignored in Puget Sound before continuing down  
868 a path of breaching the lower Snake River dams?

869 \*Mr. Regan. Will we enforce Federal standards?

870 \*The Chair. Yes, because it hasn't been done for as  
871 long as I have been in Congress in Puget Sound. The Federal  
872 water quality standards in Puget Sound.

873 \*Mr. Regan. We absolutely will enforce  
874 congressionally --

875 \*The Chair. I am waiting, I am waiting.

876 \*Mr. Regan. -- Federal standards.

877 \*The Chair. I yield back.

878 \*Mr. Carter. The gentlelady yields, the chair now  
879 recognizes the former chair -- or former ranking member of  
880 the full committee -- some things changed while you were  
881 gone.

882 [Laughter.]

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883           \*Mr. Carter. The ranking member of the full committee,  
884 the gentleman from New Jersey, Representative Pallone, for  
885 five minutes of questioning.

886           \*Mr. Pallone. You can call me whatever you like.

887           [Laughter.]

888           \*Mr. Pallone. Congress successfully reinstated the  
889 Superfund tax in the Bipartisan Infrastructure Law and the  
890 Inflation Reduction Act. But last year the tax brought in  
891 more than \$1.2 billion in receipts. And this represents  
892 significant savings for American taxpayers, despite being  
893 lower than Treasury's estimates. But that is what I wanted  
894 to ask you, Administrator.

895           I understand Treasury is responsible for estimating  
896 Superfund tax receipts each year. How is the EPA adapting to  
897 significant discrepancies between the Treasury forecasts and  
898 the actual Superfund tax receipts?

899           \*Mr. Regan. Well, we are continuing to collaborate very  
900 closely with our partners in Treasury. And as you have  
901 mentioned, you know, the projections that Treasury gave us  
902 fell short this time, and so we are fine-tuning that system,  
903 which is why in this budget we are asking for \$300 million in

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904 appropriated resources. We believe that we can take that  
905 \$300 million, plus those tax receipts that we have seen come  
906 in, and keep pace in terms of cleaning up these Superfund  
907 sites, in addition to some of the resources that you all have  
908 allocated through BIL.

909 The demand is higher than the resources that we have.  
910 Many of our communities are not as economically as vibrant as  
911 they could be because they are not as clean as they could be.  
912 And so we believe that we can make up for that gap with this  
913 appropriated request, and then the future will be brighter in  
914 terms of funding this program through tax receipts.

915 \*Mr. Pallone. Well, I appreciate that. And I do  
916 actually support having additional appropriations for  
917 Superfund. You know, my fear always is, well, now we get the  
918 money from the tax, and therefore we lag on the appropriated  
919 amount. So I am glad that you are -- I mean, this is 300  
920 million more than last year, right, from what I understand?

921 Well, let me ask you, what would happen to these  
922 cleanups if EPA does not receive the full amount requested,  
923 including that 300 million?

924 \*Mr. Regan. Well, unfortunately, we will see a slowing

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925 in our ability to clean up these Superfund sites. I think  
926 that South Plainfield, New Jersey would have to wait on the  
927 cleanup of PCBs. We know that we can do it. We have the  
928 expertise. We just need the resources to keep pace.

929 And again, when we are able to list these communities,  
930 do this work as quickly as possible, we see our communities  
931 bouncing back not just from a health standpoint, but from an  
932 economic development standpoint, as well.

933 \*Mr. Pallone. And let me say I -- you know, I  
934 understand you are saying you need the extra 300 because of  
935 lagging -- or possible lagging Superfund receipts. But, you  
936 know, I support additional funding from appropriations beyond  
937 that anyway, because we always need more money. And I don't  
938 want appropriations to just, you know, make up for the  
939 Superfund receipts. I think we should be doing both,  
940 frankly.

941 I also wanted to applaud the decision to designate PFOA  
942 and PFOS as hazardous substances under Superfund. Now, but I  
943 understand that you released a separate enforcement  
944 discretion policy to make it clear that the agency will focus  
945 its enforcement on the polluters who significantly contribute



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946 to the release of PFAS into the environment. So what does  
947 that mean?

948 In other words, you know, I know the water utilities,  
949 the farmers, you know, they are concerned. Does this  
950 separate enforcement policy make it clear that we are talking  
951 about manufacturers?

952 What are the different groups that you are talking about  
953 here?

954 \*Mr. Regan. Well, I appreciate that question, and we  
955 have authority to have this discretion, which we have used  
956 before, whether it is regulating lead or other listed  
957 pollutants.

958 But I want to be very clear that we are focused on the  
959 polluters. We are focused on the manufacturers that have  
960 deposited this into our water, into our air. This  
961 enforcement discretion policy makes it very clear that we  
962 have the discretion not to pursue or go after the farmers,  
963 the water systems, those who are also being victimized by the  
964 dumping of this PFAS, as well. So we wanted the public to be  
965 clear of who we were pursuing and who we are not.

966 \*Mr. Pallone. Well, thank you. One last question. I

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967 wanted to say, you know, obviously, I would like to see all  
968 the PFAS elements, you know, designated as hazardous  
969 substances. I know that is difficult because there are so  
970 many. And you have designated now PFOA and PFOS, but are we  
971 going to see other elements of PFAS also designated at some  
972 point? Is that what is going on?

973 \*Mr. Regan. We will. I think when we look at cleanup  
974 and PFAS in our drinking water, we are pursuing the  
975 processes, the proper processes to look at the health and the  
976 economic impacts of these forever chemicals. And we will go  
977 through a rulemaking process. We have done that for cleanup  
978 for these two. We have done 6 for drinking water, and we  
979 have 29 more listed. And so we are making our way through  
980 that list.

981 Too many people have been impacted by these pervasive,  
982 forever chemicals, and we are going to stay focused on the  
983 job.

984 \*Mr. Pallone. Thank you very much. Thank you for all  
985 you do.

986 I yield back, Mr. Chairman.

987 \*Mr. Carter. The gentleman yields. The chair now

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988 recognizes the gentleman from Alabama, Representative Palmer,  
989 for five minutes of questioning.

990 \*Mr. Palmer. Thank you, Mr. Chairman.

991 In the misnamed Inflation Reduction Act -- I call it the  
992 Income Reduction Act -- provided \$27 billion for a Green New  
993 Deal bank that the EPA is administrating. I asked one of  
994 your senior advisers, Mr. Zealan Hoover, if he could  
995 guarantee that none of that \$27 billion would wind up going  
996 to China. And his response was that that answer is a little  
997 more complicated, rather than giving me a simple yes or no.  
998 Is that -- do you think that question is too complicated?

999 \*Mr. Regan. Well, what I would say is that the program  
1000 is designed for all of that money to be invested  
1001 domestically.

1002 \*Mr. Palmer. Well, yes, it is designed for that. But  
1003 that is not the question. It is a simple yes or no. So will  
1004 any of that money wind up going to China or any of its  
1005 affiliates, any of its manufacturers?

1006 \*Mr. Regan. The program is designed --

1007 \*Mr. Palmer. Now, sir, it is a yes or no.

1008 \*Mr. Regan. -- for it to be -- no, it is not a yes or

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1009 no question.

1010 \*Mr. Palmer. Yes, it is, because we already know that  
1011 you --

1012 \*Mr. Regan. If someone --

1013 \*Mr. Palmer. No, no, sir.

1014 \*Mr. Regan. If someone inappropriately invests money  
1015 and it gets to China, there will be repercussions to that.

1016 \*Mr. Palmer. Now, will you --

1017 \*Mr. Regan. So the program is designed for domestic --

1018 \*Mr. Palmer. I mean, China controls 70 percent of the  
1019 cobalt --

1020 \*Mr. Regan. -- investment.

1021 \*Mr. Palmer. -- 75 percent of the world's lithium ion  
1022 battery megafactories are in China. They control the  
1023 refining of 68 percent of the nickel, 59 percent of the  
1024 lithium, 73 percent of the cobalt. There is no way that you  
1025 can say that none of that money will wind up in China,  
1026 because we can't make that stuff without parts from China.  
1027 We don't process critical minerals or rare earths over here  
1028 to any great degree. We don't have a major refinery. And as  
1029 a matter of fact, there is not one in the Western Hemisphere,

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1030 to my knowledge. So there is no way you can say that.

1031 Let me ask you this. How much have you budgeted for the  
1032 administration of that 27 billion with -- through the EPA  
1033 bank? As far as I know, the EPA never really had bankers.  
1034 So how much are you spending of that 27 billion just for the  
1035 administration of it?

1036 \*Mr. Regan. Well, Congress allotted a very small amount  
1037 of the 27 --

1038 \*Mr. Palmer. And I asked you how much you are spending.  
1039 I didn't ask you how much Congress allotted.

1040 \*Mr. Regan. We are only spending what Congress allotted  
1041 for us to use for the program.

1042 \*Mr. Palmer. Okay, we would like for you to give us a  
1043 hard number on that.

1044 I would like to ask you something else. This report is  
1045 nine years old, but there was a report from Open the Books  
1046 about the number of special agents that the EPA hired, the  
1047 weapons that they are provided with. At that point you had  
1048 stockpiled over 600 guns, 500,000 rounds of ammunition. You  
1049 had a whole host of military equipment, camouflage, and other  
1050 deceptive equipment, night vision, passenger troop transport

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1051 vehicles, unmanned aircraft, and some pretty large caliber  
1052 artillery-type shells, anti-tank-type shells. Do you still  
1053 have that?

1054 \*Mr. Regan. You read off a huge list of things that I  
1055 don't have --

1056 \*Mr. Palmer. Do you have any military-style weapons?

1057 \*Mr. Regan. I don't have an inventory. We don't have  
1058 any weapons that Congress has not allowed for our agents to  
1059 use.

1060 \*Mr. Palmer. I didn't ask you that. I asked you, do  
1061 you -- does the EPA possess military-style weapons --

1062 \*Mr. Regan. We can get you a full accounting of the  
1063 inventory of weapons that our agents lawfully --

1064 \*Mr. Palmer. I expect that.

1065 \*Mr. Regan. -- and legally have.

1066 \*Mr. Palmer. I expect that. Let me ask you this. Do  
1067 you believe the EPA has the authority to make laws?

1068 \*Mr. Regan. Absolutely not. We enforce laws, and we --

1069 \*Mr. Palmer. Okay, let me ask you this.

1070 \*Mr. Regan. -- we implement laws.

1071 \*Mr. Palmer. If you are issuing rules and guidance, and

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1072 someone fails to adhere to that, are there criminal  
1073 penalties?

1074 \*Mr. Regan. We are only issuing guidance --

1075 \*Mr. Palmer. No, no.

1076 \*Mr. Regan. -- and regulations that --

1077 \*Mr. Palmer. You are not answering the question. I  
1078 will ask another member to yield time to me, if I have to,  
1079 but --

1080 \*Mr. Regan. Sure.

1081 \*Mr. Palmer. But you need to answer the question. If  
1082 someone violates an EPA rule or guidance, are there criminal  
1083 penalties?

1084 \*Mr. Regan. Yes.

1085 \*Mr. Palmer. Okay. How is that different from a law?

1086 \*Mr. Regan. We don't make laws.

1087 \*Mr. Palmer. Yes.

1088 \*Mr. Regan. Congress makes laws. They give us the  
1089 authority to write regulations and rules. And if you don't  
1090 abide by those regulations and rules, there are penalties.

1091 \*Mr. Palmer. But the Supreme Court in EPA versus West  
1092 Virginia kind of rolled that back. I know that is hard on

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1093 you guys, because you really disagreed with that. And if the  
1094 Supreme Court does the right thing and dispenses with the  
1095 Chevron deference, it is really going to fall back where it  
1096 should, to the people's elected representatives instead of  
1097 allowing bureaucrats at the EPA or any other Federal agency  
1098 to make laws that bypass Congress. And that is really what  
1099 is going on here.

1100 My friend from Texas, Mr. Pfluger, will have some other  
1101 questions about some of the things that are going on,  
1102 particularly the methane tax and things like that. But what  
1103 the EPA has done is it has grossly overstepped its bounds,  
1104 and then it is enforcing these laws with armed agents that  
1105 show up in full body armor, weapons drawn. I know this for a  
1106 fact because it happened in Dothan, Alabama with the city  
1107 water works. I could give you a whole list of that, if you  
1108 would like for me to provide a list. So I am very concerned.

1109 \*Mr. Regan. I absolutely would.

1110 \*Mr. Palmer. Okay, I will tell you. It was in Alaska,  
1111 Idaho, Wyoming, Montana, Massachusetts, North Carolina, and,  
1112 like I said, Alabama.

1113 \*Mr. Regan. Yes, I would, because when we --



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1114 \*Mr. Palmer. You need to look into this.

1115 \*Mr. Regan. When we service these enforcement actions,  
1116 we are doing it with other law enforcement agencies.

1117 \*Mr. Palmer. You did not do it --

1118 \*Mr. Regan. This happens time and time again --

1119 \*Mr. Palmer. You did not do it in Alabama --

1120 \*Mr. Regan. -- where Homeland Security and others --

1121 \*Mr. Palmer. You did not -- you could have called the  
1122 U.S. marshals, you could have called the state troopers, the  
1123 local county sheriff, and you did not do it.

1124 I yield back.

1125 \*Mr. Carter. The gentleman yields. The chair now  
1126 recognizes the gentlelady from Colorado, Representative  
1127 DeGette, for five minutes for questioning.

1128 \*Ms. DeGette. Thank you so much.

1129 Administrator Regan, I myself want to thank you and your  
1130 entire agency for the work you do to protect the health and  
1131 welfare of all Americans and, in particular, my constituents.  
1132 And I want to apologize for the unnecessary abuse that you  
1133 are suffering in this hearing from some of my colleagues on  
1134 the other side of the aisle asking you questions that have

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1135 multiple parts that you can't possibly answer in order just  
1136 to get a sound bite out. So I apologize for that.

1137 And I also think it is kind of ironic that my colleagues  
1138 are 100 percent opposed to what the EPA does, unless, of  
1139 course, it is cleaning up environmental contamination in  
1140 their districts. And then they want to know why you didn't  
1141 do it yesterday, even though they keep trying to cut your  
1142 budget. So you don't have to respond to that, I just want to  
1143 let you know it does not go unnoticed.

1144 So the -- Mr. Palmer was referring a little bit to  
1145 methane, and I want to talk to you just for a few minutes  
1146 about methane because it is something I have worked a lot on.  
1147 Methane is responsible for about one-third of the current  
1148 warming our planet is experiencing. Is that right?

1149 \*Mr. Regan. It is.

1150 \*Ms. DeGette. And it is true that oil and natural gas  
1151 operations are our nation's largest industrial source of  
1152 methane. Is that right?

1153 \*Mr. Regan. It is, yes.

1154 \*Ms. DeGette. Now, in 2021, June of 2021, President  
1155 Biden signed into law a Congressional Review Act invalidating

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1156 the Trump Administration's 2020 methane rescission rule which  
1157 tried to block EPA's authority to regulate methane from  
1158 existing sources.

1159 Now, I led the effort to invalidate this rule on the  
1160 House side. And what it did was it reinstated two Obama-era  
1161 methane emissions rules that set stricter limits on the  
1162 amount of methane the oil and gas industry can release from  
1163 drilling sites.

1164 Now, so Administrator Regan, the Administration's final  
1165 methane rule addresses emissions from both new and existing  
1166 oil and gas operations. Is that right?

1167 \*Mr. Regan. Yes, it is.

1168 \*Ms. DeGette. And this enforcement the EPA takes, it is  
1169 within the purview of the authorities that is given to it by  
1170 Congress. Is that right?

1171 \*Mr. Regan. Yes.

1172 \*Ms. DeGette. Now, why is it important to address  
1173 existing sources of methane in the oil and gas industry?

1174 \*Mr. Regan. Well, these existing sources, as you have  
1175 correctly pointed out, are some of the most potent  
1176 contributors to greenhouse gas emissions, which are

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1177 exacerbating not only climate disadvantages, but also  
1178 disparate impacts to health, as well. And so we are focused  
1179 on these existing sources and these new sources because we  
1180 are reducing not only methane, we are also capturing the  
1181 volatile organic chemicals and other toxic pollutants that  
1182 are disproportionately impacting neighborhoods around them.

1183       \*Ms. DeGette. That is right. And speaking about some  
1184 of those neighborhoods, it is not just methane. In many  
1185 districts, including mine, there are community -- there are  
1186 really vulnerable communities. Typically, they are low-  
1187 income, disadvantaged, minority communities. They face  
1188 multiple sources of pollution that compound upon one another,  
1189 which has a negative effect on a community's health.

1190       And I think you know about one of those communities  
1191 Globeville-Elyria-Swansea, which is in north Denver. And I  
1192 invited you to come there. I think you went there, but I was  
1193 voting, so I am inviting you to come back with me to see some  
1194 of the impacts there.

1195       I am wondering what actions EPA plans to take to  
1196 alleviate the environmental and health risks of cumulative  
1197 impacts for environmental justice communities.

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1198           \*Mr. Regan. Well, we are laser focused on these  
1199 cumulative impacts coming from multiple sources. Thankfully,  
1200 we have started cross-programmatic efforts to take into  
1201 account cumulative impacts. But Congress, through the  
1202 Inflation Reduction Act and BIL, have given us the resources  
1203 to empower communities to also help us help them with  
1204 solutions that they have had for decades. So we have  
1205 carrots, as well as sticks in order to encourage the best  
1206 behavior possible to reduce these pollutants.

1207           \*Ms. DeGette. And how does the fiscal year 2025 budget,  
1208 in tandem with these investments that you just referred to,  
1209 allow the EPA to work towards achieving those goals?

1210           \*Mr. Regan. Well, it helps us to really focus on the  
1211 areas that were not funded by BIL and IRA. We have some very  
1212 core programs, whether it is looking at our emergency  
1213 response -- we have situations, unfortunately, like East  
1214 Palestine or like the bridge in Baltimore or the wildfires in  
1215 Maui. We want to keep pace with TSCA to be sure that we  
1216 don't have some of these chemicals that are not the best out  
1217 on the market, and give us the ability to review and put new  
1218 chemicals out there.

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1219           We want to be sure that some of these congressionally-  
1220 mandated projects that are happening in districts all across  
1221 the country have the technical resources and availability to  
1222 carry out that spending. And so we really need some core  
1223 functions that benefit from the appropriated budget that were  
1224 not accounted for, nor should they have been in the Inflation  
1225 Reduction Act and BIL.

1226           \*Ms. DeGette. Thank you. Thank you so much.

1227           I yield back.

1228           \*Mr. Carter. The gentlelady yields back. The chair now  
1229 recognizes the vice chair of the subcommittee, the gentleman  
1230 from Pennsylvania, Representative Joyce, for five minutes of  
1231 questioning.

1232           \*Mr. Joyce. First I want to thank Chairman Carter for  
1233 holding today's hearing and Administrator Regan for coming to  
1234 testify.

1235           I have become very concerned about the punitive  
1236 regulations and mandates that the Biden Administration,  
1237 especially the EPA, have come out with recently. I represent  
1238 one of the poorest congressional districts in the country.  
1239 Over 100,000 families in my district live on less than

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1240 \$50,000 a year, and that is the average cost of an EV.

1241 Administrator Regan, I think that we share concern of  
1242 the high energy costs impacting people who can least afford  
1243 it. Are you not worried that your latest onslaught of  
1244 regulatory actions will only serve to increase the heating  
1245 and the transportation costs for those who are most  
1246 economically vulnerable?

1247 \*Mr. Regan. We have taken a look at all of that, and  
1248 what I --

1249 \*Mr. Joyce. And do you share that concern with me, that  
1250 the vulnerable will be most impacted?

1251 \*Mr. Regan. Well --

1252 \*Mr. Joyce. That is a yes or no.

1253 \*Mr. Regan. We have shared the concern throughout the  
1254 process, which is --

1255 \*Mr. Joyce. I think we all have to share that  
1256 concern --

1257 \*Mr. Regan. -- which is the way -- which is why we  
1258 designed --

1259 \*Mr. Joyce. -- for the most vulnerable.

1260 \*Mr. Regan. -- the regulations --

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1261           \*Mr. Joyce. I think that is part of our mission  
1262 statement.

1263           Moving on, I would like to ask a few questions related  
1264 to one of the mandates, the California's request for a Clean  
1265 Air Act waiver to implement the ACC II program, which would  
1266 ban the sale of internal combustion engines by 2035.

1267           Administrator Regan, states that align their vehicle  
1268 emissions and standards with California standards, such as  
1269 New York and Washington, represent approximately 40 percent  
1270 of the auto market. Based on that fact, would you agree that  
1271 the regulatory impacts of this rule go beyond California,  
1272 impacting other states, as well?

1273           \*Mr. Regan. Well, California legally has the ability to  
1274 petition us or submit a waiver. We legally have the  
1275 obligation to review that. And so we are reviewing all of  
1276 the waivers --

1277           \*Mr. Joyce. And do you agree that these regulatory  
1278 impacts go beyond California?

1279           \*Mr. Regan. Well, I would have to take a closer look at  
1280 these waivers. Each waiver is being looked at individually  
1281 and are under consideration right now.



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1282           \*Mr. Joyce. So putting aside whether these impacts are  
1283 good or bad for Americans, would you agree that granting a  
1284 Clean Air Act waiver to California will generally have a  
1285 significant impact on the U.S. economy?

1286           \*Mr. Regan. Well, again, it would depend on the waiver  
1287 that has been submitted, but I have pledged to follow the  
1288 law. And the law gives California the right to submit  
1289 waivers, and EPA legally has to review those waivers.

1290           \*Mr. Joyce. EPA's national tailpipe emissions mandate  
1291 mentions ACC II 13 times. Thirteen times it is mentioned.  
1292 Do you agree it appears to be significant enough for EPA to  
1293 use it as justification for a national emissions standard?

1294           \*Mr. Regan. We did a separate focus on our national  
1295 standard that was supported by the big autos, the Auto  
1296 Alliance, the UAW.

1297           So EPA's efforts were independent. We take into  
1298 consideration all states, whether they be --

1299           \*Mr. Joyce. And yet you took time to mention 13 times  
1300 the ACC II mandate. That is mentioned 13 times in the  
1301 national tailpipe emissions mandate. That has to have impact  
1302 of your decision-making process.

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1303           \*Mr. Regan. Whether you are in North Carolina or  
1304 California, we have taken every state into consideration. It  
1305 is a national law, and we focused on it being nationally  
1306 appropriate.

1307           \*Mr. Joyce. When Assistant Administrator Goffman  
1308 testified before this committee just nine months ago, in June  
1309 of last year, he stated that EPA's understanding is that  
1310 "auto manufacturers have striven to avoid more than just one  
1311 national fleet.'" Do you agree that auto dealers will have  
1312 to alter their national fleet to meet the emission standards  
1313 set by California and others in section 177?

1314           \*Mr. Regan. I am not quite sure about -- I am not quite  
1315 sure how to answer that question, so we would have to get you  
1316 more details on --

1317           \*Mr. Joyce. Well, I look forward to the follow-up  
1318 there.

1319           If this rule has significant economic impact -- and I  
1320 think we agree it does -- and affecting consumers and markets  
1321 in multiple states, will that impact competition and  
1322 innovation in domestic markets?

1323           And would you agree that this qualifies as a major role?

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1324           \*Mr. Regan. What I would say is California has  
1325 submitted a waiver that we are evaluating. I can't give you  
1326 an answer on the finality of the waivers because we haven't  
1327 approved or disapproved those waivers.

1328           \*Mr. Joyce. Administrator Regan, during a hearing in  
1329 front of this committee last year you told me personally,  
1330 unequivocally that you do not support a ban on new internal  
1331 combustion engine vehicles starting in 2035. That was your  
1332 answer to me. Do you still oppose a ban on new, gas-powered  
1333 cars?

1334           \*Mr. Regan. Absolutely, and we have not proposed a rule  
1335 or finalized a rule that bans internal combustion engines.

1336           \*Mr. Joyce. When your agency considered California's  
1337 ACC II waiver, did you find that the regulatory impacts of  
1338 the ACC II waiver were significantly greater than the impacts  
1339 that EPA analyzed during their reconsideration of the waiver  
1340 withdrawal for ACC I in 2022?

1341           \*Mr. Regan. I will have to get back to you on the  
1342 specifics of these waivers --

1343           \*Mr. Joyce. These are two areas that I would really  
1344 appreciate that you do get back to us. My constituents are

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1345 affected by this. America is affected by this. And your  
1346 follow-up is welcomed and expected.

1347 Thank you, Mr. Chairman, and I yield back.

1348 \*Mr. Carter. The gentleman yields. The chair now  
1349 recognizes the gentlelady from Illinois, Representative  
1350 Schakowsky, for five minutes of questioning.

1351 \*Ms. Schakowsky. Thank you, Mr. Chairman.

1352 And thank you so much, Administrator Regan. I want to  
1353 say how much I appreciate your agency and the work that you  
1354 do.

1355 And I also want to give a shout out to Deborah Shore,  
1356 who is our region 5 administrator, a good friend, and all the  
1357 work that she has done, including in East Palestine when she  
1358 went personally to deal with that issue. Your team is just  
1359 fantastic. I am from Chicago, so I have a special interest  
1360 in that.

1361 So I have two issues that are important to my district,  
1362 and I wanted to bring them to your attention and see what the  
1363 EPA is doing.

1364 Soot pollution certainly is a big problem for us. One  
1365 in about ten Illinoisans experiences asthma. That is a lot

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1366 of people. And when it comes to children, there are  
1367 communities when one out of three children suffer from  
1368 asthma.

1369 And the other are lead service lines. Illinois has the  
1370 second largest number of these lead service lines. There is  
1371 about a million of them in Illinois. We are making some  
1372 progress, and I want to thank -- the EPA did make a  
1373 contribution to our doing that. But it is -- we have a long  
1374 way to go.

1375 \*Mr. Regan. Yes.

1376 \*Ms. Schakowsky. And that means that our children and  
1377 families are drinking water that could produce lifelong  
1378 consequences when it comes to health, and I know that the  
1379 health and safety of our people is number one. I am  
1380 wondering if you could comment on both of those.

1381 \*Mr. Regan. Well, yes, and thank you for that question.  
1382 And in addition to what I said about the PM NAAQS being fully  
1383 implementable by 99 counties -- 99 percent of counties in  
1384 this country, we know that that rule will prevent close to  
1385 4,500 premature deaths and eliminate close to 290,000 lost  
1386 work days. That, by our estimate, equates to about \$46

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1387 billion in health benefits. Very significant.

1388 We have too many mothers that I personally met with  
1389 whose children are drinking lead-poisoned water. We are  
1390 thankful for Congress's approval through the Bipartisan  
1391 Infrastructure Law of 14 to \$15 billion for lead replacement.  
1392 I believe just this year Illinois will receive about \$240  
1393 million going towards lead replacement.

1394 \*Ms. Schakowsky. Thank you for that.

1395 \*Mr. Regan. It is -- your state was very competitive,  
1396 and proved that they knew how to spend that money  
1397 responsibly, identified those lead pipes, and we want them  
1398 out. The President has pledged 100 percent lead pipe  
1399 removal, and we are going to do everything in our power to  
1400 see that vision through.

1401 \*Ms. Schakowsky. So that is lead pipes, but also the  
1402 issue of the soot pollution. I know that you have had --  
1403 approved a stronger rule, and there was some criticism about  
1404 that. I think it is so important. You want to talk a little  
1405 bit about that?

1406 \*Mr. Regan. Yes, and that was what I was referring to  
1407 in terms of the NAAQS rule that I was referring to earlier,

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1408 which -- that is where we get those lives saved, that  
1409 avoiding 4,500 premature deaths. For nearly \$1 spent from  
1410 that rule, we could see as much as \$77 in human health  
1411 benefits by the year 2032.

1412 Soot is such a dangerous pollutant for so many people in  
1413 this country, especially those who have respiratory  
1414 challenges already. And so it is incumbent upon us to  
1415 eliminate that pollution. And if we see this pollution going  
1416 from state to state, we have the Federal authority to help  
1417 states manage that pollution and rein it in. It is about  
1418 fairness and transparency. And we want to be sure that every  
1419 state is doing its fair share not to pollute their own  
1420 communities, but definitely not communities in neighboring  
1421 states.

1422 \*Ms. Schakowsky. Thank you for that. I just want to  
1423 say we have heard, particularly from my Republican  
1424 colleagues, criticism of some of the spending of -- by the  
1425 EPA, and I want to thank you for that spending, because the  
1426 priority then is the health of our community, our  
1427 environment, the things that you are doing. And often what I  
1428 hear in the hearings is corporate interests who say that they

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1429 are going to suffer. I think you are on the right page, and  
1430 I appreciate your work.

1431 I yield back.

1432 \*Mr. Regan. Thank you.

1433 \*Mr. Carter. The gentlelady yields back. The chair now  
1434 recognizes the gentleman from Texas, Representative Weber,  
1435 for five minutes of questioning.

1436 \*Mr. Weber. Thank you, Mr. Chairman.

1437 Administrator Regan, when you came here today -- I don't  
1438 mean to pry, but did you bring one of those gas-powered  
1439 automobiles you are so much in favor of, or did you bring the  
1440 train, ride the train, like, to Federal Triangle.

1441 \*Mr. Regan. I came with my security detail.

1442 \*Mr. Weber. Was that a gas-powered vehicle that you  
1443 are --

1444 \*Mr. Regan. Yes.

1445 \*Mr. Weber. -- that you are in favor of?

1446 \*Mr. Regan. Yes.

1447 \*Mr. Weber. Okay. In your exchange with Diana DeGette,  
1448 she asked you if the oil and gas industry was the largest  
1449 suppliers of methane, and you said yes, you agreed.



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1450           \*Mr. Regan. Yes.

1451           \*Mr. Weber. Okay. So would you also agree that the oil  
1452 and gas industry is the largest provider of energy to the  
1453 American public so that they can freely move around from  
1454 their home to work, to vacation, and shopping, and help  
1455 encourage the economy to grow? Would you agree with that?

1456           \*Mr. Regan. Oh, absolutely.

1457           \*Mr. Weber. Okay. And also, is it very -- is it true  
1458 that the oil and gas suppliers are also the largest suppliers  
1459 of energy to our great American military?

1460           \*Mr. Regan. I believe that is correct, yes.

1461           \*Mr. Weber. Well, I hope so. They pump it out of the  
1462 ground so -- they got to get it somewhere. So -- and they  
1463 protect America and -- our great military protects America  
1464 and Americans and our allies. You would agree with that?

1465           \*Mr. Regan. I do.

1466           \*Mr. Weber. So the oil and gas industry provides a  
1467 pretty good function, wouldn't you agree?

1468           \*Mr. Regan. Well, absolutely. And we designed our  
1469 rulemaking with that absolutely in mind.

1470           \*Mr. Weber. And then you also had Dr. Joyce, who said

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1471 that has implications for the economy. And you agreed with  
1472 that, as well.

1473 \*Mr. Regan. We take that into account with everything  
1474 we do.

1475 \*Mr. Weber. Okay. So my question, really, is one of  
1476 the things that has happened under the TSCA, or Toxic  
1477 Substance Control Act, recently the EPA released a final rule  
1478 directing how TSCA risk evaluations should be done, and the  
1479 rule removed the definition for "the best available  
1480 science," thereby undercutting the requirement in the law  
1481 that Congress passed.

1482 So while you recognize that the oil and gas industry  
1483 plays a very viable function in a myriad of ways, and that is  
1484 very, very important for Americans and for the economy and,  
1485 indeed, for the -- for our military and for security, not  
1486 just for Americans but for our allies, don't you feel kind of  
1487 strange that removing that from the rule has absolutely  
1488 overridden Congress's intent when they wrote that law?

1489 \*Mr. Regan. Removing -- you said the best available  
1490 science?

1491 \*Mr. Weber. The rule removes the definition for "best

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1492 available science, ' ' which thereby undercuts the requirement  
1493 that Congress wrote into law.

1494 \*Mr. Regan. I am not quite sure in what context that is  
1495 written.

1496 \*Mr. Weber. The TSCA Act.

1497 \*Mr. Regan. We absolutely, in TSCA and everything we  
1498 do, use the best available science, the best science  
1499 available --

1500 \*Mr. Weber. You --

1501 \*Mr. Regan. -- scientific integrity. So I would have  
1502 to have a little bit more context in how that phrase is being  
1503 used.

1504 \*Mr. Weber. Well, then, if you don't mind, let's -- get  
1505 back to me on that. But I do want to get you on record, if I  
1506 can. You would agree that if EPA overrode Congress's desire  
1507 in rulemaking, something would be wrong with that picture.

1508 \*Mr. Regan. We absolutely want to stay in line with  
1509 Congress.

1510 \*Mr. Weber. So you strive diligently all the time to  
1511 make sure that you all follow the wishes of Congress.

1512 \*Mr. Regan. Yes, we try not to ever exceed our

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1513 congressional authority.

1514 \*Mr. Weber. Do you ever raise a flag if you all look at  
1515 something and you think that it is not practical, or that it  
1516 would hurt the American public or American industry or  
1517 American military?

1518 \*Mr. Regan. Absolutely, and I think a number of CEOs in  
1519 this country would say that I have.

1520 \*Mr. Weber. Who do you report that to?

1521 \*Mr. Regan. Report?

1522 \*Mr. Weber. When you have an issue, you want to raise a  
1523 flag, who do you communicate that to?

1524 \*Mr. Regan. It depends on the issue. Give me an  
1525 example.

1526 \*Mr. Weber. Well, for example, the rule from TSCA, for  
1527 example. If you all removed the best science available, that  
1528 has implications --

1529 \*Mr. Regan. Well --

1530 \*Mr. Weber. -- that you overrode Congress's original  
1531 law. So who do you communicate with when that happens?

1532 \*Mr. Regan. Yes, I am not conceding at all that we  
1533 removed the best available science.

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1534 \*Mr. Weber. Okay, but if you did it would be an issue.

1535 \*Mr. Regan. Yes. If we did, it would be an issue. And

1536 our --

1537 \*Mr. Weber. And then who would you go to?

1538 \*Mr. Regan. More than likely, our inspector general  
1539 would be investigating that.

1540 \*Mr. Weber. Okay. But you, personally, if that was a  
1541 concern, you would raise that issue to the IG?

1542 \*Mr. Regan. Well, if it was a concern by me, number  
1543 one, I would raise it to those who report directly to me to  
1544 get to the bottom of it.

1545 \*Mr. Weber. Okay.

1546 \*Mr. Regan. But two, I met with my IG just last week.  
1547 We have a great relationship. And yes, we pursue full  
1548 transparency on any exceedances of the law.

1549 \*Mr. Weber. Okay, well, I want to make sure that you  
1550 keep the American public first and foremost, and then  
1551 American industry, too. You know, the health of the American  
1552 public is important and industry, too, they have to make  
1553 money. And then our great military has to have energy. So  
1554 we don't want to do things that, you know, hamper the energy

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1555 industry.

1556 Earlier this month EPA finalized subpart W revisions  
1557 that would add a new emissions category which shifts to a  
1558 site-specific measurement, utilizes parametric monitoring,  
1559 and revised estimation methodologies for pneumatic  
1560 controllers and pumps. Did the EPA consider the significant  
1561 financial liability assumed by oil and gas companies --  
1562 again, industry -- when you do that?

1563 And I am going to -- I am out of time. So get back to  
1564 me on that, because it is important.

1565 \*Mr. Regan. Absolutely.

1566 \*Mr. Weber. Mr. Chairman, thank you, I yield back.

1567 \*Mr. Carter. The gentleman yields back. The chair now  
1568 recognizes the gentleman from Maryland, Representative  
1569 Sarbanes, for five minutes of questioning.

1570 \*Mr. Sarbanes. Thanks very much, Mr. Chairman.

1571 Mr. Regan, I think you are doing a terrific job. Keep  
1572 it up. It is not easy, but the Biden Administration is  
1573 setting the standard we need if we are going to protect our  
1574 environment, combat climate change, and do what is right for  
1575 the planet. So thank you for that.

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1576           As you know, we are at a very critical point in the  
1577 restoration of the Chesapeake Bay, the nation's largest  
1578 estuary, one of the most productive bodies of water in the  
1579 world. And it is an invaluable natural and cultural  
1580 resource. In 2014, the 7 jurisdictions in the watershed --  
1581 Maryland, Virginia, D.C., Pennsylvania, West Virginia,  
1582 Delaware, and New York -- came together with the EPA to sign  
1583 a new Chesapeake Bay Watershed Agreement that set goals and  
1584 outcomes to restore the bay by 2025.

1585           Much of the implementation of the Bay agreement is  
1586 managed through the unique regional partnership of EPA's  
1587 Chesapeake Bay program, as you know, which coordinates  
1588 restoration efforts across states, agencies, and  
1589 stakeholders. There is just no substitute for EPA's role  
1590 here, which is both as an enforcer of pollution reduction  
1591 targets and a valued convener of all the partners who have  
1592 committed to reaching our restoration outcomes.

1593           And recently I met with Adam Ortiz, who is the region 3  
1594 administrator -- of course, you know that -- and Martha  
1595 Shimkin, who is the director of the EPA Chesapeake Bay  
1596 program, to talk about this very, very important role that

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1597 EPA plays.

1598           Could you just describe some of the goals that the Bay  
1599 program is pursuing with the record level of appropriations  
1600 we have been able to muster here, as well as the supplemental  
1601 funds from the Bipartisan Infrastructure Law?

1602           \*Mr. Regan. Well, thank you for that question, and  
1603 congratulations on your retirement. We are going to miss  
1604 your leadership.

1605           I would say that since 2022 we have awarded more than  
1606 114 million in BIL funding to accelerate all of the programs  
1607 that are designed to protect this national treasure, and we  
1608 are very fortunate with some of the regional leadership that  
1609 we have and the scientists that we have on board to engage as  
1610 many of us as -- engage as many of our partners as possible  
1611 on the science, on the economics, and on the latest and  
1612 greatest best management practices and technologies to  
1613 restore the Bay.

1614           As we look beyond 2025 -- because, obviously, we have  
1615 fallen short of those goals we set -- we are excited to  
1616 prepare recommendations for the Chesapeake Executive Council  
1617 this fall, which will contain a lot of recommendations for



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1618 the very things that we have done and the lessons learned  
1619 there. So we have been laser focused on this. We have  
1620 worked with all of the states surrounding to reduce their  
1621 pollution into the Bay. And we recognize not only the  
1622 ecological and ecosystem dynamism of the Bay, but also the  
1623 economic and the recreational aspects, as well.

1624 \*Mr. Sarbanes. Thank you. Obviously, looking beyond  
1625 2025 now is absolutely critical. The Bay partnership has an  
1626 opportunity this year, led by the Bay program, to lean into  
1627 the restoration effort, reaffirming -- updating the Bay  
1628 agreement, keeping it strong and robust, incorporating new  
1629 science, streamlining administration, and revising goals  
1630 according to what we found works to clean up the Bay and its  
1631 waterways.

1632 I assume you would like to see a very robust update of  
1633 the agreement between the Chesapeake Bay partners.

1634 \*Mr. Regan. Absolutely.

1635 \*Mr. Sarbanes. The expectations are high, I want you to  
1636 know, certainly within our delegation. But I think beyond,  
1637 if you look at Members of Congress who are -- serve from the  
1638 watershed, the kind of geography of the watershed, they bring

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1639 high expectations of the EPA's role, what it can do to,  
1640 again, as I say, lean into the new horizon when it comes to  
1641 strengthening these protections of the Bay, and meeting  
1642 important goals, and setting important goals, and using the  
1643 authority that the EPA has under various authorities, et  
1644 cetera, to make sure that everybody is cooperating, that the  
1645 convener role is as strong as it can possibly be.

1646           You mentioned the Chesapeake Executive Council coming up  
1647 in December, which is made up of the signatories to the Bay  
1648 agreement. That is going to be happening in Annapolis. It  
1649 is to decide what the next steps are for meeting those  
1650 expectations, those high expectations beyond 2025. Having  
1651 you personally join that meeting would send a very powerful  
1652 message about EPA's and your support for the Bay cleanup, and  
1653 I would love to get a commitment today that you will attend  
1654 in December. Is that something that you are planning to do?

1655           \*Mr. Regan. It is on the radar. The date hasn't been  
1656 selected, but we are going to do our best to --

1657           \*Mr. Sarbanes. Okay.

1658           \*Mr. Regan. -- to time that date with our schedule.

1659           \*Mr. Sarbanes. I would give it the highest priority if

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1660 you could. I think, again, it would send a very powerful  
1661 message, and I think your absence from it might,  
1662 unfortunately, send the counter message in terms of focus.  
1663 So we would love to see you there.

1664         Again, I want to thank you for your leadership in  
1665 restoring this national treasure that we certainly cherish in  
1666 Maryland, and thank you for your good work, and I look  
1667 forward to collaborating as we move forward.

1668         With that I yield back.

1669         \*Mr. Regan. Thank you.

1670         \*Mr. Carter. The gentleman yields back. The chair now  
1671 recognizes the gentleman from Ohio, Representative Balderson,  
1672 for five minutes of questioning.

1673         \*Mr. Balderson. Thank you, Mr. Chairman.

1674         Administrator, thank you for being here today.  
1675 Administrator, the EPA has claimed it addressed the  
1676 reliability concerns posed by its recently finalized section  
1677 111 power plant rule, the so-called Clean Power Plan 2.0, by  
1678 including minor tweaks, such as allowing a one-year  
1679 compliance deadline extension subject to EPA's approval. But  
1680 utilities need to start making resource decisions today, and

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1681 can't bank on the so-called flexibilities. And if a plant is  
1682 shut down because of this rule, it can't just be turned back  
1683 on in an emergency situation. The fact is the power plant  
1684 rule will threaten greater reliability.

1685 Just last week the largest grid operator in the nation,  
1686 PJM Interconnection, which covers the State of Ohio and the  
1687 Ohio's 12th congressional district, made it clear this rule  
1688 threatens reliability.

1689 Mr. Chairman, I would like to enter into the record the  
1690 PJM's May 8 statement on the newly-issued greenhouse gas  
1691 regulations, please.

1692 \*Mr. Carter. Without objection.

1693 [The information follows:]

1694

1695 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1696

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1697           \*Mr. Balderson. Thank you, Mr. Chairman.

1698           Administrator, do you believe that you and the EPA are  
1699 better experts on what is needed to maintain grid reliability  
1700 than the actual grid operators?

1701           \*Mr. Regan. Well, I think we have made our decisions  
1702 with consultation from the grid operators, FERC, and others  
1703 who specialize in grid reliability, along with our own  
1704 experts.

1705           \*Mr. Balderson. Is it your opinion that PJM is wrong in  
1706 their assessment that this rule will threaten the grid  
1707 reliability?

1708           \*Mr. Regan. I would love to read that report and have  
1709 my staff analyze the threats that they perceive to be there.  
1710 We consulted with PJM, so we would love to continue to engage  
1711 with PJM.

1712           \*Mr. Balderson. Okay. If you could, let us know what  
1713 your thoughts are after you and your staff read that.

1714           In the light of these serious concerns from PJM, will  
1715 you commit to asking the North American Electric Reliability  
1716 Corporation and the RTOs, the ISOs for an independent review  
1717 of the reliability impacts of this regulation and the others

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1718 EPA recently finalized on fossil fuel-fired units?

1719 \*Mr. Regan. We look forward to a lot of engagement with  
1720 multiple industries and entities that are responsible for the  
1721 grid and delivering power, so those conversations will  
1722 continue to go.

1723 \*Mr. Balderson. Thank you. In the State of Ohio new  
1724 data centers -- and I am sure you are hearing about this --  
1725 and manufacturing sites are adding significant demand on the  
1726 grid. Just this week, AEP Ohio said they have agreements for  
1727 new demand from existing and additional customers to add  
1728 4,400 megawatts of power to central Ohio by 2030. The EPA's  
1729 final power sector rule will lead to the premature retirement  
1730 of reliable generators, and prevent new gas resources from  
1731 coming online, as demand is growing rapidly. This is a  
1732 disaster, recipe for disaster.

1733 Two weeks ago the Secretary of Energy repeatedly told  
1734 the committee that EPA's new power sector rules for  
1735 greenhouse gases no longer included standards for existing  
1736 natural gas plants. She failed to mention that those  
1737 standards are coming. In the new power sector rules, EPA  
1738 states it intends to issue a new, more comprehensive proposal

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1739 regulating greenhouse gases from these existing sources. EPA  
1740 says that the proposal will focus on achieving greater  
1741 emissions reductions from the sources.

1742 Will this future rule on existing natural gas-fired  
1743 plants be more strict than the section 111 rule that EPA  
1744 finalized last month?

1745 \*Mr. Regan. What the rule -- the reason we have given  
1746 more time is because industry, the environmental community,  
1747 justice community has asked us to. And so it will be more  
1748 comprehensive, meaning the proposed rule only had the largest  
1749 included. We are looking at a more comprehensive approach.

1750 But we are also looking at additional flexibilities and  
1751 additional technologies that the industry asked for us to  
1752 consider. So we are starting a more elongated process to be  
1753 sure that we have a more comprehensive look, and that  
1754 comprehensiveness goes towards coverage, as well as  
1755 technologies, best management practices, and the like.

1756 \*Mr. Balderson. Okay, thank you. So the EPA has only  
1757 received a few comments so far. And given the impact of the  
1758 rule covering existing gas plants we have, will the EPA  
1759 extend the deadline for comments?

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1760           \*Mr. Regan. I will circle with my staff about where we  
1761 are with the process, and the comments that are coming in,  
1762 and what we need to do to accommodate a full engagement from  
1763 all of our stakeholders, because we need that.

1764           \*Mr. Balderson. Okay, thank you. Thank you,  
1765 Administrator. I do appreciate you being here today, but I  
1766 strongly disagree with your views on the EPA's latest rules  
1767 covering fossil fuel-fired plants. I believe it is important  
1768 that this committee, as well as the House and Senate,  
1769 continue to push back on the EPA's rules that will threaten  
1770 reliability and lead to rolling blackouts, brownouts for our  
1771 constituents.

1772           To that end, I will be introducing a CRA resolution with  
1773 Senator Capito to disapprove of the Clean Power Plan 2.0. I  
1774 urge my colleagues to support this effort and make it clear  
1775 that we will not sit on the sidelines as the EPA wages war on  
1776 the reliable baseload power that our constituents rely on.

1777           Thank you, Mr. Chairman, I yield back.

1778           \*Mr. Carter. The gentleman yields back. The chair now  
1779 recognizes the gentleman from California, Representative  
1780 Peters, for five minutes of questioning.



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1781           \*Mr. Peters. Thank you, Mr. Chairman.

1782           Good morning, Mr. Administrator. Thank you for being  
1783 here.

1784           \*Mr. Regan. Good morning.

1785           \*Mr. Peters. San Diego, as you know, continues to  
1786 endure one of the most significant environmental catastrophes  
1787 in the Western Hemisphere: the flow of untreated sewage and  
1788 toxic waste across the border from Mexico through the Tijuana  
1789 River Valley watershed and into San Diego.

1790           Recently, a story from the San Diego Union Tribune  
1791 illustrates the seriousness of this circumstance. The report  
1792 highlights how a combination of an increase of -- increased  
1793 sewer gas concentrations, obviously contaminated water, and  
1794 higher temperatures exacerbates respiratory illnesses,  
1795 headaches, and other health problems for my constituents and  
1796 for the Navy Seals that train in the water.

1797           The San Diego congressional delegation, in partnership  
1798 with our Senators and the Biden Administration, and joined by  
1799 the Republican members of this Congress, many of whom who  
1800 served and trained in these waters themselves, have started  
1801 to make some progress. And I want to thank you for your

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1802 help.

1803 I also know you have personally made the trip to see and  
1804 to smell this issue for yourself, because it is an experience  
1805 you have to actually meet to understand. So I want to thank  
1806 you for coming out.

1807 In the 2024 appropriations package we secured a funding  
1808 increase for the International Boundary Water Commission's  
1809 construction account, along with language to provide  
1810 additional flexibility for the Commission to repair critical  
1811 sewage treatment infrastructure at the South Bay  
1812 International Wastewater Treatment Plant, which is owned and  
1813 operated by the United States Government. Again, thank you  
1814 for your attention to this crisis.

1815 Have you -- has EPA and related stakeholders, have you  
1816 identified potential funding sources for IBWC with this new  
1817 authority?

1818 If so, can you provide a list of those agencies to my  
1819 office?

1820 And what more is the EPA doing to work with IBWC on this  
1821 particular issue?

1822 \*Mr. Regan. Well, thank you for your leadership on this

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1823 issue, and for securing that \$156 million in fiscal year 2024  
1824 for the South Bay treatment plant. I do remember seeing it  
1825 firsthand, and was very struck by it, and we have been  
1826 committed to it ever since.

1827 IBWC plans to use the money from this appropriation to  
1828 make repairs. And we are also in contact with them. And as  
1829 the contracts come in, we are prepared to provide the  
1830 remaining funding of \$290 million for the expansion needed to  
1831 safeguard these waters.

1832 This is absolutely a whole-of-government approach, and  
1833 so this past January EPA and IBWC finalized an interagency  
1834 agreement to transfer the USMCA funds to the IBWC for  
1835 treatment expansion projects. And so we are wisely using  
1836 these funds. We are strengthening our partnerships, and we  
1837 are also using our international relationships to continue to  
1838 hold Mexico accountable for this pollution, as well, so all  
1839 of the burden is not on the American taxpayers.

1840 \*Mr. Peters. Thank you. I want to spend the rest of my  
1841 time talking about methane.

1842 Just to refresh people's memory, methane is a short-  
1843 lived climate pollutant that is much more dangerous in the

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1844 short term than carbon dioxide, but it leaves the atmosphere  
1845 much more quickly. And so the opportunity to get rid of  
1846 methane is really the low-hanging fruit in dealing with  
1847 climate change.

1848           And to the extent that that comes from the oil and gas  
1849 industry, I have gone to Texas a number of times to suggest  
1850 that that is something we could work on together. As natural  
1851 gas is going to be continue to be used, we can make ours  
1852 cleaner. I think that is very worthy. And I want to commend  
1853 you for your leadership when it comes to methane. Analysis  
1854 has shown that the final methane rule that you proposed will  
1855 drive an 80 percent reduction in methane emissions from what  
1856 otherwise would be in the air without the rule.

1857           Let's just talk for a minute about how we tackle the  
1858 remaining 20 percent. First of all, have you engaged the  
1859 smaller oil and gas producers so that they can take advantage  
1860 of the methane emissions reduction program?

1861           We put money in there to help them comply, because we  
1862 know how tough it is for some of them to make ends meet.  
1863 There is money in the bill that we passed to help those  
1864 folks. How have you engaged with them to let them know that

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1865 that is out there?

1866 \*Mr. Regan. Well, we have engaged with them directly  
1867 from day one on the rule, which I would say is  
1868 technologically advanced and very innovative. That took into  
1869 consideration the smaller producers.

1870 But Congress -- EPA has partnered with DoE to provide  
1871 over \$1 billion in financial assistance for some of the  
1872 smaller operations. So we are engaging directly to better  
1873 understand what their needs are.

1874 Last December we announced \$350 million to 14 states, 22  
1875 million to California to focus on super-emitters, and cutting  
1876 emissions from wells, and focusing on some of the smaller  
1877 producers. So we are engaging directly. I mean, we are  
1878 having direct conversations with these smaller emitters. We  
1879 know what the needs are. We are thankful for the billions of  
1880 dollars Congress has given us through the Inflation Reduction  
1881 Act. And we are going to make sure that they get those  
1882 resources.

1883 \*Mr. Peters. Again, I have heard from my colleagues in  
1884 Texas this is an issue. I think this money is available for  
1885 compliance.

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1886           And for the -- I am going to have to ask you the last  
1887 question, if you will respond in writing, I need an  
1888 understanding of the number of abandoned or orphaned wells  
1889 that are out there that are leaking that have to be closed,  
1890 plugged, and what the amount of money that would be to  
1891 required to accomplish that task. We will provide that  
1892 question writing and ask you to respond.

1893           [The information follows:]

1894

1895           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1896

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1897           \*Mr. Peters. Thank you, Mr. Chairman, I yield back.

1898           \*Mr. Carter. The gentleman yields back. The chair now  
1899 recognizes the gentleman from Georgia, Representative Allen,  
1900 for five minutes of questioning.

1901           \*Mr. Allen. Thank you, Chairman Carter, for holding  
1902 this important hearing on the Environmental Protection  
1903 Agency's fiscal year 2025 budget. I want to thank  
1904 Administrator Regan for testifying in front of the  
1905 subcommittee.

1906           Thank you for being here today. It is good to see you.

1907           \*Mr. Regan. Good to see you.

1908           \*Mr. Allen. Unfortunately, during the past three years  
1909 we have been -- we have seen some burdensome regulations  
1910 coming out of the EPA that harm innovation, manufacturing,  
1911 increase energy prices for Americans across the country. We  
1912 have talked about those already. I have a lot to get through  
1913 here, so I am going to have to jump right in.

1914           Many of our farmers in my district are worried they soon  
1915 may also not be able to use the crop protection products they  
1916 rely on. Dicamba and acephate, two important pesticides for  
1917 cotton growers, especially are currently at risk of

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1918 disappearing. In the case of dicamba, a Federal court ruling  
1919 earlier this year vacated the current label. Bayer, a major  
1920 dicamba pesticide manufacturer, has developed a new label,  
1921 and I expect that other companies will follow suit.

1922 I want to encourage you to expedite these new labels  
1923 through the process. In the case of acephate, not the courts  
1924 but your agency has begun the process of banning this  
1925 pesticide. We can't expect our farmers to continue to  
1926 operate if we strip them of the critical tools at this time.  
1927 The yields that they are providing are unprecedented. And if  
1928 we restrict those yields, we are going to run out of food,  
1929 sir.

1930 I hope that the EPA standards are how -- understands how  
1931 critical these pesticides are, and will work with our farmers  
1932 on this. And I would suggest that you get out there in the  
1933 fields and talk with them about it and how we are using it in  
1934 Georgia safely.

1935 Next I would like to move on to the Clean Power Plan 2.0  
1936 rule, which will essentially shut down reliable generation.  
1937 The electric cooperatives in my district provide electricity  
1938 in some of Georgia's lowest-income and most disadvantaged



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1939 communities, which is a hallmark of electric cooperatives  
1940 across the United States that collectively serve 92 percent  
1941 of the country's persistent poverty counties. Personally, I  
1942 think ensuring energy affordability is one of the most  
1943 important things I can work on in Congress, particularly for  
1944 my rural constituents in the district.

1945 Administrator Regan, do you think it is fair to ask the  
1946 rural energy consumers of the 12th district to foot the bill  
1947 for the nascent carbon capture technology that is required in  
1948 this rule?

1949 \*Mr. Regan. Well, no, we are not asking the rule --  
1950 that your cooperatives to do that.

1951 \*Mr. Allen. My understanding is that no carbon capture  
1952 system required by the power plant rule has achieved the  
1953 performance specifications demanded. Is that yes or no?

1954 \*Mr. Regan. I answered that question inaccurately  
1955 earlier. The answer is yes. Petra Nova in Texas has  
1956 achieved that 90 percent.

1957 \*Mr. Allen. Okay. Next I would like to talk about the  
1958 particulate matter PM 2.5 rule that EPA finalized this year.  
1959 I believe this rule is disastrous for manufacturing,

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1960 especially in my home state of Georgia, which is consistently  
1961 the top state to do business in. That is why I introduced  
1962 the CAR rule for this.

1963 I would like to clarify. You said your modeling says  
1964 that 90 percent of counties will be in attainment under the  
1965 new PM standards. Chair Carter's point is that 90 percent of  
1966 counties will not have the room or head space to permit new  
1967 manufacturing. This is a problem. Georgia is also the  
1968 number-one forestry state in the country, providing high-  
1969 paying and stable jobs for many of my constituents.  
1970 Controlling wildfire risks through prescribed burns is  
1971 essential for the health of forest and safety of nearby  
1972 communities.

1973 According to the Georgia Environmental Protection  
1974 Division, from 2019 to 2021 there were 37 exceedances of the  
1975 daily particulate matter standard attributable to exceptional  
1976 events; 25 of those were because of prescribed burns.  
1977 Unfortunately, exceptional event demonstrations have  
1978 typically been restricted to events that spiked PM 2.5  
1979 concentrations above 35 micrograms. I am afraid that,  
1980 because of the lowered standards with no changes to

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1981 exceptional events threshold, land managers and states are  
1982 being dissuaded from using prescribed burns to manage  
1983 wildfire risk.

1984 Why did the EPA tighten the PM 2.5 standard without  
1985 addressing the threshold for exceptional event  
1986 demonstrations?

1987 \*Mr. Regan. We absolutely addressed the exceptional  
1988 events. We engaged with most of -- all of our forest  
1989 managers across the country.

1990 \*Mr. Allen. So you have --

1991 \*Mr. Regan. When you look at wildfires --

1992 \*Mr. Allen. You have addressed those?

1993 \*Mr. Regan. -- exceptional events, yes. That data that  
1994 hits those monitors is not contributing to any kind of  
1995 exceedances.

1996 \*Mr. Allen. Continuing with the PM 2.5 and exceptional  
1997 event demonstrations, I am concerned that even when states  
1998 can submit demonstrations the agency is not addressing them  
1999 in a timely manner. Is that true?

2000 \*Mr. Regan. No. I think we are very responsive. And  
2001 if there are some cases that you can point to, I will be glad

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2002 to look into those.

2003 \*Mr. Allen. Okay, we will do that.

2004 Last year the GAO published a report showing the EPA is  
2005 falling behind with a growing number of submissions being on  
2006 hold or under review. The President's budget request does  
2007 not address exceptional events in any of its air quality. Is  
2008 processing exceptional events a priority for the EPA, given  
2009 its crucial role in preventing areas from slipping into non-  
2010 attainment?

2011 \*Mr. Regan. It is.

2012 \*Mr. Allen. Okay. Well, I am out of time. Thank you,  
2013 Mr. Administrator.

2014 And I yield back.

2015 \*Mr. Regan. Thank you, sir.

2016 \*Mr. Carter. The gentleman yields back. The chair now  
2017 recognizes the gentleman from Texas, Representative Pfluger,  
2018 for five minutes of questioning.

2019 \*Mr. Pfluger. Thank you, Mr. Chairman.

2020 Administrator Regan, do you intend to place the Permian  
2021 Basin into a status of non-attainment regarding ozone?

2022 \*Mr. Regan. We are going to continue to work with both

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2023 Texas and New Mexico to manage this process.

2024 \*Mr. Pfluger. Are you aware that there are only three  
2025 monitors in the entire Permian Basin, and do you know where  
2026 those monitors are?

2027 \*Mr. Regan. I am sorry?

2028 \*Mr. Pfluger. Are you aware that there is only three  
2029 monitors, and do you know where those monitors are located?

2030 \*Mr. Regan. I personally don't know where the monitors  
2031 are, but my staff does.

2032 \*Mr. Pfluger. They are in New Mexico. Do you know how  
2033 big the Permian Basin is?

2034 \*Mr. Regan. I have an idea, yes.

2035 \*Mr. Pfluger. Have you been there?

2036 \*Mr. Regan. I have not.

2037 \*Mr. Pfluger. I want to commend Dr. Nance for coming.  
2038 Do you make the decision on non-attainment?

2039 \*Mr. Regan. I am not quite sure.

2040 \*Mr. Pfluger. Do you make the decision --

2041 \*Mr. Regan. Personally?

2042 \*Mr. Pfluger. -- as the administrator of the EPA?

2043 \*Mr. Regan. No.

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2044 \*Mr. Pfluger. You don't?

2045 \*Mr. Regan. We have a program that determines non-  
2046 attainment.

2047 \*Mr. Pfluger. Who makes that decision?

2048 \*Mr. Regan. Our Office of Air and Radiation makes that  
2049 decision.

2050 \*Mr. Pfluger. Are you the principal adviser to the  
2051 President on air quality?

2052 \*Mr. Regan. I am.

2053 \*Mr. Pfluger. So do you make the decision on non-  
2054 attainment?

2055 \*Mr. Regan. No, I don't personally make the decision on  
2056 non-attainment. There is a program that evaluates --

2057 \*Mr. Pfluger. What I heard today was you have visited a  
2058 lot of communities that you are worried about, right?

2059 \*Mr. Regan. I absolutely do, yes.

2060 \*Mr. Pfluger. Are you worried about the Permian Basin?

2061 \*Mr. Regan. That is why Dr. Nance was there last week.

2062 \*Mr. Pfluger. But are you personally worried about it?

2063 \*Mr. Regan. I am, but I can't make everywhere, all 50  
2064 states. That is why RAs go and make these visits that she

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2065 made with you last week.

2066 \*Mr. Pfluger. Tell me how much methane intensity has  
2067 been reduced in the Permian Basin in the last 10 to 15 years.

2068 \*Mr. Regan. I could have staff answer those questions  
2069 for you.

2070 \*Mr. Pfluger. This is a really important area.

2071 \*Mr. Regan. Sure.

2072 \*Mr. Pfluger. It is the most important area for energy  
2073 production in the entire world. Wouldn't you think you would  
2074 know what the intensity decrease was over the last 10 to 15  
2075 years?

2076 \*Mr. Regan. As the administrator of a very large  
2077 agency, I don't walk around with those specific facts in my  
2078 head.

2079 \*Mr. Pfluger. Which is -- that is why we are having --

2080 \*Mr. Regan. But there are people that do.

2081 \*Mr. Pfluger. That is why we are having this hearing.

2082 \*Mr. Regan. And I can get that information for you.

2083 \*Mr. Pfluger. Will you commit to coming to the Permian  
2084 Basin before a final decision is reached?

2085 \*Mr. Regan. I will commit that we will have senior

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2086 management come to the Permian Basin.

2087 \*Mr. Pfluger. See, I think this is why we are having  
2088 problems. Do you think the EPA should be authorized by  
2089 Congress?

2090 \*Mr. Regan. Do I think it should?

2091 \*Mr. Pfluger. Do you think your organization should be  
2092 authorized by Congress?

2093 \*Mr. Regan. Well, I guess President Nixon in 1970 and  
2094 Congress in 1970 thought that, so --

2095 \*Mr. Pfluger. Well, we will ask those questions later.

2096 We are talking about the most important secure supply of  
2097 energy in the entire world. The economic impact, the amount  
2098 of production, the low price, affordable, clean energy, 32-  
2099 plus percent is the reduction of methane intensity in the  
2100 Permian Basin over the last 10 to 15 years. Yet at the very  
2101 same time, we have increased the production fivefold, from a  
2102 million barrels a day to six million barrels a day.

2103 I am very disappointed that you don't know that, because  
2104 that is exactly why we are concerned about the overreach of  
2105 the EPA not having those facts. Saying you don't walk around  
2106 with those facts, you have to walk around with those facts.



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2107 We are talking about energy security for our entire country  
2108 here. This is the area that you should come visit. Of all  
2109 the areas, this is the area --

2110 \*Mr. Regan. Well --

2111 \*Mr. Pfluger. -- that you personally should come visit.  
2112 Did you write -- did you review the subpart W final  
2113 rule?

2114 \*Mr. Regan. The last time you and I talked, you asked  
2115 for me to send Dr. Nance. And now today, as a gotcha --

2116 \*Mr. Pfluger. That is not --

2117 \*Mr. Regan. You never invited me before, and now you  
2118 are inviting me, and --

2119 \*Mr. Pfluger. We haven't --

2120 \*Mr. Regan. Yet we supplied Dr. Nance to come see you.  
2121 So --

2122 \*Mr. Pfluger. We have invited --

2123 \*Mr. Regan. -- you are not --

2124 \*Mr. Pfluger. And I am glad she came and visited.

2125 \*Mr. Regan. I try to oblige your ask whenever you make  
2126 them.

2127 \*Mr. Pfluger. But this is the most important energy

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2128 production area in the entire world.

2129 \*Mr. Regan. And you asked for Dr. Nance.

2130 \*Mr. Pfluger. And you, as the EPA director, should come  
2131 visit it because, if you are worried about methane intensity,  
2132 you would know that we have reduced it by 32 percent.

2133 \*Mr. Regan. I am absolutely worried about it, and --

2134 \*Mr. Pfluger. Did you review --

2135 \*Mr. Regan. And I --

2136 \*Mr. Pfluger. Did you review --

2137 \*Mr. Regan. I honored your request of Dr. Nance coming  
2138 to visit you.

2139 \*Mr. Pfluger. We appreciate it.

2140 Did you review the subpart W rule personally, yourself?

2141 \*Mr. Regan. Of course I was briefed on the subpart W  
2142 rule.

2143 \*Mr. Pfluger. Did you review the rule?

2144 \*Mr. Regan. Of course, I was briefed on the subpart --

2145 \*Mr. Pfluger. Do you know how many pages that rule is?

2146 \*Mr. Regan. I don't count pages in rules.

2147 \*Mr. Pfluger. We do.

2148 \*Mr. Regan. I mean, you might --

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2149 \*Mr. Pfluger. We do.

2150 \*Mr. Regan. -- think that I have time to do that, but I  
2151 don't have time to count pages in rules.

2152 \*Mr. Pfluger. This --

2153 \*Mr. Regan. That is such a ridiculous question.

2154 \*Mr. Pfluger. I feel like you are getting very  
2155 defensive in these questions.

2156 \*Mr. Regan. No, I am not defensive. I just like  
2157 reasonable questions. And how many pages in rule --

2158 \*Mr. Pfluger. Let me tell you how many -- I think you  
2159 would know, because --

2160 \*Mr. Regan. Counting pages in rules?

2161 \*Mr. Pfluger. You know how many pages it is? It is  
2162 2,685 pages.

2163 \*Mr. Regan. How many pages are in the electric  
2164 vehicle --

2165 \*Mr. Pfluger. Administrator Regan, I am going to  
2166 reclaim my time.

2167 \*Mr. Regan. How many pages are in the clean cars rule?

2168 \*Mr. Pfluger. I am going to reclaim --

2169 \*Mr. Regan. I have got lots of rules to count pages on.

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2170 \*Mr. Pfluger. Mr. Chairman, can we suspend?

2171 \*Mr. Joyce. [Presiding] The chair suspends.

2172 \*Mr. Pfluger. We will reset that clock for a second. I  
2173 am not sure exactly how much time, but I will wait until we  
2174 get it back.

2175 Two thousand -- thank you, two thousand, six hundred,  
2176 and eighty-five pages.

2177 You earlier testified today that you have been engaging  
2178 with small energy companies from day one. Is that true?

2179 \*Mr. Regan. Yes.

2180 \*Mr. Pfluger. Do you know how many companies your  
2181 agency has actually engaged with, from Mr. Goffman to my  
2182 office? Eight. Eight companies. I asked him the same  
2183 question I am going to ask you: Which small producers have  
2184 you engaged with regarding methane, ozone, or any of the  
2185 finalized OOOOb and c -- any of the rules that are --

2186 \*Mr. Regan. We will get you a complete list.

2187 \*Mr. Pfluger. It was given to me. It was eight  
2188 companies, and not a single one of them were small,  
2189 independent producers.

2190 \*Mr. Regan. We will get you a complete list.

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2191           \*Mr. Pfluger. These are not gotcha questions. This is  
2192 to demonstrate the fact that I don't believe you personally  
2193 have taken the time and interest in an area that is producing  
2194 43-plus percent of our country's oil and gas production.

2195           \*Mr. Regan. It is a gotcha question. Asking me to ask  
2196 my regional administrator to visit you, and we do that, and  
2197 then you say --

2198           \*Mr. Pfluger. And by the way, the visit was --

2199           \*Mr. Regan. -- you are not appreciative of that, and  
2200 you say I haven't gone.

2201           \*Mr. Pfluger. The visit was very much appreciated.

2202           \*Mr. Joyce. The gentleman's time has expired.

2203           \*Mr. Pfluger. You are invited, and I would appreciate  
2204 you getting back to me. Two thousand, six hundred, and  
2205 eighty-five pages is way too much to be -- to understand  
2206 anything about how to enforce these rules, how they are going  
2207 to impact economically.

2208           I know my time is expired. Thank you, Mr. Chairman.

2209           \*Mr. Regan. I appreciate the invitation.

2210           \*Mr. Joyce. The gentleman yields. The chair now  
2211 recognizes the gentleman from Indiana, Representative -- I am

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2212 sorry, the chair now recognizes the gentlelady from  
2213 California, Representative Barragan.

2214 \*Ms. Barragan. Thank you, Mr. Chairman.

2215 Administrator Regan, I want to thank you for your  
2216 tireless work to strengthen our air and our water protections  
2217 and invest in environmental justice communities. It was  
2218 great to have you in my district last month to announce EPA's  
2219 Clean Ports program, which I was proud to secure funding for  
2220 in the Inflation Reduction Act the Democrats fought to pass.

2221 And I am sorry you have to deal with the questions about  
2222 pages and things of that nature, because if I sat here and  
2223 asked a Member of Congress how many pages one of their bills  
2224 was, they probably wouldn't know the answer to it. Or if I  
2225 asked the Member of Congress the meetings they took six  
2226 months ago and with whom and where, I would probably have to  
2227 get back to my staff. So I apologize you have to get gotcha  
2228 questions, and instead focus on the work that you are doing  
2229 for the American people, which is so critical.

2230 And one of those is EPA and lead in aircrafts that I  
2231 want to ask you about. Last fall the EPA issued an  
2232 endangerment finding that lead emissions from aircraft are

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2233 harmful to public health. The science is clear, there is no  
2234 safe blood level of lead, and exposure to lead can have  
2235 permanent, detrimental health impacts in children.

2236 My constituents live near Long Beach Airport, suffer  
2237 from this lead pollution, where planes emit almost 1,600  
2238 pounds of lead each year into neighborhoods. Now that the  
2239 endangerment finding has been finalized, EPA is obligated to  
2240 propose regulations for lead emissions from aircraft that use  
2241 leaded fuel. Can you tell us where the EPA is in the  
2242 process, and what are your next steps to address leaded  
2243 aviation fuel?

2244 \*Mr. Regan. Well, thank you for that question, and  
2245 thank you for your leadership.

2246 Yes, because we have issued an endangerment finding, the  
2247 Clean Air Act directs EPA to propose and promulgate  
2248 standards. So our subsequent regulatory action will be done  
2249 in concert with FAA. We are going to be working together to  
2250 carefully consider the technology, the cost, the lead time,  
2251 the safety. We are well on our way having those  
2252 conversations, and we are working on regulatory options that  
2253 address these potentially harmful emissions, and we are going

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2254 to keep doing that in partnership.

2255 \*Ms. Barragan. Great. Well, when a rulemaking process  
2256 is launched, I would respectfully ask the EPA to hold a  
2257 public hearing in Long Beach, California, so my constituents  
2258 can have an opportunity to give public comment. And  
2259 certainly, we would love that engagement. Great.

2260 Mr. Administrator, moving on to my next question, the  
2261 Inflation Reduction Act included \$3 billion for the  
2262 Environmental and Climate Justice Grant Program based off of  
2263 my bill, the Climate Justice Grants Act. How have the  
2264 initial grants from this program benefitted environmental  
2265 justice communities?

2266 And is EPA on track to award the remaining \$2 billion in  
2267 community change grants by the end of this year?

2268 \*Mr. Regan. Well, thank you for that. And yes, we are  
2269 on track. As of last November we launched our new Community  
2270 Change Grants program, which will invest \$2 billion in  
2271 activities that benefit disadvantaged communities. As you  
2272 know, many of these communities have had solutions for  
2273 decades, they just haven't had a seat at the table. This is  
2274 a significant opportunity to do that.



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2275           In December of 2023 we announced 600 million for 11  
2276 selected grant makers under the Environmental Justice  
2277 Thriving Communities Grant program. So we are ensuring that  
2278 we are soliciting partnership with those who have been on the  
2279 ground who understand where these investments should go. And  
2280 we are very confident that we are on track doing that.

2281           \*Ms. Barragan. Great, thank you. There are eight  
2282 adopted California climate and clean air rules waiting on  
2283 Federal waivers from EPA. These rules include zero-emission  
2284 standards for tugboats, locomotives, and trucks. I know you  
2285 have heard me already ask you privately. So publicly, will  
2286 EPA prioritize the review of these waivers?

2287           \*Mr. Regan. We absolutely will. We have. We have been  
2288 working with CARB. There are eight waivers. They are very  
2289 ambitious waivers, and so we want to give the correct  
2290 technical evaluation to them, so we have been having those  
2291 conversations, and we have begun to prioritize those eight  
2292 waivers in response to how California is also advising the  
2293 priority of those eight waivers.

2294           \*Ms. Barragan. Great, thank you. If EPA were to  
2295 approve all these waivers, nearly 9,000 lives could be saved

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2296 and California would see over 75 billion public health  
2297 benefits. This also has national implications, since other  
2298 states can opt in to California standards. So I just urge  
2299 EPA to make these waivers a priority.

2300 For my next and last question, for the President's  
2301 proposed fiscal year 2025 budget there is a significant  
2302 requested increase for EPA's civil rights program, which  
2303 enforces compliance with civil rights laws to address  
2304 environmental injustice in communities. Can you provide  
2305 greater detail on how EPA plans to use these additional funds  
2306 to address environmental and public health disparities?

2307 \*Mr. Regan. Absolutely. We are responding to an  
2308 unprecedented volume of civil rights complaints filed with  
2309 the agency. These resources will represent about a \$20  
2310 million increase, and that will help us advance this very  
2311 important work. It will help us to not only give a close  
2312 review of these complaints, but also engage with those who  
2313 have filed these petitions in a timely manner, and provide a  
2314 level of transparency on that civil rights program. So that  
2315 request is in, it is highly, sorely needed, and we look  
2316 forward to the partnership and receiving those funds.

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2317 \*Ms. Barragan. Great. Thank you.

2318 I yield back.

2319 \*Mr. Joyce. The gentlelady yields, the chair now  
2320 recognizes the gentleman from Indiana, Representative Pence.

2321 \*Mr. Pence. Thank you, Mr. Chairman.

2322 And thank you, Director Regan, for being here.

2323 As a little side note, at one time in my life I was a  
2324 chief deputy commissioner of the Indiana Department of  
2325 Environmental Management, so something -- you and I have a  
2326 little bit of background in that.

2327 I have got a Richmond coal plant -- Richmond, Indiana, I  
2328 am in the Indiana 6th district, and it is one of those plants  
2329 that, when it gets two degrees like it did in December, they  
2330 turn it on, and when it gets real hot in the summer they turn  
2331 it on. But it doesn't run all the time. So I got a question  
2332 about an aspect of some new recent regulations.

2333 Your current coal combustion residuals policy was  
2334 overtly silent on beneficial reuse, but the new rule covertly  
2335 retroactively regulates it through the EPA's new position  
2336 that the CCR cannot be beneficially used on site. Was this  
2337 intentional? If not, can you correct that?

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2338           \*Mr. Regan. I will take a look at the level of  
2339           specificity on that. I -- obviously, our crew looked at the  
2340           health disbenefits of some of that coal ash, and how it was  
2341           being stored, and how it was being used.

2342           \*Mr. Pence. Sure, sure. This one is nowhere near the  
2343           waterway. This has been going on for over 100 years, still  
2344           in the same containment. I wish you would do that, okay?

2345           \*Mr. Regan. We will take a look at that.

2346           \*Mr. Pence. It is owned by the City of Richmond, 30,000  
2347           -- 37,000 people, and we need it as baseload until an  
2348           alternative can be -- and not just shut down before -- and  
2349           wipe out baseload when we need it most.

2350           \*Mr. Regan. Okay.

2351           \*Mr. Pence. Okay?

2352           \*Mr. Regan. We will look at that.

2353           \*Mr. Pence. So, see, I am taking a kinder, gentler  
2354           approach to you, giving you a break. How does that sound?

2355           Last time we spoke you know, we talked about RINs,  
2356           eRINs. And while the EPA decided to remove eRINs from their  
2357           final RFS rule, they cannot be taken -- they have not taken  
2358           the idea off the table for future regulations.

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2359           At a June 2023 hearing in front of this committee,  
2360 Assistant Administrator Joe Goffman stated your agency would  
2361 be leaving the door open for eRINs. Has the EPA had any  
2362 further internal discussions about the eRIN program?

2363           \*Mr. Regan. We are still in that evaluation mode. We  
2364 got a lot of comments on that program, ranging from how it  
2365 could be done in an efficient way to questioning the legal  
2366 authority to do so. So we are taking our time and giving  
2367 that careful deliberation.

2368           \*Mr. Pence. So one of the things that you and I talked  
2369 about the last time we met, having spent my life in --  
2370 distributing petroleum product and moving, buying, selling  
2371 RINs, and seeing the effect that that had on some groups  
2372 versus other groups, I am very concerned that this is going  
2373 to -- while it may create credits for some, particularly in  
2374 my manufacturing area it may increase costs drastically.

2375           Would eRINs be something that a manufacturing facility,  
2376 if they weren't buying clean energy, would they have to get  
2377 in that game?

2378           \*Mr. Regan. Let me have my folks get back to you on  
2379 that. You are laying out the conundrum that we are in. It

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2380 is very complex. We don't want to have any unintended  
2381 consequences. We want it to be fair and transparent. That  
2382 is one of the reasons we put a pause on it, and we are doing  
2383 this thorough evaluation of it.

2384 \*Mr. Pence. Well, certainly, you know, as you know,  
2385 RINs intentionally -- or maybe not intentionally -- picked  
2386 winners and losers, and cost one segment a great deal of  
2387 money to continue to operate. But the whole idea of eRINs  
2388 and using clean energy, it covers, as you just said -- and I  
2389 hope you focus on that -- could cover a whole bunch more  
2390 people than anybody intended, and could be a real money-maker  
2391 for Wall Street, and the trading of those, as I saw with RINs  
2392 in and of themselves became a very hot commodity and in some  
2393 cases were worth more than selling the petroleum was, right?

2394 And so would eRINs become more valuable than clean  
2395 energy on a market traded? So have you discussed that?

2396 \*Mr. Regan. We are looking at all of those options.  
2397 And again, that is one of the reasons we didn't move forward.

2398 \*Mr. Pence. Okay.

2399 \*Mr. Regan. There is a lot of things that need to be  
2400 looked into, and I hope that our teams can continue to talk

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2401 because we want that input if and when we move forward with  
2402 eRINs.

2403 \*Mr. Pence. Well, great. I hope you kind of find the  
2404 right thing there. And see, wasn't this a better line of  
2405 questioning than you had? And I am a Republican.

2406 With that, Mr. Chairman, I yield back.

2407 \*Mr. Joyce. The gentleman yields. The chair now  
2408 recognizes the gentleman from California, Dr. Ruiz.

2409 \*Mr. Ruiz. Thank you, Mr. Chair.

2410 Administrator Regan, thank you for joining us today and  
2411 for your dedication to improving air quality, expanding clean  
2412 water access, and promoting environmental conservation.  
2413 These are three initiatives that greatly impact the people I  
2414 represent, and I am going to speak about them and ask you  
2415 questions about them.

2416 First, in terms of air pollution, my district  
2417 consistently gets F grades by the South Coast Air Quality  
2418 Management District for their air quality. And we have the  
2419 highest rates of asthma in the entire State of California.  
2420 And in March 2024 the EPA announced a rule to strengthen air  
2421 quality standards, lowering the particulate matter threshold

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2422 from 12 to 9 micrograms per cubic meter. This adjustment  
2423 will significantly reduce the harmful impacts of fine  
2424 particulates in the air.

2425           Unfortunately, my Republican colleagues seek to impede  
2426 the progress and undermine the agency's ability to protect  
2427 the public's health. Can you speak to the projected public  
2428 health benefits of the stronger standard, and how it can help  
2429 our community, specifically our most vulnerable members?

2430           \*Mr. Regan. Absolutely, and thank you for your  
2431 leadership on this issue and for your advocacy for proper  
2432 monitoring and programs for your district.

2433           The new standard will absolutely save lives and avoid  
2434 illnesses, preventing up to 4,500 premature deaths and  
2435 290,000 lost workdays. We know that that number  
2436 disproportionately impacts some segments of the population,  
2437 and so we have designed a public health standard that we  
2438 believe is most protective of those who are most vulnerable.  
2439 But it also yields \$46 billion in net health benefits by the  
2440 year 2032.

2441           And the thing that is really impressive is, for every  
2442 dollar spent from this action, there could be as much as \$77



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2443 in human health benefits through the duration of this rule.  
2444 So it is focused on public health for everyone, but  
2445 especially those who have been disproportionately impacted.

2446 \*Mr. Ruiz. Thank you. Secondly, over the past decade  
2447 my district has consistently been categorized by the EPA as a  
2448 non-attainment, due to unhealthy air quality exceeding the  
2449 2012 standard of 12 micrograms per cubic meters. Could you  
2450 highlight the tools that the EPA is using to help underserved  
2451 rural and minority communities like mine reduce their  
2452 pollution levels and come into attainment?

2453 \*Mr. Regan. Well, absolutely. Number one is we are  
2454 trying to up our game in the monitoring of these areas to be  
2455 sure that we have our finger on the pulse, which I believe we  
2456 do.

2457 And secondly, there are a lot of technical assistance  
2458 grants and opportunities that we are deploying at the local  
2459 level so that we can see local innovation and creativity  
2460 matched with state and Federal obligations. When you look at  
2461 what can be done at a local level in a unique way, but also  
2462 if you add some of the Federal regulations that we are doing  
2463 to rein in tailpipe emissions, to look at fugitive emissions

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2464 and others, we believe that cumulatively that will help those  
2465 communities.

2466       \*Mr. Ruiz. Okay. And thirdly, the residents in my  
2467 district have struggled with getting access to clean water.  
2468 For years I have collaborated closely with the EPA to improve  
2469 the water supply at the Oasis Mobile home park, where  
2470 residents face toxic high arsenic levels in their water  
2471 supply. And since at least 2019 the Oasis mobile home park  
2472 has faced recurring water issues. The EPA has issued  
2473 emergency orders that year due to arsenic levels in the water  
2474 system being up to nine times the maximum containment level,  
2475 with two more orders following since then.

2476       Could you highlight the steps the EPA is taking to  
2477 address arsenic in underserved communities like Oasis?

2478       \*Mr. Regan. Well, absolutely, and no community should  
2479 have to face what Oasis is facing, and so we have been taking  
2480 action. As you know, EPA and DoJ filed a complaint against  
2481 these operators. We are hoping for an anticipated trial date  
2482 as early as, I believe, next year. But we have assumed  
2483 direct oversight of 20 water systems since 2020, and as of  
2484 January 6 have returned to compliance because of EPA's

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2485 action. We are going to continue to focus on those 14 that  
2486 are left.

2487 But rest assured, the Department of Justice and EPA plan  
2488 to hold Oasis accountable for this travesty, and ensure that  
2489 we try to make that community as whole as possible.

2490 \*Mr. Ruiz. I hope so. A 17-year-old young man died of  
2491 renal cancer, which is a possibility of arsenic consumption,  
2492 chronic high lows of arsenic consumption. He had no other  
2493 risk factors --

2494 \*Mr. Regan. Yes.

2495 \*Mr. Ruiz. -- from Oasis mobile home park.

2496 \*Mr. Regan. Yes.

2497 \*Mr. Ruiz. Lastly, the Colorado River basin, which  
2498 supplies water to over 40 million people in major U.S.  
2499 cities, is experiencing its driest period in over 1,000  
2500 years. Thanks to the Inflation Reduction Act and Bipartisan  
2501 Infrastructure Law, the Administration was able to allocate  
2502 15.4 billion for Western water resources to bolster drought  
2503 resilience.

2504 Could you highlight how EPA funds such as these will  
2505 properly allocate and distribute to advance the conservation

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2506 efforts in the region?

2507 \*Mr. Regan. Well, absolutely. First, we are working  
2508 closely with the White House, Reclamation, and other agencies  
2509 to be sure that we are leveraging every single dollar.

2510 We have highlighted drought resilience eligibilities and  
2511 priorities in the implementation of the Bipartisan  
2512 Infrastructure Law. And in particular, our Drinking Water  
2513 State Revolving Loan Fund has delivered more than 2.5 billion  
2514 to the basin states for drought resilience and other critical  
2515 water infrastructure.

2516 So we have not only prioritized it in terms of EPA's  
2517 goals, but also ensuring that, from an interagency  
2518 standpoint, we are doing the same thing.

2519 \*Mr. Ruiz. Thank you.

2520 I yield back.

2521 \*Mr. Joyce. The gentleman yields. The chair recognizes  
2522 the gentlewoman from Iowa, Dr. Miller-Meeks.

2523 \*Mrs. Miller-Meeks. Thank you, Mr. Chair, and thank  
2524 you, Administrator Regan, for testifying before the  
2525 committee.

2526 I actually have a lot of questions for you today, so I

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2527 would appreciate it if you can keep your responses brief.  
2528 However, it bears repeating -- and I have said this numerous  
2529 times in this hearing -- when we are talking about health  
2530 benefits, health consequences, that five million people die  
2531 globally every year to -- due to exposure to excessive hot or  
2532 cold. The vast majority of those 8 percent, die from cold, 8  
2533 times more than from heat, 4.5 million annually. A 2019  
2534 study from the National Bureau of Economic Research estimates  
2535 that by driving down natural gas prices due to the fracking  
2536 revolution has saved more than 11,000 American deaths in  
2537 winter per year from 2005 to 2011. Not hypothesis, actual  
2538 deaths. And death, I would say, is a severe health  
2539 consequence.

2540         The draft proposals put forward by the EPA to allow  
2541 electric vehicle manufacturers to participate in generating  
2542 renewable fuel standard credits were unprecedented and highly  
2543 concerning, if finalized. And I know you addressed this with  
2544 Representative Pence, but I think it bears repeating because  
2545 Iowa has some of the highest production of biofuels, be it  
2546 ethanol, biodiesel, or compressed renewable natural gas.

2547         We also know that if in the United States we aren't

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2548 producing those things, they will be produced elsewhere at  
2549 much more significant environmental consequences. The RFS  
2550 was not meant for electricity generation from an electric  
2551 vehicle, even if that electric vehicle is charged using  
2552 biogas that creates electricity.

2553 Administrator Regan, can you commit that the EPA will  
2554 not move forward with a rule to allow electric vehicle  
2555 manufacturers to qualify for RIN credits under the RFS?

2556 \*Mr. Regan. We are -- again, I will -- we are taking a  
2557 very close look at that.

2558 One of the things that I am most proud of is the RVOs  
2559 that we put in motion. We have taken great pride in strides  
2560 there, and so we are evaluating --

2561 \*Mrs. Miller-Meeks. I would love to have a commitment  
2562 from you. I am going to move on.

2563 \*Mr. Regan. Okay.

2564 \*Mrs. Miller-Meeks. I would like to revisit a question  
2565 that you didn't have the answer to last year when I asked,  
2566 and I am going to ask it again. I don't consider these  
2567 gotcha questions.

2568 \*Mr. Regan. Sure.

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2569           \*Mrs. Miller-Meeks. And perhaps it is what I expect of  
2570 myself as a standard both in Congress and as a physician and  
2571 as a military veteran.

2572           Are you aware how many passenger vehicles are on the  
2573 road in the U.S. today?

2574           \*Mr. Regan. I am not.

2575           \*Mrs. Miller-Meeks. Two hundred and seventy-nine  
2576 million.

2577           And are you aware how much energy it takes to get a  
2578 single 100-mile charge on an electric vehicle? These are  
2579 passenger vehicles.

2580           \*Mr. Regan. Sure. I don't have that.

2581           \*Mrs. Miller-Meeks. Thirty kilowatt hours. Now, the  
2582 reason I asked that question, if you are going to make a rule  
2583 that has such consequential impact to people's personal  
2584 lives, to their health, to their ability to visit family, to  
2585 the ability of our economy to work in the United States, I  
2586 would think -- I would expect of myself to know, because 279  
2587 million vehicles and 30 kilowatt hours comports to  
2588 approximately 9 trillion kilowatt hours needed for energy for  
2589 electric vehicles on the road today. And this is at a time

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2590 when the EPA is trying to force closures of coal plants under  
2591 the Clean Power 2.0 rule, and has plans to go after natural  
2592 gas plants next, and the EPA's plan to meet the electricity  
2593 demand for the remaining -- requiring 69 percent of cars to  
2594 be electric by 2032.

2595 My point is, before issuing a rule, you would need to  
2596 know an assessment of what it is and a plan for how to  
2597 generate that electricity. And there is no such, I think,  
2598 illustration that the EPA has even taken any of that into  
2599 consideration.

2600 \*Mr. Regan. We have. I can guarantee you we have, and  
2601 our staffs can connect on the type of thorough analysis we  
2602 have done on the demand that would be required and the  
2603 reliability factors that we have used there.

2604 \*Mrs. Miller-Meeks. Well, somehow it is missing to most  
2605 of Congress and most Americans who want to have choice in  
2606 their vehicles.

2607 Do you also need a reminder on the disaster this past  
2608 January of electric vehicles and charging stations in Chicago  
2609 not holding a charge during subzero temperatures? It does  
2610 kind of get cold up north. Does EPA not believe that



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2611 consumer choice is important when selecting a vehicle that  
2612 reliably fits their needs every day of the year, regardless  
2613 of weather?

2614 \*Mr. Regan. Absolutely, which is why we didn't issue a  
2615 mandate. If you take a look at that, there is internal  
2616 combustion engines, plug-in hybrids, hybrids, and electric  
2617 vehicles. There is a combination of options for the American  
2618 people.

2619 \*Mrs. Miller-Meeks. I think the American people would  
2620 very much like to see the rationale behind the rule.

2621 And Administrator Regan, are you aware that the U.S.-  
2622 manufactured goods are 80 percent more carbon efficient than  
2623 the world average?

2624 \*Mr. Regan. Yes.

2625 \*Mrs. Miller-Meeks. If the particulate matter 2.5 level  
2626 has been found safe by the EPA at 12 micrograms per cubic  
2627 meter since 2012, for the last 14 years, what alarming new  
2628 research has come to rationalize why the EPA would rush to  
2629 drastically lower the approved amount by 2 points outside of  
2630 the regulatory statutory process?

2631 \*Mr. Regan. We are still seeing premature deaths. We

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2632 are still seeing lost workdays. We are still seeing the  
2633 disbenefits from a health standpoint of the -- on the  
2634 economy. And so that lowering of the standard is more  
2635 protective, especially for those who are disproportionately  
2636 impacted by these pollutants.

2637 \*Mrs. Miller-Meeks. Yes, I think the effect on the  
2638 economy will be drastic, as will the effect on health by not  
2639 having affordable energy and not having an economy that can  
2640 grow and compete internationally. Thank you.

2641 With that I yield back.

2642 \*Mr. Joyce. The gentlelady yields. The chair now  
2643 recognizes the gentleman from Virginia, Mr. Griffith.

2644 \*Mr. Griffith. Thank you very much, Mr. Chairman, I  
2645 appreciate it.

2646 The EPA published its coal combustion residual rule on  
2647 coal ash disposal and on expanding jurisdiction to all CCR  
2648 ponds with a standard that only allows for closure. Isn't  
2649 that correct?

2650 \*Mr. Regan. I am sorry. Could you repeat that, sir?

2651 \*Mr. Griffith. Sure. EPA published its coal combustion  
2652 residual, CCR, rule on coal ash disposal, and expanding

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2653 jurisdiction to all CCR ponds with a standard that really  
2654 only allows for closure. Isn't that correct?

2655 \*Mr. Regan. No, I think that there are opportunities  
2656 where you could have the proper monitoring in place, and the  
2657 proof that there is no contact with groundwater that would  
2658 allow for a remedy.

2659 \*Mr. Griffith. All right. In 2015 the same EPA  
2660 regulated coal ash under subtitle D of the Resource  
2661 Conservation and Recovery Act, implying that ash is solid  
2662 waste, not hazardous waste. In a 2015 regulation the EPA  
2663 specifically mentions how coal ash has beneficial uses and is  
2664 not -- I repeat, this was from the EPA -- is not classified  
2665 as hazardous waste.

2666 So why would you restrict other uses in the 2024 rule by  
2667 only requiring closures or this system where you have it  
2668 completely shut off from any contact with water?

2669 \*Mr. Regan. Well, I think we have the science that  
2670 proves, like in my home state of North Carolina, where this  
2671 coal ash was not properly disposed of. We have seen the  
2672 contact, we have seen the consequences to groundwater and  
2673 drinking water. So the science proves that when you have the

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2674 leaching of this coal ash into drinking water, groundwater,  
2675 that it definitely impacts public health, and especially  
2676 those neighborhoods and communities that are in close contact  
2677 to these coal ash facilities.

2678 \*Mr. Griffith. Do you anticipate any enforcement  
2679 actions against coal ash users who buy coal ash from CCR  
2680 impoundments?

2681 \*Mr. Regan. The regulation is focused on the proper  
2682 storage of coal ash. And so this is focused on if the  
2683 facility that has been responsible for generating the ash is  
2684 not properly disposing of it, then that is where EPA's focus  
2685 is.

2686 \*Mr. Griffith. So I guess I am trying to figure out  
2687 have you decided now it is a hazardous waste?

2688 \*Mr. Regan. We know that coal ash is hazardous. We  
2689 know that from just looking at the health disbenefits of it.  
2690 And the rule gives the proper prescription for how to dispose  
2691 of it.

2692 \*Mr. Griffith. So here is the concern I have. The rule  
2693 has changed from 2015 to 2024. If it is considered  
2694 hazardous, then does everyone who has a product like a cinder

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2695 block building that was built out of cinder blocks that used  
2696 coal ash, do they need to be worried about liability or  
2697 abatement because they come into contact with water?

2698 \*Mr. Regan. No.

2699 \*Mr. Griffith. Abatement or worry about --

2700 \*Mr. Regan. No, that product --

2701 \*Mr. Griffith. -- to remove it like you do with  
2702 asbestos?

2703 \*Mr. Regan. No, that product has gone through a process  
2704 that has stripped or removed most of the toxics, or  
2705 potentially all of the toxics from it. So those byproducts  
2706 are not what we are regulating. We are regulating that raw  
2707 ash that has been improperly stored for a number of years.

2708 \*Mr. Griffith. You know, one of my concerns is that  
2709 that is what the EPA says today. But in 2015 it wasn't even  
2710 considered hazardous, and now it is considered hazardous.  
2711 And what will it be in 2033?

2712 \*Mr. Regan. Hazardous.

2713 \*Mr. Griffith. It will be hazardous, but what about  
2714 those people with the cinder blocks? I am just saying I  
2715 think the rule -- if I had a cinder block building, and I do,

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2716 I might be worried about that.

2717 Do you all intend for companies to have to amend their  
2718 closure plans for existing units which were required to be  
2719 developed years ago in order to meet the new rule?

2720 \*Mr. Regan. I will have to get back to the specifics.  
2721 It depends on the facility and what they are currently doing  
2722 to monitor. And if there is no groundwater contact or if  
2723 there is adequate monitoring, then I am sure there is a plan  
2724 for it.

2725 \*Mr. Griffith. But if they have already developed a  
2726 plan years ago, you are saying they could be required to shut  
2727 down under the new rule, and have to come up with a different  
2728 plan.

2729 \*Mr. Regan. Not necessarily shut down, but they will  
2730 have to take a look at the existing plan to see if it meets  
2731 the new requirements to ensure that there is little to no  
2732 groundwater contact, or that they are monitoring the contact  
2733 that is occurring.

2734 \*Mr. Griffith. Let me ask you this. If there is a pond  
2735 out there that has been closed for years, it doesn't meet the  
2736 new rule requirements, and there has been no problem, and the

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2737 EPA doesn't find any problem, why would you require the  
2738 utility to uncap, dig up, and then send numerous dump trucks  
2739 through what is likely small community for weeks, if not  
2740 months and years, in order to move the product that you say  
2741 is hazardous from a facility where apparently it has been  
2742 stored for years safely?

2743 \*Mr. Regan. I am not sure you would have to do that.  
2744 That scenario you just laid out, we would have to look at  
2745 the --

2746 \*Mr. Griffith. But if it comes into contact with some  
2747 water, but it hasn't been a problem, I think you --

2748 \*Mr. Regan. We may not know if it has been a problem  
2749 unless it has been properly monitoring, which is why  
2750 monitoring is a key in this conversation.

2751 \*Mr. Griffith. All right, I yield back. My time is up.

2752 \*Mr. Joyce. The gentleman yields. The chair recognizes  
2753 the gentleman from Michigan, Representative James.

2754 \*Mr. James. Thank you, Mr. Chairman.

2755 Thank you, Mr. Regan. I appreciate you making yourself  
2756 available today for a frank discussion on EPA's policies.  
2757 And for the sake of time, I will just jump into my questions.

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2758           According to the Bureau of Labor Statistics data,  
2759 Michigan employs approximately 165,000 workers in automotive  
2760 manufacturing, many of which are union employees. Because  
2761 electric vehicle assembly requires fewer employees than  
2762 combustion engines and eliminates the need for three-quarters  
2763 of the current vehicle workforce, estimates project that  
2764 Michigan will suffer almost a 117,000 job loss if 67 percent  
2765 of new vehicle sales are electric. This comply-or-die EV  
2766 agenda will put 77,000 manufacturing jobs in Michigan's 10th  
2767 congressional district alone in jeopardy and great risk of  
2768 extinction.

2769           Are you concerned about the impact that these  
2770 regulations are going to have on Michiganders who currently  
2771 rely on these jobs?

2772           \*Mr. Regan. I have had a significant number of  
2773 conversations with President Shawn Fain about this very  
2774 issue, and I think we have a plan in place to protect these  
2775 workers, which is why the UAW, the big three, the Automobile  
2776 Alliance all gave positive statements when this rule was  
2777 issued on the day that we made the announcement.

2778           \*Mr. James. And just for the benefit of Congress here,



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2779 can you share a little bit about what that plan is? You said  
2780 you had a plan with the UAW --

2781 \*Mr. Regan. To transition the workers?

2782 \*Mr. James. Yes.

2783 \*Mr. Regan. Yes.

2784 \*Mr. James. What that --

2785 \*Mr. Regan. To retool workforce development. Yes, we  
2786 can provide you the details that were provided to us by the  
2787 experts, by the UAW, by labor, by others, again, who have  
2788 said that we need to do this in an appropriate way.

2789 \*Mr. James. And in the plan was there any money  
2790 associated with this plan, and retooling and retraining,  
2791 anything that was released recently?

2792 \*Mr. Regan. There are resources coming from the  
2793 Administration at large, not coming from our regulation.

2794 \*Mr. James. Okay. So last week it was about \$100  
2795 million. Are you aware of what penalties Stellantis and  
2796 General Motors paid based upon their non-compliance with  
2797 already unrealistic regulations thus far for the years -- the  
2798 automotive model years 2018 and 2019?

2799 \*Mr. Regan. GM and Stellantis supported this rule. I

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2800 mean --

2801 \*Mr. James. Because they are afraid of getting crushed  
2802 by over-burdensome regulation coming from the government.

2803 It was over \$300 million. And so the \$100 million that  
2804 is being proposed to help with this retooling or retraining  
2805 pales in comparison to the over 300 million that has already  
2806 been taken away from automotive manufacturers. What happens  
2807 -- bless you -- what happens is the bonuses of these UAW  
2808 workers are reduced further when they are paying penalties  
2809 that do not go into retraining or retooling. It goes into  
2810 the general fund, and does not benefit either reducing  
2811 climate emissions or retraining workers.

2812 My next question: Automakers are losing roughly 6,000  
2813 on every EV they sell at a price point of \$50,000. There are  
2814 even instances of American automakers, job creators based in  
2815 Michigan reporting losses of more than 100,000 for every EV  
2816 it delivered in the first quarter of this year. Consumers  
2817 are paying more because of this mandate, and American  
2818 automakers are losing money.

2819 Administrator Regan, wealthy people receiving tax  
2820 credits to subsidize an EV market that is being offset by

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2821 increasing prices on combustion engine vehicles is not sound  
2822 policy. When you also consider that the heavier vehicles are  
2823 destroying our roads, barriers are no longer capable of  
2824 stopping this amount of force, putting people in jeopardy of  
2825 increasing fatalities due to crashes which are already high,  
2826 you look at parking structures collapsing, a grid that is not  
2827 ready, technology that is still being developed, why does EPA  
2828 support raising costs and reducing consumer choice for  
2829 average Americans, particularly when infrastructure trust  
2830 funds are relying on gas taxes? Have those been considered?

2831 \*Mr. Regan. Yes, all of what you have laid out has been  
2832 considered and discussed. I wouldn't say we have come to the  
2833 same conclusion.

2834 And I won't speak for the autoworkers in the UAW, I will  
2835 let them speak for themselves. They supported the rule.

2836 I won't speak for GM and Stellantis and others who are  
2837 running \$7 million Super Bowl ads, either.

2838 The future is electric, but our rule isn't an EV  
2839 mandate. It provides lots of combinations of options for --

2840 \*Mr. James. So your rule isn't a mandate.

2841 \*Mr. Regan. It is not a mandate, no.

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2842 \*Mr. James. Okay, the rule --

2843 \*Mr. Regan. If you look at the compliance options that  
2844 they have, which -- by the way, Toyota and others weighed in  
2845 heavily -- we increased the number of hybrids, plug-in  
2846 hybrids. They are in internal combustion engines that are  
2847 qualifying, as well.

2848 When you look at the options that they have to pursue  
2849 this rule, I personally --

2850 \*Mr. James. I get your intent --

2851 \*Mr. Regan. I personally believe the auto --

2852 \*Mr. James. But I have heard enough. I get your  
2853 intent, but intent is not impact is what I have -- what I see  
2854 is whatever you intend with these rules, the impact will be  
2855 that the uptake is only seven percent. And inside the span  
2856 of the next 5 to 10 years, expecting this will absolutely  
2857 crater American jobs. It is going to hurt people in  
2858 Michigan's 10th congressional district, and it is not going  
2859 to achieve the goals that you say are going to be achieved.

2860 With that I have to yield the rest of my time.

2861 \*Mr. Joyce. The gentleman yields. The chair recognizes  
2862 the gentlelady from New York, Representative Clarke.

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2863           \*Ms. Clarke. Thank you very much, Mr. Chairman, and I  
2864 thank our ranking member, and I want to thank you,  
2865 Administrator, for being here testifying before us today.

2866           As you know, the transportation sector accounts for 27  
2867 percent of greenhouse gas emissions, more than any other  
2868 sector in the United States. And it is the fastest growing  
2869 sector emitting greenhouse gas emissions. Last year I sent  
2870 you a letter, along with Congresswoman Matsui and Senators  
2871 Markey and Padilla, urging the EPA to expeditiously finalize  
2872 strong phase three greenhouse gas emissions standards from  
2873 model year 2027 through 2032 heavy duty vehicles.

2874           And while EPA ultimately did not choose to finalize the  
2875 most stringent alternative, I want to commend EPA for  
2876 finalizing a robust rule that protects public health, sets  
2877 performance-based standards as required by the Clean Air Act,  
2878 and accelerates our transition to cleaner, greener  
2879 transportation technologies.

2880           Administrator Regan, can you please describe the public  
2881 health benefits and cost savings that the American people can  
2882 expect to see, thanks to this rule?

2883           \*Mr. Regan. Well, thank you for your leadership on this

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2884 issue. And the final standard will provide \$13 billion in  
2885 annual benefits, health benefits to society, especially for  
2886 the folks who are -- 72 million to be exact -- who are living  
2887 in close proximity to these roads, and not to mention that we  
2888 expect truck and bus owners to see approximately 3.5 billion  
2889 in savings. We believe that this is a win-win-win. It is a  
2890 win for the truckers, it is a win for the economy, it is a  
2891 win for public health.

2892         And there is one more win, and that is for the  
2893 environment.

2894         \*Ms. Clarke. Very well. And despite the immense cost  
2895 savings and public health benefits, my Republican colleagues  
2896 are baselessly attacking this rule, keeping in line with  
2897 their polluters-over-people agenda and going as far as to  
2898 introduce a Congressional Review Act resolution to overturn  
2899 the rule and prevent the EPA from taking substantively  
2900 similar action in the future.

2901         I strongly oppose this shortsighted effort to overturn  
2902 this critical regulation. Arguments that this rule is part  
2903 of some radical green agenda are misguided and, frankly,  
2904 ridiculous. These achievable, performance-based standards

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2905 are finalized after an extensive stakeholder engagement  
2906 process, which include industry.

2907 Administrator Regan, how did you address industry  
2908 concerns with the proposal in the final rule?

2909 \*Mr. Regan. Well, we took a lot of comments, and we  
2910 took it to heart. We looked at what we perceived to be the  
2911 available technologies. You mentioned that we did not choose  
2912 the most stringent, and we proposed a number of options. We  
2913 looked at the cost benefit, the technology available, and the  
2914 reductions, and we landed with a very stringent final rule  
2915 that the industry indicated, from a technological standpoint  
2916 and a feasibility standpoint, could be accomplished. That is  
2917 going to save tremendous -- a tremendous number of lives. It  
2918 is going to be cost effective, it is going to reduce cost on  
2919 maintenance.

2920 And so, you know, I never pretend to represent others  
2921 like some do. But when you look at the manufacturers that  
2922 stood with us when we announced these rules, when you look at  
2923 some of the comments out there from labor, I believe that we  
2924 have threaded a needle that is protective of public health  
2925 and the environment.

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2926           \*Ms. Clarke. Very well. This final rule is proof that  
2927 the EPA can prioritize protecting public health and the  
2928 environment, while providing regulatory flexibility and  
2929 achievable compliance pathways for regulated parties. Strong  
2930 regulations drive innovation, and I am confident that this  
2931 achievable final rule will do just that.

2932           Administrator Regan, it is my understanding that this  
2933 regulation completes the EPA's Clean Trucks Plan. And now  
2934 that the rule has been finalized, what other actions is EPA  
2935 taking to promote clean, heavy-duty transportation?

2936           \*Mr. Regan. Well, there are a number, and thank you for  
2937 asking that question. It is because of your vote and others  
2938 in terms of the resources we have from the Inflation  
2939 Reduction Act that will give us a lot of financial incentives  
2940 to continue to clean up heavy-duty vehicles, to clean up our  
2941 ports. We have got a \$2 billion announcement for Community  
2942 Change Grant programs.

2943           There are a lot of local solutions that these grant  
2944 programs will reach that will help tailor the types of  
2945 reductions and activities required. And so we are really  
2946 excited to see some of the innovation and entrepreneurship of



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2947 some of our local communities as they tackle some of these  
2948 freight issues.

2949 \*Ms. Clarke. Absolutely. Strong regulations supported  
2950 by historic Federal investment are putting us on a path to a  
2951 greener, cleaner future that benefits all Americans.

2952 I thank the administrator for being here today and for  
2953 his tireless work on reducing harmful pollution from the  
2954 heavy-duty transportation sector.

2955 With that, Mr. Chairman, I yield back my time.

2956 \*Mr. Joyce. The gentlelady yields. The chair  
2957 recognizes the gentleman from Michigan, Representative  
2958 Walberg, for his five minutes of questioning.

2959 \*Mr. Walberg. Thank you, Mr. Chairman, and I want to  
2960 make a statement for the record that we do not want  
2961 pollution.

2962 [Laughter.]

2963 \*Mr. Walberg. May I say that again? As a Republican,  
2964 conservative, and a vice chairman of the Conservative Climate  
2965 Caucus, I do not want pollution. That is waste. That is a  
2966 waste of human lives, it is waste of energy, it is waste of  
2967 all sorts of things. So this "polluters over people" `

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2968 mantra, because we don't have the ability to speak about  
2969 truth in the way we ought to, is disgusting.

2970 But thank you, Mr. Chairman, and thank you, Mr.  
2971 Administrator, for being here. I come from the Auto State of  
2972 Michigan, so I will carry on with my colleague, John James,  
2973 further on this EV standard, the final rule, and all that  
2974 goes with it. We have a long history in Michigan with the  
2975 auto industry. We are the Auto State, the auto capital. We  
2976 are proud of that fact.

2977 I will never forget, as a freshly-minted freshman Member  
2978 of Congress, sitting next to the dean of our delegation, dean  
2979 of the House, a former chairman of this August committee,  
2980 John Dingell, respected highly, talking with one of the  
2981 titans of the auto industry about the CAFÉ standard back  
2982 then, and giving him information on it, and then the titan of  
2983 the auto industry said to him, "Respectfully, Mr. Chairman,  
2984 give us a reasonable standard, then get out of the way,  
2985 because between our research, our engineers, and our  
2986 customers, we will make it happen. Don't tell us how to make  
2987 it happen.'`

2988 This standard, this tailpipe standard, tells us how to

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2989 do it. And while we can say it is not a mandate in verbiage,  
2990 yet there is no vehicle that has a tailpipe that can meet the  
2991 standard. You know it and I know it. And it is going to  
2992 hurt the auto industry, it is going to hurt the consumer, and  
2993 it is going to crush the taxpayer, especially lower-income  
2994 taxpayers. Auto companies like Ford halted production of  
2995 their EV like the Ford F-150 lightning, a hot rod of a truck.  
2996 But it doesn't do the job, and it costs too much. Tesla laid  
2997 off more than 10 percent of its global workforce due to  
2998 failing sales.

2999 Administrator Regan, is EPA considering the tailpipe  
3000 emissions rule EV sales projections, seeing as countless  
3001 American families are rejecting the EVs?

3002 \*Mr. Regan. Well, we took a very strong look at what  
3003 the market demand was, and we consulted very closely with the  
3004 industry. And I think --

3005 \*Mr. Walberg. They are wusses, they are unwilling to  
3006 push back against you. They are afraid of what will -- what  
3007 else would come. Did I say that too strongly?

3008 I would like to see people like that titan of industry,  
3009 rest his soul -- he no longer lives -- to stand up and say,

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3010 listen, we are delighted to do what you want us to do, but  
3011 get out of our way, give us that basic standard that is  
3012 reasonable and rational, and we will get it done.

3013       \*Mr. Regan. And we had a lot of those tough  
3014 conversations. I think you might have seen the proposal was  
3015 much more stringent and maybe too prescriptive. What we  
3016 finalized was basically a recommendation by the industry that  
3017 says, listen, we know how to meet some of these emission  
3018 reduction goals. We don't want to meet it necessarily with  
3019 the percentages and combinations that you propose, so let us  
3020 propose how we can meet those emission reductions. And I  
3021 think that is why you see a much heavier penetration of plug-  
3022 in hybrids and hybrids, a lot more --

3023       \*Mr. Walberg. But only 13 percent, as I understand it,  
3024 will make up this deal.

3025       \*Mr. Regan. Well, you know, we can exchange information  
3026 about those percentages, because I think you really have to  
3027 look at the combinations.

3028       Number one is the penetration of the product, and how  
3029 many of those products are on the market, and what offsets --  
3030 what we had predicted or modeled would come from EVs will no

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3031 longer come from EVs.

3032 \*Mr. Walberg. What impact will this have on low-income  
3033 families?

3034 \*Mr. Regan. Well, we think that low-income families  
3035 will be competitive for vehicles that have less maintenance.  
3036 There are lots of incentives to --

3037 \*Mr. Walberg. They have got to buy it first.

3038 \*Mr. Regan. -- to produce a lot more affordable  
3039 vehicles.

3040 I have taken a look personally at the affordable  
3041 vehicles that are on the market. There is diversification  
3042 coming from these auto industries. And so, yes, we believe  
3043 we are not going to leave these communities behind.

3044 \*Mr. Walberg. This rule, I believe, will inevitably  
3045 increase costs for American taxpayers. The EPA, I believe,  
3046 has tried to hide the bill. The Congressional Budget Office  
3047 initially estimated that the EPA tailpipe emissions rule  
3048 would add 224 billion to the national deficit. EPA has tried  
3049 to conceal the program's real costs from Congress and the  
3050 American people. EPA's analysis estimated a lower cost by  
3051 utilizing faulty assumptions. For example, they assume that,

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3052 without the rule, battery electric vehicle sales reached 39  
3053 percent of vehicle market in 2030.

3054 Is it true that the light-duty vehicle rule's cost  
3055 benefit analysis does not account for the first 39 percent of  
3056 battery electric vehicles sold?

3057 \*Mr. Regan. I am not quite sure about that calculation.  
3058 I will say that the rule does account for the battery  
3059 manufacturing uptick that we are seeing here domestically,  
3060 and has taken into account, again, some of the product  
3061 readiness that the companies have directly discussed with us.  
3062 That is for battery, but that is also for plug-in hybrids and  
3063 traditional hybrid and internal combustion, as well.

3064 \*Mr. Walberg. Well, I tell you what, this  
3065 Administration probably won't have the opportunity to see the  
3066 ultimate impact. It will be gone before that impact is  
3067 there. But it will be tragic for the auto industry, but more  
3068 importantly for the consumer.

3069 With that I yield back.

3070 \*Mr. Carter. [Presiding] The gentleman yields back.  
3071 The chair now recognizes the gentlelady from Florida,  
3072 Representative Castor, for five minutes of questioning.

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3073           \*Ms. Castor. Thank you, Mr. Chairman.

3074           Ambassador [sic] Regan, thank you for your devotion to  
3075 hard-working American families. You recently said that one  
3076 of the biggest challenges facing our nation is man-made  
3077 pollution that damages our air, our water, our land. Not  
3078 only is this pollution a major threat to public health, but  
3079 it is pushing our planet to the brink. I agree. Pollution  
3080 and the resulting climate crisis are -- they are driving up  
3081 the cost of living for all Americans.

3082           Back home in Florida, you know, skyrocketing electric  
3083 bills because of gas price spikes. We have to run our air  
3084 conditioners longer because there are too many hot days well  
3085 over 90 degrees. We have a property insurance crisis in  
3086 Florida. All of this is really hitting my neighbors, really  
3087 hitting them hard. That is why it was so important to see  
3088 EPA tackle harmful climate pollution from power plants.

3089           Last year I led a letter to you from about 100 of my  
3090 Democratic colleagues that urged EPA to finalize the  
3091 strongest possible carbon pollution standards for power  
3092 plants, and at the same time encouraged the engagement with  
3093 workers and unions and frontline communities. So I want to

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3094 say thank you for delivering last month with the agency's  
3095 historic rules to cut pollution from existing coal and  
3096 existing and new gas plants, as we do all that we can to help  
3097 lower the cost and deliver cleaner, cheaper energy and a more  
3098 resilient electricity -- electric system all across the  
3099 country.

3100 Administrator, my Republican colleagues continue to  
3101 ignore the cost of the overheating climate, and they assert  
3102 that clean energy is at odds with grid reliability. They  
3103 would have us believe that we need to burn more coal and rely  
3104 on dirty energy sources to keep the lights on, just as we  
3105 started in the 1800s. What is EPA's policy on new  
3106 innovations like energy storage and solar that can help the  
3107 U.S. deliver cleaner, cheaper energy to power the communities  
3108 when it is needed?

3109 \*Mr. Regan. We encourage it, and we believe that we  
3110 have designed flexible regulations that encourage innovation,  
3111 whether it be looking at how we control methane using  
3112 satellite data, robotic dogs. We are using the most  
3113 technologically advanced equipment to detect these leaks and  
3114 reduce the pollution.



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3115           When we look at innovation, innovative technologies like  
3116 carbon capture and storage, we believe that it is within  
3117 reach. And many are using it. Some are using it right here,  
3118 right now, today.

3119           The idea is for the agency to be agnostic, to be  
3120 technology neutral, but to promote the latest and greatest  
3121 technology that provides the best public health benefits and  
3122 environmental protection to this country. And that is what  
3123 we have done through our congressionally-mandated authority.

3124           \*Ms. Castor. And it is pretty remarkable. Over time we  
3125 are not importing energy as much as we used to, and the same  
3126 goes for electric vehicles.

3127           It has been kind of hard to listen to some of the  
3128 criticisms. We want to build the electric vehicles in  
3129 America with American workers and American component parts.  
3130 And that is what the Inflation Reduction Act was all about,  
3131 empowering our communities. And so many of my Republican  
3132 colleagues, their communities are benefitting from these huge  
3133 investments in -- whether it is the battery plants or the EV  
3134 plants. And the future is bright. There aren't -- it is not  
3135 without stops and starts and challenges, like anything. But

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3136 I think it is an exciting future.

3137           And the same goes for the recent announcement on Solar  
3138 for All. You know, when the Democratic-led Congress passed  
3139 the Inflation Reduction Act, we intended to help put money  
3140 back into the pockets of our neighbors back home through  
3141 cleaner, cheaper energy. And I already mentioned the high  
3142 electric bills back home in the so-called Sunshine State,  
3143 largely because of the regulators there, and the politicians  
3144 have kept us hooked on gas. Meanwhile, we have abundant,  
3145 free resources from the sun. So thank you very much for  
3146 following through on what we intended through Solar for All.

3147           What do you say to communities that want to tap these  
3148 resources? How do they find out about them?

3149           \*Mr. Regan. Well, you know, they can go to Epa.gov, and  
3150 we have got it prioritized on our website. This is -- Solar  
3151 for All is such an awesome program, \$7 billion. It is going  
3152 to help over 900,000 families access cleaner, more affordable  
3153 energy. As you know, that -- this program is targeted  
3154 towards low-income families, and we project that it will save  
3155 low-income Americans \$350 million annually. This is \$350  
3156 million going back into the pockets of people that need it

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3157 the most, without pollution.

3158           And so, listen, I think that, to the point you just  
3159 made, domestic manufacturing of batteries and solar panels  
3160 and high-tech vehicles, we can own the future. We will own  
3161 the future. We want them to be American jobs, designed here  
3162 through American ingenuity, and not be reliant on China.  
3163 There is a global competition out here. And quite frankly,  
3164 this Administration and some of these regulations are putting  
3165 us in a position to be globally competitive and globally  
3166 superior.

3167           \*Ms. Castor. Thank you very much.

3168           I yield back.

3169           \*Mr. Carter. The gentlelady yields. The chair now  
3170 recognizes the gentleman from Texas, Representative Crenshaw,  
3171 for five minutes of questioning.

3172           \*Mr. Crenshaw. Thank you, Mr. Chairman.

3173           Thank you, Mr. Regan, for being here. We will talk at  
3174 the 30,000-foot level about the EPA.

3175           So, according to the EPA's website, the core function of  
3176 the EPA is to protect human health and the environment. And  
3177 that is important because the word "health," it is not just

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3178 health incidents related to pollution. Your health is  
3179 affected by your ability to work, by electricity, transport  
3180 yourself and your gasoline or electric-powered car, or  
3181 utilize the latest medical technology created from advanced  
3182 polymers made from fossil fuels.

3183         So balance is always the key. If you see your role as  
3184 only protecting the environment without serious regard for  
3185 human flourishing, then the -- well, the logical conclusion  
3186 would be ceasing all modern processes and manufacturing, and  
3187 just going pre-industrial. And no serious person actually  
3188 says they want that. Of course, I get that.

3189         But actions speak louder than words. And under your  
3190 leadership, the EPA, in my opinion, has become the most  
3191 dangerous agency in America. Now, why do I use the word  
3192 dangerous? Because it is the only agency actively targeting  
3193 and attempting to reverse the economic activity that creates  
3194 human flourishing. They are more focused on appeasing the  
3195 more radical environmentalist activists than creating  
3196 pragmatic regulations that draw this essential balance  
3197 between protecting the environment and protecting human  
3198 flourishing.

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3199           We are in an era of increasing demand for energy.  
3200 Gasoline prices are up 52 percent since Biden took office.  
3201 The price of electricity has increased 30 percent. And yet  
3202 your EPA's regulations are likely to risk the retirement of  
3203 more than 155,000 megawatts of dispatchable energy. That is  
3204 according to industry experts. The North American Electric  
3205 Reliability Corporation has explicitly cited EPA regulations  
3206 as a threat to grid reliability. Grid reliability is a big  
3207 part of human flourishing.

3208           At the same time, in the midst of all this, over the  
3209 past 50 years air pollution has dropped nearly 80 percent.  
3210 Our CO2 emissions have dropped to 1990 levels. It is not  
3211 like we haven't been doing anything. It is not like we don't  
3212 care.

3213           So we have an increasing demand for the most basic of  
3214 modern necessities and an increasingly cleaner environment.  
3215 And yet the EPA continues to adopt this perplexing mindset  
3216 that if one regulation was good, then 10 more must be better.  
3217 It doesn't have to be this way.

3218           We could lower emissions by focusing on innovation and  
3219 carbon capture and nuclear energy. We could export more

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3220 natural gas to countries that primarily burn dirty coal. We  
3221 could acknowledge the shocking fact that CO2 emissions are in  
3222 fact global, and primarily come from China.

3223 Rules and regulations should be seriously considering  
3224 the costs and benefits, not just blindly following the  
3225 demands of some radical fools that glue themselves to museum  
3226 art. Ironically, most likely using glue made from petroleum-  
3227 based resins.

3228 I want to get to a couple of questions. Specifically on  
3229 chemicals, the Toxic Substances Control Act, there are nearly  
3230 400 pre-manufacturing applications still awaiting a risk  
3231 determination. Over 90 percent of those have a statutory --  
3232 have passed the statutory deadline of 90 days. Can you  
3233 comment on that, and why that is taking so long?

3234 \*Mr. Regan. The budget was cut this year specifically  
3235 for that program. We received budget increases --

3236 \*Mr. Crenshaw. But this --

3237 \*Mr. Regan. -- last year.

3238 \*Mr. Crenshaw. But this backlog -- exactly, this  
3239 backlog predates this year's budget cuts --

3240 \*Mr. Regan. It pre-dates me.

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3241 \*Mr. Crenshaw. -- just appropriate.

3242 \*Mr. Regan. It pre-dates this Administration.

3243 \*Mr. Crenshaw. Appropriated.

3244 \*Mr. Regan. We fought hard, and I think we did have --  
3245 in all honesty, we had a great, productive conversation about  
3246 this. We made some headway. You all gave us more resources.  
3247 We more than doubled the reviews each month with that  
3248 increase, and now this year we are seeing a reduction --

3249 \*Mr. Crenshaw. Understood, resources could be an issue.  
3250 But are they using the best science?

3251 I mean, are they really using the best, most logical  
3252 science when it comes to assessing each application?

3253 \*Mr. Regan. We are. As a matter of fact, we are  
3254 incentivized to get as many new products on the market as  
3255 possible. The courts have been hampering us for years. We  
3256 haven't had the resources. We finally got the resources from  
3257 you guys. We have been using the best science, putting more  
3258 products on the market.

3259 \*Mr. Crenshaw. Okay.

3260 \*Mr. Regan. And now --

3261 \*Mr. Crenshaw. I believe you that the courts try to

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3262 hamper you. I understand that the courts are often  
3263 weaponized by outside groups. But look, here is one of my  
3264 concerns. It is hard to explain a draft risk evaluation for  
3265 formaldehyde that sets the safe limit at 11 parts per  
3266 billion, which is actually below the level found in ambient  
3267 air. It is -- there is another one that claims that the safe  
3268 level of ethylene oxide should be lower than what it is  
3269 naturally found in the human body. So when I ask about the  
3270 good science, that is where it is coming from, and I think  
3271 that is worth looking into.

3272           Natural gas, we have -- this isn't your area. The  
3273 Department of Energy has stopped our natural gas exports.  
3274 But last time you were here you acknowledged -- and I think  
3275 thoughtfully -- that if we were to export more natural gas to  
3276 dirty coal-burning countries, it would be better for the  
3277 environment, right? So from -- at least from the  
3278 environmental perspective, do you still agree with that?

3279           \*Mr. Regan. Yes, I think that, according to my  
3280 understanding, DoE has put a pause on that to get a better  
3281 handle around science. But I in no way am reading that as a  
3282 permanent pause on LNG or natural gas. We know that natural



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3283 gas --

3284 \*Mr. Crenshaw. Well, that is comforting.

3285 \*Mr. Regan. -- is cleaner burning --

3286 \*Mr. Crenshaw. -- you know, because you know more about  
3287 the Administration's policies than I do. So if you think  
3288 that that is coming back, boy, that is comforting.

3289 And again, I just want to get on the record that, from  
3290 the environmental standpoint, sending more natural gas to  
3291 countries that primarily burn coal is overall better for  
3292 global emissions, right?

3293 \*Mr. Regan. Cleaner burning natural gas is absolutely  
3294 better than coal.

3295 \*Mr. Crenshaw. Thank you.

3296 I yield back.

3297 \*Mr. Carter. The gentleman yields. The chair now  
3298 recognizes the gentleman from California, Representative  
3299 Cardenas, for five minutes of questioning.

3300 \*Mr. Cardenas. Thank you very much, Chairman.

3301 Thank you, Administrator Regan, for being with us today  
3302 to answer our questions in full view of the public about what  
3303 we are doing and not doing, and what you are doing out there.

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3304           As you are aware, every day over 20 million children  
3305 across the country use a school bus to get to school.  
3306 Unfortunately, these buses are often fueled by diesel, which  
3307 pollutes the air our children breathe and leads to high rates  
3308 of respiratory illnesses, health complications, and missed  
3309 days of school. Simply put, this is an injustice to our  
3310 youth and to our communities.

3311           In 2021 I worked with Congresswoman Hayes and Senators  
3312 Padilla and Warnock to introduce the Clean Commute for Kids  
3313 Act. The bill, which addresses harmful diesel pollution that  
3314 impacts our children, school teachers, and communities went  
3315 on to serve as the inspiration for the Infrastructure  
3316 Investment and Jobs Act Clean School Bus Program. I would  
3317 like to thank you, Administrator, for your work and to -- and  
3318 the work of your team at the EPA on the implementation of  
3319 this vital program.

3320           The response from school districts has been nothing  
3321 short of tremendous. And to date, every funding opportunity  
3322 made available under the Clean School Bus program has been  
3323 oversubscribed. Throughout the rollout of the program, the  
3324 applicant pool has included submissions from all 50 states,

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3325 Washington D.C., Puerto Rico, the U.S. Virgin Islands, Guam,  
3326 American Samoa, and federally-recognized tribes. And in  
3327 fact, it is my understanding that many of my colleagues on  
3328 the other side of the aisle, their districts have submitted  
3329 for this program extensively, as well, and represent school  
3330 districts, and applied for funding through this program to  
3331 buy cleaner school buses throughout America.

3332 Administrator Regan, can you provide an update on how we  
3333 have seen communities and school districts respond to the  
3334 Clean School Bus Program in both blue and red districts?

3335 \*Mr. Regan. Well, it has just been -- thank you for  
3336 your leadership on this topic. This is one of the most  
3337 enjoyable programs I have ever managed. Getting some of  
3338 these dirty school buses off the roads and seeing some of  
3339 these electric buses, these natural gas buses replace that  
3340 dirty diesel has just been great, not just for us to see as  
3341 staff, but watching the celebration of school  
3342 superintendents, principals, teachers, bus drivers, and  
3343 children all over the country, as you said, in red and blue  
3344 districts.

3345 \*Mr. Cardenas. Yes, thank you. And one of the school

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3346 bus drivers in Los Angeles told me that one of the children  
3347 enlightened him that -- the child said, "I can hear the  
3348 person next to me when I am talking to them.'" Just think  
3349 about that, the peace and quiet, and also the ability for  
3350 them to go to and from school without being harmed.

3351 So it would be safe to say that school districts in both  
3352 Republican and Democratic districts are showing that they are  
3353 all -- they are ready and want to replace diesel busses with  
3354 cleaner vehicles.

3355 \*Mr. Regan. Absolutely. Whether it is in your district  
3356 or Alma, Kansas, population less than 5,000, we are seeing  
3357 applications that far exceed the amount of resources that we  
3358 have.

3359 \*Mr. Cardenas. Thank you. It is clear that a clean  
3360 ride to school for our kids is widely beneficial, popular,  
3361 and should not be a partisan issue. That is why this  
3362 Congress I have continued to work with my colleagues to  
3363 ensure that this program has the resources it needs to  
3364 continue to replace dirty school buses throughout the  
3365 country.

3366 I am thrilled to be joined by 140 of my House and Senate

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3367 colleagues in writing to the leaders of the House and the  
3368 Senate Appropriations Committees to build off of the  
3369 downpayment made in the IIJA, and request an additional 300  
3370 million for the Clean School Bus Program for the fiscal year  
3371 2025.

3372 Administrator Regan, if appropriated, could additional  
3373 funding for the Clean School Bus Program help meet the  
3374 immense demand from school districts, and tackle the  
3375 monumental task of cleaning up the nation's school bus fleet?

3376 \*Mr. Regan. Absolutely. As you said earlier, we are  
3377 over-prescribed every year. The bus manufacturing base here  
3378 in the United States is prepped and ready and meeting that  
3379 demand. It is good for jobs. It is good for the  
3380 environment. It is good for our kids.

3381 \*Mr. Cardenas. Good. And I think we are demonstrating  
3382 to the rest of the world that we can clean up our act, and  
3383 that they can follow suit, as well.

3384 I understand that you recently committed to Senator  
3385 Padilla in a Senate committee hearing that you will be  
3386 visiting southern California, hopefully soon in the near  
3387 term.

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3388 \*Mr. Regan. Absolutely.

3389 \*Mr. Cardenas. Good, yes. We have some unique and  
3390 pressing air quality issues that him and many of the southern  
3391 California delegation would like to have you see for  
3392 yourself. Hopefully, we can see you out there soon.

3393 Having clarified that question, I can now go back to my  
3394 apartment tonight and tell my roommate, Senator Padilla, that  
3395 I did my job today.

3396 [Laughter.]

3397 \*Mr. Cardenas. So thank you very much, and thank you  
3398 for your leadership.

3399 And also, please go back and tell your team how much we  
3400 appreciate them, and how much we do appreciate the amazing  
3401 work that they have done, unprecedented work that this  
3402 country is now embarking on. So thank you so much.

3403 My time having expired, I yield back.

3404 \*Mr. Regan. Thank you.

3405 \*Mr. Carter. The gentleman yields back. The chair now  
3406 recognizes the gentleman from Utah, Representative Curtis,  
3407 finally, for five minutes of questioning.

3408 \*Mr. Curtis. Thank you, Mr. Chairman.

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3409           Good afternoon, Administrator. The last time you and I  
3410 talked and we met in this setting we discussed how the EPA's  
3411 lack of adherence to statutory deadlines was directly  
3412 impacting the pace of American innovation. And by the way,  
3413 much of that innovation is targeted at a cleaner environment.  
3414 And by not approving these, we are using older methods that  
3415 are not as effective.

3416           At the time, you told me that everything would be better  
3417 if you could get more staffing and funding. I pushed back.  
3418 This is not always an issue of money. It is an issue of  
3419 organization and it is an issue of will. But I will say in  
3420 the last eight years EPA has administratively raised user  
3421 fees more than fourteenfold, and you just recently doubled  
3422 it. Since today is a budget hearing, I want to spend a  
3423 little time on your budget, and starting with our  
3424 conversation from last year.

3425           EPA's New Chemicals Program applications have dropped  
3426 from 600 annually to just over 200. In the last 2 calendar  
3427 years, without regard for a deadline that is a legal  
3428 deadline, EPA made 95 and 101 determinations, respectively.  
3429 Bluntly put, I think we can still agree that is an F rating.

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3430 You are required by law to return fees if you miss deadlines.  
3431 However, EPA has never returned the fee to an applicant when  
3432 EPA misses its deadline because the applicant always  
3433 coincidentally suspends or withdraws their application.

3434 Can you explain why applications always withdraw or  
3435 suspend their application just in time to allow EPA to keep  
3436 their money for nothing in return?

3437 \*Mr. Regan. I was unaware that applications were being  
3438 withdrawn by force from EPA, so we would have to kind of  
3439 really zero in on which applications, what the conditions  
3440 were, or circumstances --

3441 \*Mr. Curtis. So I am pleased that you are willing to  
3442 look at that, because --

3443 \*Mr. Regan. I am.

3444 \*Mr. Curtis. -- you can tell just on the surface, if  
3445 that is correct, that is not good.

3446 \*Mr. Regan. Yes, sir.

3447 \*Mr. Curtis. We have been told -- I have been told that  
3448 EPA has effectively threatened by phone to ask them to  
3449 suspend or withdraw their applications. I am going to take  
3450 your word for it that you don't have any knowledge of this,



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3451 but I would like you to look into it and come back and share  
3452 with us your findings because, as you can see, that would be  
3453 hugely problematic.

3454 \*Mr. Regan. I commit that to you.

3455 \*Mr. Curtis. Excellent, thank you.

3456 For those watching, section 26 of the TSCA permits EPA  
3457 to charge user fees of 25 percent of this program's budget's  
3458 cost. In the last years I have mentioned that you have  
3459 increased those fees fourteenfold and recently doubled it.

3460 Now, turning to your budget. The EPA's estimate of TSCA  
3461 direct costs are substantially more than the 25 percent of  
3462 the appropriated budget. So it won't surprise you, but I am  
3463 perplexed about how you can spend that money if it is not  
3464 coming in. In other words, in EPA's view that it can charge  
3465 fees of 25 percent predicted, regardless of the cost.

3466 \*Mr. Regan. I would have to look into that. I mean, I  
3467 want to really interrogate this assertion because I am not  
3468 quite sure we agree on the premise of where this is coming  
3469 from. And I think we need to take a look at, number one, the  
3470 performance over the past three years with the increased  
3471 budget that we did receive, which, you know, the number of

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3472 new chemicals we are reviewing each month has doubled. We  
3473 have cleared backlogs.

3474 So we need to reconcile what you are saying in terms of  
3475 our performance over the past three years versus these fees  
3476 and charges, and I would love to have a deeper conversation  
3477 about that.

3478 \*Mr. Curtis. Well, I invite that conversation because  
3479 this is important. It is important for your agency. It is  
3480 important for America. There has been a lot of discussion  
3481 today about a cleaner future. Much of these ideas could lead  
3482 us to that. And the fact that they are being backlogged --  
3483 and then having the problem of being withdrawn without the  
3484 fees being returned.

3485 And I appreciate your commitment to do that. Whether it  
3486 is with me personally or back here in this committee room, I  
3487 welcome that, and look forward to those conversations.

3488 \*Mr. Regan. Absolutely.

3489 \*Mr. Curtis. Thank you.

3490 Mr. Chairman, I yield.

3491 \*Mr. Carter. The gentleman yields. The chair now  
3492 recognizes the gentlelady from Michigan, Representative

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3493 Dingell, for five minutes of questioning.

3494 \*Mrs. Dingell. Thank you, Mr. Chairman.

3495 It is good to see you here, Administrator Regan. I  
3496 suspect you may have wanted to have been in a dental chair  
3497 more than today, but I hope it hasn't been that bad.

3498 I know that there has already been some discussion, but  
3499 I would like to talk about the vehicle emission standards,  
3500 starting there. Obviously, many of us care about the future  
3501 of the automotive industry, and keeping it here in the United  
3502 States, and keeping the jobs here.

3503 And we have got to accelerate the domestic development,  
3504 manufacturing, deployment of EVs and other types of  
3505 technology. We should be talking about hydrogen and others,  
3506 which you and I have, to achieve our climate goals, but also  
3507 maintain our competitiveness with China and other countries.  
3508 We are competing in a global marketplace, as you and I both  
3509 know.

3510 It is also equally crucial that we ensure that the hard-  
3511 working men and women who have built the auto industry are  
3512 not left behind in the transition, and that everybody has  
3513 access and can buy an electric vehicle, afford it, and be

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3514 able to charge it. And we want to make sure these vehicles  
3515 of the future are made here in the United States of America.

3516 As we shift towards these clean vehicles, concerns have  
3517 been raised, some by my colleagues, about a just transition  
3518 and how we aren't going to leave anybody -- anyone behind.  
3519 How do you plan to continue to work with the automakers,  
3520 labor unions, state and local governments to ensure a just  
3521 transition and implementation of EPA's vehicle emission  
3522 standards?

3523 \*Mr. Regan. Well, thank you for the question, and thank  
3524 you for your leadership on this topic, especially helping us  
3525 connect the dots to the labor and autoworkers, to the  
3526 industry, and those communities that we don't want to leave  
3527 behind.

3528 Listen, as you know, we have really engaged the auto  
3529 industry to look at the goals of these performance standards,  
3530 and they themselves are indicating that they are diversifying  
3531 their fleets. Their cars are becoming much more affordable.  
3532 But by no means is this an EV mandate. We are really looking  
3533 at a stronger penetration of plug-in hybrids, hybrids,  
3534 hydrogen, more efficient internal combustion engines. We

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3535 believe that we are offering the industry the right  
3536 combination of products to meet and potentially exceed the  
3537 emission reduction goals that we have set, and we believe  
3538 that we can do it bringing everyone along.

3539 \*Mrs. Dingell. That is important. I may ask you some  
3540 more questions for the record on that so we can establish the  
3541 record on some of the work that has been done.

3542 Since you walked in the door of this job, you know that  
3543 I always talk about water. Safe and affordable water is a  
3544 basic human right. However, communities with aging  
3545 infrastructure all across the country, many in Michigan, have  
3546 faced both lead and the pervasive threat of forever chemicals  
3547 known as PFAS.

3548 I thank you for the work that you have done. You said  
3549 you were going to do it. I am pleased that EPA's final  
3550 drinking water and PFAS Superfund designation rules are  
3551 strong, and that they build on standards which are part of  
3552 our -- my, but our -- bipartisan PFAS Action Act. It has  
3553 been long overdue.

3554 Can you tell us, as EPA implements these rules, how do  
3555 you plan to work with local communities, water systems, and

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3556 other stakeholders on the ground to ensure that these  
3557 standards are met, and that all Americans have access to safe  
3558 drinking water?

3559 \*Mr. Regan. Well, absolutely. Number one, this rule  
3560 will -- this final rule will protect over 100 million people  
3561 who are drinking water in this country.

3562 Most of the water systems in this country are already  
3563 meeting the standard, but we are working with the communities  
3564 that are not, providing technical assistance. We have money  
3565 that flows through traditional programs. Thanks to your  
3566 leadership and the President's leadership and to Congress, we  
3567 have billions of dollars to help smaller water systems, rural  
3568 water systems not only comply with this rule, but just  
3569 provide safe, affordable drinking water to every single  
3570 person in this country. So there is a combination of  
3571 technical assistance, BIL, and IRA dollars, as well as our  
3572 traditional budget that will ensure everyone is drinking  
3573 clean water, and no one is overburdened, and it is done in an  
3574 affordable way.

3575 \*Mrs. Dingell. Thank you. I have got 48 seconds, so I  
3576 am going to ask you quickly, because I am very proud of the

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3577 Greenhouse Gas Reduction Fund, and the Republicans keep  
3578 making attacks on it. Can you explain how these funds allow  
3579 EPA to continue to provide strong oversight of the Greenhouse  
3580 Gas Reduction Fund, and why it does matter?

3581 \*Mr. Regan. Well, it matters because Congress granted  
3582 us the \$27 billion to ensure that we could have everyone in  
3583 this country -- low to moderate income, Black and Brown and  
3584 tribal communities -- participate in the low-carbon economy.  
3585 We are going to take this \$27 billion and pull hundreds of  
3586 billions of dollars of private capital off the sideline to  
3587 invest in affordable, clean energy.

3588 We want to have the right staff to implement this  
3589 program, and so we need the staff because we didn't get that  
3590 staffing resource from the Inflation Reduction Act. We got  
3591 the resources to design the program; now we need to maintain  
3592 the program.

3593 We have also asked for resources for our inspector  
3594 general, so that we can continue to partner in terms of  
3595 oversight and ensuring that it is done the way it was  
3596 intended to be done.

3597 \*Mrs. Dingell. Thank you very much.

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3598           And I yield back, Mr. Chairman.

3599           \*Mr. Carter. The gentlelady yields back. The chair now  
3600 recognizes the gentleman from California, Representative  
3601 Obernolte, for five minutes of questioning.

3602           \*Mr. Obernolte. Thank you very much, Mr. Chairman.

3603           And Administrator Regan, thank you very much for your  
3604 testimony today. I would like to discuss something that is  
3605 of vital consequence to my constituents in California's 23rd  
3606 district.

3607           Recently, the California Air Resources Board applied to  
3608 the EPA for a waiver that would allow them to implement what  
3609 they call the in-use locomotive rule in California. They are  
3610 seeking to require all line locomotives to operate in an  
3611 zero-emissions configuration starting in the year 2035, and  
3612 to prohibit the use of any locomotive that is older than 23  
3613 years old.

3614           The problem with that is that there are currently no  
3615 locomotives available that are even close to meeting the  
3616 definition of that requirement. If you just look at the  
3617 amount of energy required to move the weight that those  
3618 locomotives move, a diesel locomotive has the equivalent of



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3619 about 100 megawatt hours of energy. The best all-electric  
3620 locomotives that we have now that are in testing are around  
3621 the order of five to eight megawatt hours. So it is -- we  
3622 are not even close to even having a locomotive available that  
3623 will meet that rule.

3624 Another problem -- and this is one that affects my  
3625 constituents directly -- is that BNSF Railway is in the  
3626 process of constructing a new \$1.5 billion intermodal  
3627 transfer facility in my district in the town of Barstow.  
3628 That is going to add about 20,000 jobs to my district. It is  
3629 also going to have the effect of taking millions of truck  
3630 hours off the roads in California, because it will allow  
3631 freight to be offloaded off of ships in the ports of Los  
3632 Angeles and Long Beach, transferred by rail to the intermodal  
3633 facility in Barstow, and then distributed by rail to other  
3634 parts of the country instead of being on trucks.

3635 And as I am sure you are aware, given your position, it  
3636 is about 10 times more efficient to transport freight by rail  
3637 than by truck. It is much less carbon in the atmosphere. It  
3638 is better for everyone to do this. The problem is, if you --  
3639 if the EPA -- approves CARB's waiver request, BNSF is not

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3640 going to build that transfer facility in Barstow because they  
3641 would be required to have all-electric locomotives that don't  
3642 exist. And so they are going to put that facility in  
3643 Arizona.

3644 So in a way, I should thank CARB. I have gotten more  
3645 constituent engagement on this issue than on any other issue  
3646 in my 19 years in elected office. And I brought you a little  
3647 gift here. This is several thousand letters from my  
3648 constituents that they have written in, all of them opposing  
3649 the waiver request from CARB that they would need to  
3650 implement this.

3651 So the first question for you, can you tell me what the  
3652 timing is on the EPA's ruling on the waiver request on this  
3653 issue?

3654 \*Mr. Regan. Well, I can tell you that all of the issues  
3655 that you have raised, we are hearing, as well.

3656 And listen. By law, California has the right to submit  
3657 these waivers. There are eight waivers that are before us,  
3658 including this locomotive waiver. And so we are working with  
3659 CARB to try to prioritize these waivers because they require,  
3660 as you have just laid out, a lot of technical rigor and the

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3661 appropriate resources to make the right decision.

3662 I will have my team follow up with you on the timing for  
3663 all of the waivers, including the locomotive, but I can tell  
3664 you that we are going through a very thorough evaluation  
3665 right now, and we have got a lot of things to consider.

3666 \*Mr. Obernolte. Well, thank you. Do you have a timing  
3667 on whether or not -- on when you are going to make a decision  
3668 on the waiver?

3669 \*Mr. Regan. I will have our teams connect on that. I  
3670 don't have the specific timing of that waiver and where it is  
3671 in that process.

3672 \*Mr. Obernolte. All right. Thank you, I appreciate  
3673 that.

3674 \*Mr. Regan. Absolutely.

3675 \*Mr. Obernolte. As you have just pointed out, CARB has  
3676 the right to make the request, but the EPA has the right to  
3677 approve or deny the requests. And the Clean Air Act  
3678 explicitly preempts state regulation of interstate commerce  
3679 assets such as locomotives. Why on earth would we, as a  
3680 Federal Government, allow a state to create their own  
3681 regulations?

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3682 I mean, wouldn't that -- when we have 50 different state  
3683 regulations on locomotives, wouldn't that completely destroy  
3684 our ability to have a locomotive go from state to state?

3685 \*Mr. Regan. Well, one of the reasons that we are  
3686 spending time and giving careful consideration to these  
3687 waivers is I have pledged, and so have my team members, to  
3688 follow the science and follow the law. We have to be sure  
3689 that any action that we take does both of those things,  
3690 especially follow the law. And so we are giving some careful  
3691 consideration to these waivers. They are going through the  
3692 evaluation process.

3693 I don't want to get ahead and project or predict whether  
3694 we are going to deny or approve. I will say that we are  
3695 going to go through a thorough process. It will be  
3696 transparent, and I would love for our staffs to keep working  
3697 with yours on where we are in the process to be as  
3698 transparent as possible.

3699 \*Mr. Obernolte. Well, that is -- I look forward to  
3700 doing that, and I am happy to partner with you on that issue.

3701 I am confident that, if we follow the science, it is  
3702 going to be very clear that, first of all, the technology to

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3703 implement this does not exist. And second of all, that  
3704 forcing freight off of ports onto trucks instead of being  
3705 transported by rail is actually much worse for the climate  
3706 than trying to force electric locomotives that we currently  
3707 don't have the technology to comply with in the first place.

3708         So I have sent yesterday a letter to you signed by 74  
3709 Members of Congress. Every single member of the Republican  
3710 California congressional delegation has sent you a letter on  
3711 this issue. Over half of the members of this committee have  
3712 sent you a letter on this issue, including all of the  
3713 Republican members. And so I would ask that you work with us  
3714 on this, and recognize the serious consequences of allowing  
3715 CARB to go forward with this very misguided proposal.

3716         \*Mr. Regan. You have my commitment to work with you  
3717 all, be transparent, and be fair. And so we are going to,  
3718 again, go through this process, evaluate it very carefully,  
3719 and there will be no surprises. We are going to keep you --

3720         \*Mr. Obernolte. All right, I look forward to that.

3721         Mr. Chair, I yield back.

3722         \*Mr. Regan. Thank you.

3723         \*Mr. Carter. The gentleman yields.

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3724           Okay, I ask unanimous consent to insert in the record  
3725 the documents included on the staff hearing documents list.

3726           Without objection, so ordered.

3727           [The information follows:]

3728

3729           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3730

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3731           \*Mr. Carter. I remind members that they have 10  
3732 business days to submit questions for the record, and I ask  
3733 the witnesses to respond to the questions promptly.

3734           Thank you, Administrator, for being here today, for your  
3735 diligence.

3736           Without objection, the subcommittee is adjourned.

3737           [Whereupon, at 1:04 p.m., the subcommittee was  
3738 adjourned.]