COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES

HEARING CHARTER

Science and Technology at the Environmental Protection Agency

Thursday, September 19, 2019
10:00 a.m.
2318 Rayburn House Office Building

PURPOSE

The purpose of this hearing is to review the science and technology activities at the Environmental Protection Agency (EPA) including: agency-wide policies and practices related to the development and use of science in regulatory and deregulatory decisions; the role of independent scientific advisory bodies such as the EPA Science Advisory Board and the EPA Clean Air Scientific Advisory Committee; and the importance of transparency and integrity in the agency's science activities.

WITNESS

- **The Honorable Andrew Wheeler,** Administrator, Environmental Protection Agency

OVERARCHING QUESTIONS

- What is the role of science and technology at the EPA?
- What is the EPA's approach to scientific integrity across the agency?
- How does the EPA utilize science in its decision-making processes?
- What role did internal and external scientific review play in recent regulatory and deregulatory actions the EPA has taken?

BACKGROUND

Since it was established in 1970, science has been the backbone of decision-making at the EPA. The EPA was founded to consolidate federal research, monitoring, standard-setting, and enforcement activities around environmental protection into one agency.[1] In order to meet its mission to protect human health and the environment, "EPA works to ensure that national efforts to reduce environmental risks are based on the best available scientific information."[2]

Role of Science within EPA

EPA is required by various statutes to support decisions with sound science. The central statute for EPA research is the 1978 Environmental Research, Development, and Demonstration

[1] U.S. EPA, "The Origins of the EPA," Accessed here: https://www.epa.gov/history/origins-epa
[2] U.S. EPA, "Our Mission and What We Do," Accessed here: https://www.epa.gov/aboutepa/our-mission-and-what-we-do

Authorization Act (ERDDAA).[3] ERDDAA broadly authorized environmental research at EPA and established the non-regulatory Office of Research and Development (ORD) to house research programs and created the Science Advisory Board (SAB). Other landmark environmental statutes that grant authority to EPA to conduct R&D include: the Clean Air Act (CAA);[4] the Safe Drinking Water Act (SDWA);[5] the Clean Water Act (CWA);[6] and the Toxic Substances Control Act (TSCA).[7]

Research and development activities fall under EPA's Science and Technology Account. The budget authority for S&T has been following a downward trend since FY 2010, despite an increase in the total agency budget authority in FY2018. The FY2019 S&T budget for EPA was $693 million, down 29% since 2010.

Table 1. U.S. Environmental Protection Agency (EPA) Discretionary "Budget Authority" (Actual) as Reported by the Office of Management and Budget: Total, Science and Technology (S&T) Account, and Research and Development (R&D) FY2010 - FY2020

(billions of dollars adjusted for inflation, FY2018 dollars)

Fiscal Year	Total U.S. EPA	U.S. EPA Total S&T	U.S. EPA R&D
2010	$11.758	$0.972	$0.676
2011	$9.757	$0.914	$0.656
2012	$9.320	$0.876	$0.627
2013	$9.175	$0.806	$0.576
2014	$8.713	$0.806	$0.573
2015	$8.545	$0.772	$0.549
2016	$8.466	$0.765	$0.516
2017	$8.357	$0.722	$0.508
2018	$8.900	$0.707	$0.492
2019 Estimated	$8.647	$0.693	$0.479
President's Budget Request			
2020 Estimated	$5.830	$0.423	$0.274

Source: Prepared by the Congressional Research Service (CRS) based on data reported by the White House Office of Management and Budget (OMB) documents accompanying the President's annual budget requests for FY2010 through FY2020 available at https://www.govinfo.gov/app/collection/BUDGET/. U.S. EPA Totals are as reported in *Budget of the United States Government Fiscal Year 2020, Historical Tables,* Table 5.4*;* Science and Technology account and EPA R&D as reported in *Federal Budget (Programs) by Agency and Account* (table numbers vary from fiscal year to fiscal year), and *Research and Development (table numbers vary from fiscal year to fiscal year)* respectively as reported in *Analytical Perspectives,* included with President's budgets for FY2010 through FY2020.

Notes: As defined by OMB: "Budget authority (BA) means the authority provided by law to incur financial obligations that will result in outlays. The specific forms of budget authority are appropriations, borrowing authority, contract authority, and spending authority from offsetting collections…..," Section 20 – Terms and Concepts of OMB Circular A-

[3] PL95-155
[4] PL88-206
[5] PL93-523
[6] PL92-500
[7] PL94-469

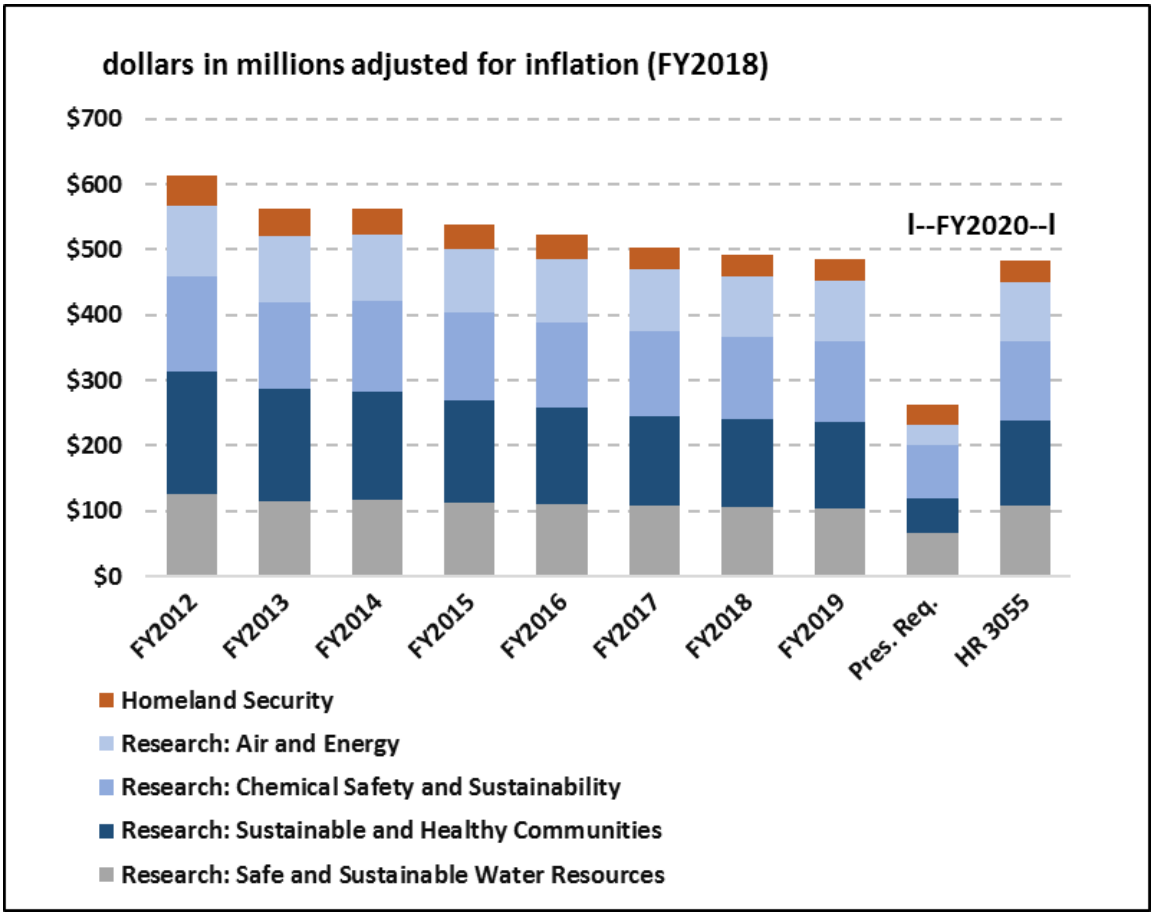
11 (2016)(see section 20.4), available at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/a11_current_year/s20.pdf.

All amounts have been adjusted for inflation in FY2018 dollars by CRS using the "GDP (Chained) Priced Index" reported by OMB in *Budget of the United States Government Fiscal Year 2020, Historical Tables*, Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables - 1940–2024.

EPA ORD is comprised of six national research programs that engage with external partners and work to meet the agency's mission through robust research and development on the most pressing environmental concerns. The research programs include: Air and Energy, Chemical Safety for Sustainability, Human Health Risk Assessment, Homeland Security, Safe and Sustainable Water Resources, and Sustainable and Healthy Communities. Figure 1. shows enacted appropriations for the six research programs within the Science & Technology Account since 2012. Appropriations levels for each research program can be found in Table 2 in Appendix A at the end of this charter.

Figure 1. U.S. EPA Science and Technology Account: Selected Programs Enacted Appropriations FY2010-FY2019 and Proposed FY2020

(millions of dollars adjusted for inflation, FY2018 dollars)



Source: Prepared by the Congressional Research Service using the most recent information available from annual appropriations acts, committee reports accompanying the annual appropriations bills that fund the Environmental Protection Agency (EPA), and explanatory statements published in the *Congressional Record*. The FY2013 post-sequestration enacted

amounts are as reported in EPA's FY2013 Operating Plan and reflect the application of a 0.2% across-the-board rescission, and the application of sequestration under the Budget Control Act of 2011 (BCA, P.L. 112-25).

Notes: All amounts presented in the table have been adjusted for inflation in FY2018 dollars by CRS using the "GDP (Chained) Priced Index" reported by the White House Office of Management and Budget (OMB), *Budget of the United States Government Fiscal Year 2020, Historical Tables*, Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables - 1940–2024.

EPA's Annual Congressional Budget Justifications for FY2012-FY2020 report requested appropriation amounts for "Human Health Risk Assessment" as a sub-program line item activity under the sub-account program activity heading "Research: Chemical Safety and Sustainability" within the S&T appropriations account. See EPA's Planning, Budget, and Results website at https://www.epa.gov/planandbudget for the FY2020 and prior fiscal year budget justifications.

The amounts for the Total S&T Account reflect rescissions and supplemental appropriations and include transfers from the EPA Hazardous Substance Superfund appropriations account.

Prior to FY2018, the title for the sub-account heading "Research: Air and Energy," was "Research: Air, Climate and Energy."

ORD's six research programs are currently supported by a network of four national centers, three national research laboratories, and the independent Office of Science Advisor (OSA) and Office of Science Policy (OSP) spread out across 13 facilities nationwide.[8] In addition to ORD laboratories, some program offices within EPA have their own laboratories to help support regulatory implementation, and each of EPA's 10 regional offices have regional laboratories to support the states and territories within their region.[9]

ORD supports extramural research to supplement its intramural research primarily through the Science to Achieve Results (STAR) program. In FY2016, the funding for STAR fellowships for graduate students was eliminated to consolidate graduate fellowships at the National Science Foundation. However, in 2017 the National Academies of Sciences, Engineering, and Medicine (NASEM) released a study entitled *A Review of the Environmental Protection Agency's Science to Achieve Results Research Program* which found that "STAR plays a distinctive role in the nation's overall environmental-research portfolio," and recommended that EPA "continue to use STAR to respond to the nation's emerging environmental challenges."[10] The STAR program has been proposed for elimination in the President's Budget Request for FY2018-FY2020.[11]

In September 2018, EPA informed staff that the independent Office of Science Advisor (OSA) would be eliminated and its duties merged with ORD's Office of Science Policy as part of a

[8] U.S. EPA, "About the Office of Research and Development (ORD)," Accessed here: https://www.epa.gov/aboutepa/about-office-research-and-development-ord
[9] U.S. EPA, "About EPA," Accessed here: https://www.epa.gov/aboutepa
[10] The National Academies of Sciences, Engineering, and Medicine. *A Review of the Environmental Protection Agency's Science to Achieve Results Research Program*. June 15, 2017. https://doi.org/10.17226/24757
[11] U.S. EPA Fiscal Year 2018 Justification of Appropriations Estimates for the Committee on Appropriations. May 2017. https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf; U.S. EPA Fiscal Year 2019 Justification of Appropriations Estimates for the Committee on Appropriations. February 2018. https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-congressional-justification-all-tabs.pdf , U.S. EPA Fiscal Year 2020 Justification of Appropriations Estimates for the Committee on Appropriations. March 2019. https://www.epa.gov/sites/production/files/2019-03/documents/fy-2020-congressional-justification-all-tabs.pdf

broader reorganization of ORD.[12] The proposed ORD reorganization would combine the existing four national centers and three national research laboratories into a total of four new centers.[13]

Scientific Integrity at the EPA

In accordance with the American COMPETES Act of 2007,[14] EPA established its scientific integrity policy in 2012.[15] A 2019 GAO report found that EPA's internal scientific integrity policy is generally consistent with 2010 OSTP guidance on scientific integrity, which focuses on four principles: scientific integrity in government, public communications, use of federal advisory committees, and professional development of scientists and engineers.[16] This policy describes science as the "backbone" of EPA decisions. It states that the success of EPA's mission to protect human health and the environment is dependent on scientific integrity, including that all EPA employees "conduct, utilize, and communicate" science with transparency. Further, it specifies that in order "[t]o operate an effective science and regulatory agency like the EPA, it is also essential that political or other officials not suppress or alter scientific findings."[17]

On August 29, 2019 the EPA Office of Inspector General (OIG) announced[18] that it is initiating an evaluation based on a request from this Committee[19] regarding its May 23, 2017 hearing, *Expanding the Role of States in EPA Rulemaking*.[20] The OIG will examine reports that a senior EPA political appointee acquired testimony by Dr. Deborah Swackhamer, a member of EPA's Board of Scientific Counselors (BOSC), in advance of the hearing, and then pressured Dr. Swackhamer to change her testimony. The OIG will investigate whether employees in the Administrator's office received training on federal prohibitions against interfering with or intimidating Congressional witnesses.

Scientific Advice at the EPA

EPA solicits internal scientific advice on agency actions through the Office of Science Policy and the Office of Science Advisor. ORD's Office of Science Policy (OSP) works to coordinate and integrate scientific information and advice across ORD, and between ORD and other EPA

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[12] Davenport, Coral. The New York Times. *E.P.A. to Eliminate Office That Advises Agency Chief on Science.* September 27, 2018. https://www.nytimes.com/2018/09/27/climate/epa-science-adviser.html

[13] Hegstad, Maria. Inside EPA.com. *ORD Reorganization Plan Prompts Mixed Reaction From EPA Employees.* October 10, 2018. https://insideepa.com/daily-news/ord-reorganization-plan-prompts-mixed-reaction-epa-employees

[14] PL110-69

[15] U.S. Government Accountability Office. "Scientific Integrity Policies: Additional Actions Could Strengthen Integrity of Federal Research," April, 2019, GAO-19-265. Accessed here: https://www.gao.gov/assets/700/698231.pdf

[16] Ibid.

[17] U.S. EPA, "Scientific Integrity Policy, 2012", Accessed here: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

[18] U.S. EPA, "Project Notification: Response to Congressional Request Over Concerns with EPA Access to Witness Testimony Prior to Hearing Project No. OA&E-FY19-0313", August 29, 2019, Accessed here: https://www.epa.gov/sites/production/files/2019-08/documents/_epaoig_notificationmemo_8-29-19_witnesstestimony.pdf

[19] House Committee on Science, Space, and Technology. "Letter to EPA Inspector General Elkins Requesting Investigation into Interference with Dr. Swackhamer's Testimony to Committee," June 26, 2107, Accessed here: https://science.house.gov/news/letters/letter-to-epa-inspector-general-elkins-requesting-investigation-into-interference-with-dr-swackhamers-testimony-to-committee

[20] U.S. House of Representatives Committee Repository, "Committee of Science, Space, and Technology, Subcommittee on Environment Hearing: Expanding the Role of States in EPA Rulemaking" May 23, 2017, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=106025

program and regional offices, and external entities.[21] EPA's Office of Science Advisor works across the EPA to ensure the highest caliber science is integrated into the agency's policies and decisions. The EPA Science Advisor chairs the agency's Science and Technology Policy Council (STPC),"which reviews selected science issues that have implications across program and regional offices."[22] At the March 27, 2019 joint subcommittee hearing *EPA's IRIS Program: Review its Progress and Roadblocks Ahead*, EPA Science Advisor Dr. Jennifer Orme-Zavaleta noted that the STPC was not involved in the development of the "Strengthening Transparency in Regulatory Science" proposed rule prior to its publication in the Federal Register. [23] Plans to reorganize ORD would eliminate the independent OSA and merge it with ORD's OSP and other management offices.[24]

EPA's also receives external, independent scientific advice from 22 science advisory committees. The most active and influential among them are the Science Advisory Board (SAB), the Clean Air Scientific Advisory Committee (CASAC), and the Board of Scientific Counselors (BOSC). For more background, see the charter[25] and addendum[26] for the July 16, 2019 hearing in this Committee, *EPA Advisory Committees: How Science Should inform Decisions.*

On June 14, 2019, President Trump issued an Executive Order on *Evaluating and Improving the Utility of Federal Advisory Committees*,[27] requiring termination of at least one third of all non-statutorily required Federal Advisory Committees by September 30, 2019 and setting a government-wide maximum of 350 FACs. EPA has 10 Committees that would be at risk of elimination, including the Board of Scientific Counselors, the Children's Health Protection Advisory Committee and the National Environmental Justice Advisory Council. The implementation of this EO at EPA remains an ongoing oversight issue for the Committee.[28]

Regulatory and Deregulatory Actions at EPA

EPA has acted to roll back at least 35 regulations since January 2017. These deregulatory actions range in progress from the first notice of planned action in the Regulatory Agenda, to a formal Notice of Proposed Rulemaking, to a finalized rule.[29] On January 30, 2017, President Trump

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[21] U.S. EPA. "About the Office of Science Policy (OSP)". Accessed here. https://www.epa.gov/aboutepa/about-office-science-policy-osp
[22] U.S. EPA. "About the Office of the Science Advisor." Accessed here. https://www.epa.gov/aboutepa/about-office-science-advisor
[23] House Committee on Science, Space, and Technology. "EPA's IRIS Program: Reviewing its Progress and Roadblocks Ahead." March 27, 2019. Accessed here. https://science.house.gov/hearings/epas-iris-program-reviewing-its-progress-and-roadblocks-ahead
[24] Hegstad, Maria. Inside EPA. *ORD Overhaul on Schedule to Begin in FY20 As OPPT Reform Stalls.* August 13, 2019. https://insideepa.com/daily-news/ord-overhaul-schedule-begin-fy20-oppt-reform-stalls
[25] U.S. House of Representatives, Committee of Science, Space, and Technology, Hearing Charter: EPA Advisory Committees: How Science Should Inform Decisions, July 16, 2019, Accessed here: https://docs.house.gov/meetings/SY/SY21/20190716/109799/HHRG-116-SY21-20190716-SD002.pdf
[26] Ibid.
[27] Executive Order 13875, "Evaluating and Improving the Utility of Federal Advisory Committees," June 14, 2019, accessed here: https://www.federalregister.gov/documents/2019/06/19/2019-13175/evaluating-and-improving-the-utility-of-federal-advisory-committees
[28] House Committee on Science, Space, and Technology. "Letter to Department and Agency Heads on Trump Administration's FACA Executive Order," July 12, 2019, Accessed here: https://science.house.gov/letter-to-department-and-agency-heads-on-trump-administrations-faca-executive-order
[29] U.S. EPA. "EPA Deregulatory Actions," Accessed here: https://www.epa.gov/laws-regulations/epa-deregulatory-actions

issued an Executive Order on *Reducing Regulation and Controlling Regulatory Costs*, which required federal agencies to cut two existing regulations for every new regulation. An August 9, 2019 the EPA Office of Inspector General found that in the EPA far exceeded this deregulatory goal (26 deregulations and 4 regulations).[30] The OIG notes that EPA has not developed adequate internal guidance for implementation of the Order. OIG recommended that EPA enhance transparency around the Order's implementation by releasing more information to the public and allowing for more stakeholder input. The agency did not concur with any of these recommendations.

The March 28, 2017 Executive Order on *Promoting Energy Independence and Economic Growth* also has implications for the use of science in deregulatory actions, in its requirement of agencies to review actions that "potentially burden the safe, efficient development of domestic energy resources."[31] The executive order directed EPA to review and "suspend, revise, or rescind" the Clean Power Plan and several other regulations including those regulating greenhouse gases from oil and gas facilities, cars and light trucks, and new power plants. The Committee has conducted oversight on select regulatory and deregulatory actions by the EPA, which are listed in Appendix B at the end of this charter.

[30] U.S. EPA Office of Inspector General, "EPA Exceeded the Deregulatory Goals of Executive Order 13771, Report No. 19-P-0267," Accessed here: https://www.epa.gov/sites/production/files/2019-08/documents/_epaoig_20190809-19-p-0267.pdf

[31] Executive Order 13783, "Promoting Energy Independence and Economic Growth," March 28, 2017, accessed here: https://www.federalregister.gov/documents/2017/03/31/2017-06576/promoting-energy-independence-and-economic-growth

Appendix A – EPA Science and Technology Account Enacted Appropriations

Table 2. U.S. EPA Science and Technology Account: Selected Programs and Total Enacted Appropriations FY2012-FY2019 and Proposed FY2020

(millions of dollars adjusted for inflation, FY2018 dollars)

	EPA Science and Technology Account: Selected Programs						
Fiscal Year	**Homeland Security**	**Research: Air and Energy**	**Research: Chemical Safety and Sustainability**	**Research: Sustainable and Healthy Communities**	**Research: Safe and Sustainable Water Resources**	**Total for Selected S&T Activities**	**Total S&T Account**
2012	$46.29	$109.03	$144.81	$188.33	$125.16	$613.62	$900.83
2013	$42.55	$100.61	$133.54	$170.50	$115.57	$562.77	$829.13
2014	$40.75	$100.91	$139.01	$164.67	$117.96	$563.30	$827.03
2015	$38.97	$96.48	$133.25	$157.44	$112.78	$538.92	$791.00
2016	$38.61	$95.60	$132.03	$145.60	$111.75	$523.59	$783.77
2017	$33.84	$93.90	$129.68	$137.24	$108.56	$503.22	$737.62
2018	$33.12	$91.91	$126.93	$134.33	$106.26	$492.54	$721.97
2019	$32.46	$93.02	$124.40	$131.65	$104.14	$485.68	$707.50
FY2020 Proposed							
Requested	$31.51	$30.46	$83.15	$51.52	$67.20	$263.84	$461.87
H.R. 3055	$33.06	$91.64	$121.92	$129.03	$108.79	$484.44	$728.22

Source: Prepared by the Congressional Research Service (CRS) using the most recent information available from annual appropriations acts, committee reports accompanying the annual appropriations bills that fund the Environmental Protection Agency (EPA), and explanatory statements published in the *Congressional Record*. The FY2013 post-sequestration enacted amounts are as reported in EPA's FY2013 Operating Plan and reflect the application of a 0.2% across-the-board rescission, and the application of sequestration under the Budget Control Act of 2011 (BCA, P.L. 112-25).

Notes: All amounts presented in the table have been adjusted for inflation in FY2018 dollars by CRS using the "GDP (Chained) Priced Index" reported by the White House Office of Management and Budget (OMB), *Budget of the United States Government Fiscal Year 2020, Historical Tables*, Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables - 1940–2024.

EPA's Annual Congressional Budget Justifications for FY2012-FY2020 report requested appropriation amounts for "Human Health Risk Assessment" as a sub-program line item activity under the sub-account program activity heading "Research: Chemical Safety and Sustainability" within the S&T appropriations account. See EPA's Planning, Budget, and Results website at https://www.epa.gov/planandbudget for the FY2020 and prior fiscal year budget justifications.

The amounts for the Total S&T Account reflect rescissions and supplemental appropriations and include transfers from the EPA Hazardous Substance Superfund appropriations account.

Prior to FY2018, the title for the sub-account heading "Research: Air and Energy," was "Research: Air, Climate and Energy."

Appendix B: Select Deregulatory Actions taken by the EPA

Defining Waters of the United States Rule: On September 12, 2019 EPA announced that it has finalized its repeal of the 2015 Waters of the United States (WOTUS) regulation.[32] WOTUS had clarified which freshwater bodies are subject to pollution standards under the CWA. The EPA plans to propose a new rule with a definition that would include fewer waterways than in the 2015 Rule and which lessens existing protections. This Committee has held hearings on proposed definitions of "Waters of the United States" under multiple administrations.[33, 34]

EPA Methane and VOC Standards for Oil and Gas Facilities: On August 29, 2019, EPA released a proposal to roll back Obama-era New Source Performance Standards (NSPS) for volatile organic compounds (VOCs) and methane, a rule which was originally finalized on June 3, 2016. The proposal rescinds emission limits for methane in oil and gas production.[35]

Coal Ash Rule: On July 29, 2019[36] and August 6, 2019,[37] EPA proposed changes to rules finalized in 2015 that address disposal of coal ash, a type of industrial waste produced when coal is burned at power plants. EPA has proposed to eliminate a requirement that companies had to prove that coal ash deposits of a certain size won't harm the environment, to revise groundwater monitoring requirements, and to postpone retrofits to coal ash ponds.

Corporate Average Fuel Economy (CAFE) Standards: On August 2, 2019 EPA and National Highway Transportation Safety Administration (NHTSA) finalized changes to the greenhouse gas emissions standards and fuel economy standards for cars and light trucks of model years 2021-2026, originally set in 2012 and affirmed in 2017. The new versions of the standards propose maintaining the CAFE and greenhouse gas standards applicable in model year 2020 until 2026, rather than tightening the standards over time.[38]

Bristol Bay / Pebble Mine: Pebble Limited Partnership has proposed to build an open pit mine in the Bristol Bay watershed in Alaska, a culturally and economically important location for fishing interests and Alaska Natives. On July 30, 2019, EPA rescinded a long-standing proposed

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[32] U.S. EPA, "EPA, Army Repeal 2015 Rule Defining 'Waters of the United States' Ending Regulatory Patchwork," Accessed here: https://www.epa.gov/newsreleases/epa-us-army-repeal-2015-rule-defining-waters-united-states-ending-regulatory-patchwork

[33] U.S. House of Representatives, Committee of Science, Space, and Technology, Subcommittee on Environment, "Hearing The Future of WOTUS: Examining the Role of States," November 29, 2017, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=106660

[34] U.S. House of Representatives, Committee of Science, Space, and Technology, "Hearing: Navigating the Clean Water Act: Is Water Wet?," July 9, 2014, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=102476

[35] U.S. EPA, "EPA Proposes Updates to Air Regulations for Oil and Gas to Remove Redundant Requirements and Reduce Burden," August 29, 2019, Accessed here: https://www.epa.gov/newsreleases/epa-proposes-updates-air-regulations-oil-and-gas-remove-redundant-requirements-and

[36] U.S. Federal Register, "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles," August 14, 2019, Accessed here: https://www.federalregister.gov/documents/2019/08/14/2019-16916/hazardous-and-solid-waste-management-system-disposal-of-coal-combustion-residuals-from-electric

[37] E&E News, "EPA sends regulatory changes to White House," August 9, 2019, Accessed here: https://www.eenews.net/eenewspm/2019/08/09/stories/1060898801

[38] U.S. Federal Register, "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks; Extension of Comment Period," September 26, 2018 accessed here: https://www.federalregister.gov/documents/2018/09/26/2018-20962/the-safer-affordable-fuel-efficient-safe-vehicles-rule-for-model-years-2021-2026-passenger-cars-and

determination to restrict waste disposal in the area under the CWA.[39] This Committee previously held a hearing examining this proposed project.[40]

Chlorpyrifos Pesticide Use: On July 18, 2019, EPA announced that it would not ban chlorpyrifos, a highly toxic pesticide, saying that its health risks were not supported by "valid, complete, and reliable evidence." EPA had initially indicated it would delay action on chlorpyrifos until 2022, but the U.S Court of Appeals for the Ninth Circuit ordered a response.[41]

Once-in, Always-in Rule for Major Sources under the Clean Air Act: On June 25, 2019 EPA released a proposed rule addressing major sources, as defined under the CAA, of hazardous air pollutants (HAPs), which include benzene and metals. If major sources limit their emissions below a certain threshold, they are subject to lower requirements for pollution control technology and compliance.[42]

Affordable Clean Energy Rule, replacement to the Clean Power Plan: On June 19, 2019 EPA released its finalized Affordable Clean Energy (ACE) Rule along with the final repeal of the Clean Power Plan (CPP). The CPP set greenhouse gas emission limits for the power sector to 32% below 2005 levels by 2030. The ACE Rule determines that EPA only has authority to regulate emissions with modifications within the "fenceline" of individual power plants, which limits the required changes to minor heat rate improvements at coal-fired plants.[43] This Committee has previously held a hearing on the original Clean Power Plan.[44]

Mercury and Air Toxics Standards: On December 28, 2018 EPA released a proposal [45] to review the 2016 Supplemental Finding that the benefits of the Mercury and Air Toxics Standards outweigh their cost because of enormous health benefits. The new proposal would limit consideration of co-benefits in regulation.

Ozone National Ambient Air Quality Standards: On December 6, 2018 EPA finalized a rule which implemented requirements for the 2015 NAAQS, after delaying a version of the standards

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[39] U.S. Federal Register, "Public Hearings: Proposal To Withdraw Proposed Determination To Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska," September 21, 2017 accessed here: https://www.federalregister.gov/documents/2017/09/21/2017-20065/public-hearings-proposal-to-withdraw-proposed-determination-to-restrict-the-use-of-an-area-as-a

[40] U.S. House of Representatives, Committee of Science, Space, and Technology, "Hearing: Examining EPA's Predetermined Efforts to Block the Pebble Mine," November 5, 2015, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104078

[41] U.S. Federal Register, "Chlorpyrifos; Final Order Denying Objections to March 2017 Petition Denial Order," July 24, 2019 accessed here: https://www.federalregister.gov/documents/2019/07/24/2019-15649/chlorpyrifos-final-order-denying-objections-to-march-2017-petition-denial-order

[42] U.S. Federal Register, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act," June 26, 2019, Accessed here: https://perma.cc/GYW9-WAR2

[43] U.S. Federal Register, "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," October 16, 2017, Accessed here: https://www.federalregister.gov/documents/2017/10/16/2017-22349/repeal-of-carbon-pollution-emission-guidelines-for-existing-stationary-sources-electric-utility

[44] U.S. House of Representatives, Committee of Science, Space, and Technology, "Hearing: Impact of EPA's Clean Power Plan on States," May 26, 2016, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=105002

[45] U.S. EPA, "EPA Releases Proposal to Revise MATS Supplemental Cost Finding and "Risk and Technology Review," December 28, 2018, Accessed here: https://www.epa.gov/newsreleases/epa-releases-proposal-revise-mats-supplemental-cost-finding-and-risk-and-technology

written under the Obama administration, which were originally slated to go into effect October 1, 2017.[46] This Committee previously held a hearing on the 2015 Ozone NAAQS.[47]

GHG New Source Performance Standards for Power Plants: On December 6, 2018 EPA released a proposed rule to amend the October 23, 2015 rule, GHG New Source Performance Standards for Power Plants, eliminating the determination of partial carbon capture and storage as the best system of emission reduction (BSER). The original determination would have required new coal plants to install carbon capture systems.[48]

Strengthening Transparency in Regulatory Science: On April 30, 2018 EPA proposed a rule that would bar the agency from using some scientific studies in creating new regulations. Namely, it would prohibit the use of studies whose underlying research data are not publicly available for "independent validation."[49] On June 28, 2018, EPA's Science Advisory Board (SAB) wrote to then-Administrator Pruitt that it would review the scientific and technical basis for the proposed rule.[50] The SAB raised concerns in the letter that it is "had no information regarding the timeline for finalizing the rule and the proposed rule was not identified as a major action in either of the Spring 2017 or Fall 2017 semi-annual Regulatory Agenda," and that "the precise design of the proposed rule appears to have been developed without a public process for soliciting input specifically from the scientific community." SAB has noted it will miss next month's deadline for completing its independent assessment.[51]

Heavy-Duty Truck "Glider Kit" Rule: Glider Kits are new trucks consisting of a new heavy-duty truck chassis into which a buyer can install an old engine. In 2016, EPA and the National Highway Transportation Safety Administration (NHTSA) issued joint regulations of glider kits, including emissions regulations based on the year the entire truck, not simply the engine, was manufactured. On November 16, 2017, EPA issued a proposal to repeal the emissions requirements for gliders.[52] This Committee previously held a hearing on glider truck regulations.[53]

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[46] U.S. Federal Register, "Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements," December 6, 2018, Accessed here: https://www.federalregister.gov/documents/2018/12/06/2018-25424/implementation-of-the-2015-national-ambient-air-quality-standards-for-ozone-nonattainment-area-state

[47] U.S. House of Representatives, Committee of Science, Space, and Technology, "Hearing: EPA's 2015 Ozone Standard: Concerns Over Science and Implementation," October 22, 2015, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=104077

[48] U.S. Federal Register, "Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," December 20, 2018, Accessed here: https://www.federalregister.gov/documents/2018/12/20/2018-27052/review-of-standards-of-performance-for-greenhouse-gas-emissions-from-new-modified-and-reconstructed

[49] E&E News, *"EPA's controversial 'secret science' plan still lacks key details, advisers say," August 28, 2019, Accessed here:* https://www.sciencemag.org/news/2019/08/epa-s-controversial-secret-science-plan-still-lacks-key-details-advisers-say

[50] https://yosemite.epa.gov/sab%5Csabproduct.nsf/4ECB44CA28936083852582BB004ADE54/$File/EPA-SAB-18-003+Unsigned.pdf

[51] U.S. EPA, "Science Advisory Board (SAB) Consideration of EPA Proposed Rule: Strengthening Transparency in Regulatory Science," June 28, 2018, Accessed here: https://yosemite.epa.gov/sab%5Csabproduct.nsf/4ECB44CA28936083852582BB004ADE54/$File/EPA-SAB-18-003+Unsigned.pdf

[52] U.S. Federal Register. "Repeal of Emissions Requirements for Glider Vehicles, Glider Engines, and Glider Kits. https://www.govinfo.gov/content/pkg/FR-2017-11-16/pdf/2017-24884.pdf

[53] U.S. House of Representatives, Committee of Science, Space, and Technology, "Joint Hearing: Examining the Underlying Science And Impacts of Glider Truck Regulations," September 13, 2018, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=108674

The Social Cost of Carbon: In its October 10, 2017 proposal to repeal the Clean Power Plan, EPA introduced a new approach to calculating the social cost of carbon. This method would count only direct domestic benefits of mitigation of greenhouse gas emissions, rather than considering potential benefits worldwide. It also uses a higher discount rate (7%) than lower rates used in standard economic analyses (e.g. 3%), devaluing future cost-savings. As a result, the Trump Administration estimated the social cost of carbon at $1, differing from April 2016 estimates of $42. The final rule was published in July 2019. [54] This Committee previously held a hearing on the Social Cost of Carbon.[55]

[54] U.S. Federal Register. "Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations." July 8, 2019. Accessed here. https://www.govinfo.gov/content/pkg/FR-2019-07-08/pdf/2019-13507.pdf

[55] U.S. House of Representatives, Committee of Science, Space, and Technology, "Joint Hearing: At What Cost? Examining the Social Cost of Carbon," February 28, 2107, Accessed here: https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=105632