

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

1

1 NEAL R. GROSS & CO., INC.

2 RPTS SALANDRO

3 HIF341180

4

5

6 THE MISSION OF THE U.S. ENVIRONMENTAL

7 PROTECTION AGENCY

8 THURSDAY, DECEMBER 7, 2017

9 House of Representatives

10 Subcommittee on Environment

11 Committee on Energy and Commerce

12 Washington, D.C.

13

14

15

16 The subcommittee met, pursuant to call, at 10:00 a.m., in

17 Room 2123 Rayburn House Office Building, Hon. John Shimkus

18 [chairman of the subcommittee] presiding.

19 Members present: Representatives Shimkus, McKinley, Barton,

20 Blackburn, Harper, Olson, Johnson, Flores, Hudson, Cramer,

21 Walberg, Carter, Duncan, Walden (ex officio), Tonko, Ruiz,

22 Peters, Green, DeGette, McNerney, Cardenas, Dingell, Matsui, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

2

23 Pallone (ex officio).

24

25 Staff present: Ray Baum, Staff Director; Mike Bloomquist,  
26 Deputy Staff Director; Samantha Bopp, Staff Assistant; Adam  
27 Buckalew, Professional Staff Member, Health; Allie Bury,  
28 Legislative Clerk, Energy/Environment; Karen Christian, General  
29 Counsel; Kelly Collins, Staff Assistant; Jerry Couri, Chief  
30 Environmental Advisor; Zachary Dareshori, Staff Assistant;  
31 Jordan Davis, Director of Policy and External Affairs; Wyatt  
32 Ellertson, Research Associate, Energy/Environment; Margaret  
33 Tucker Fogarty, Staff Assistant; Adam Fromm, Director of Outreach  
34 and Coalitions; Ali Fulling, Legislative Clerk, Oversight &  
35 Investigations, Digital Commerce and Consumer Protection; Jordan  
36 Haverly, Policy Coordinator, Environment; Zach Hunter, Director  
37 of Communications; A.T. Johnston, Senior Policy Advisor, Energy;  
38 Peter Kielty, Deputy General Counsel; Ben Lieberman, Senior  
39 Counsel, Energy; Mary Martin, Deputy Chief Counsel, Energy &  
40 Environment; Drew McDowell, Executive Assistant; Brandon Mooney,  
41 Deputy Chief Energy Advisor; Mark Ratner, Policy Coordinator;  
42 Annelise Rickert, Counsel, Energy; Christopher Santini, Counsel,  
43 Oversight & Investigations; Dan Schneider, Press Secretary; Peter  
44 Spencer, Professional Staff Member, Energy; Madeline Vey, Policy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

3

45 Coordinator, Digital Commerce and Consumer Protection; Evan Viau,  
46 Legislative Clerk, Communications & Technology; Hamlin Wade,  
47 Special Advisor, External Affairs; Everett Winnick, Director of  
48 Information Technology; Priscilla Barbour, Minority Energy  
49 Fellow; Jeff Carroll, Minority Staff Director; Jacqueline Cohen,  
50 Minority Chief Environment Counsel; Jean Fruci, Minority Energy  
51 and Environment Policy Advisor; Evan Gilbert, Minority Press  
52 Assistant; Caitlin Haberman, Minority Professional Staff Member;  
53 Rick Kessler, Minority Senior Advisor and Staff Director, Energy  
54 and Environment; John Marshall, Minority Policy Coordinator; Jon  
55 Monger, Minority Counsel; Alexander Ratner, Minority Policy  
56 Analyst; Andrew Souvall, Minority Director of Communications,  
57 Outreach and Member Services; Tuley Wright, Minority Energy and  
58 Environment Policy Advisor; C.J. Young, Minority Press Secretary;  
59 and Catherine Zander, Minority Environment Fellow.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

4

60 Mr. Shimkus. The subcommittee will now come to order.  
61 Before I begin my opening statement, I want to make a general  
62 announcement to members about the process today. After months  
63 of trying to find a mutually acceptable date for a hearing, the  
64 committee was able to finally get agreement with the administrator  
65 to join us and we announced it. At the end of last week, however,  
66 the committee learned Mr. Pruitt was being summoned to meet with  
67 his boss, the President, for 90 minutes around lunch.

68 Rather than agreeing to start the whole process over and/or  
69 the hearing earlier and to have a defined end time, or push the  
70 entire hearing to a late afternoon start time, or try to find  
71 another mutually acceptable date, we have come to an agreement  
72 which we understand is not ideal, but gives members maximum  
73 flexibility to personally question the administrator about the  
74 Agency's missions.

75 Therefore, we will proceed with opening statements, the  
76 administrator's testimony, and members' questions until 11:00  
77 a.m. We will recess at that time and reconvene at 2:00 p.m. in  
78 2322 which is upstairs. We expect the administrator will stay  
79 with us until committee members who are present or want to ask  
80 questions have been given their turn to ask questions. I  
81 will also note that there is going to be a voting period in this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

5

82 last block and we are going to try with the help of my colleagues  
83 to keep the hearing going through that vote series. I have done  
84 it before years ago. It is a juggling, but we are going to try  
85 to get that done. Administrator Pruitt, I want to thank you  
86 for joining us today and discussing issues the Environment  
87 Subcommittee has jurisdiction over. Notably, the Clean Air Act,  
88 CERCLA, which is a Superfund act, the Solid Waste Disposal Act,  
89 the Safe Drinking Water Act, and Toxic Substances Control Act,  
90 one that this committee is very proud of passing in the last  
91 Congress.

92 A few years ago, we began an effort to tackle updating and  
93 authorizing a number of these laws and have been waiting for the  
94 opportunity for you and someone from your agency to be here so  
95 that we can discuss the Administration's position on these  
96 important changes to the laws and how EPA implements them. We  
97 are also tasked with the oversight of these EPA programs and we  
98 look forward to being able to start conducting oversight hearings  
99 soon.

100 Today, we would like to start dialogue with you about your  
101 vision and priorities for the EPA. You noted at the outset of  
102 your tenure at the EPA that your goal was to refocus EPA on its  
103 intended mission, return power to the states and create an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

6

104 environment where jobs can grow. And your agenda focused on the  
105 three Es: environment and protecting the environment; economy,  
106 sensible regulations that allow economic growth; and engagement,  
107 engaging with state and local partners. You also stated that  
108 EPA would, and I quote, operate with the statutes that Congress  
109 passes and not reimagining authority to pick winners and losers.

110 That sounds like you are headed in the right direction.

111 We support analyzing regulatory barriers to determine  
112 whether they create unnecessary burdens or impede job creation  
113 and we want to work with you to make sure that the EPA develops  
114 and implements regulations that protect the environment while  
115 promoting growth and creating jobs. You said it best in a  
116 statement you made when you kicked off your back to the basics  
117 agenda earlier this year. We can and we will achieve a clean  
118 air and a clean water and we will also have strong economic growth  
119 and job creation at the same time.

120 We have some specific areas of focus that we would like to  
121 discuss today and continue to work on with you and your staff  
122 as we go forward. The first is Superfund cleanup. You have  
123 indicated that Superfund cleanup is a priority of the Agency and  
124 that several clean up efforts have been, and I quote, restored  
125 to the rightful place at the center of the Agency's core mission,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

7

126 close quote.

127           You have also noted that you intend to figure out ways to  
128 cut through bureaucratic red tape that has slowed the cleanup  
129 of Superfund sites and that EPA is creating a list of the top  
130 ten sites that the Agency can aggressively address. We want to  
131 work with you on these efforts and work together to figure out  
132 what Congress can do to help make Superfund cleanups more  
133 efficient.

134           The next issues are the Toxic Substances Control Act and  
135 the Safe Drinking Water Act. Last year, this committee was  
136 responsible for overhauling TSCA and we are interested in the  
137 appropriate and the timely implementation of the rules that are  
138 the outgrowth of the new law. We also look forward to work with  
139 the Agency as we have reauthorized funding and make improvements  
140 in the law to improve compliance with the Safe Drinking Water  
141 Act.

142           Last but not least, the Clean Air Act. Our members are  
143 actively engaged on several air issues like the Clean Power Plan,  
144 the EPA's recent ozone standard which has created obstacles to  
145 new infrastructure development and manufacturing. We also want  
146 to look into addressing the challenges relating to obtaining air  
147 permits required for new construction and expansions of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

8

148 existing facilities under EPA's New Source Review program.

149 Administrator Pruitt, the long and the short of it is that  
150 we have an agenda packed with legislative and oversight activities  
151 and we need the EPA to be engaged participants that work with  
152 us as we move forward. We need to be assured that the Agency  
153 will send us witnesses for legislative and oversight hearings  
154 and in turn we will work with you to figure out where Congress  
155 needs to act to help you accomplish your mission, the Agency's  
156 goals of providing regulatory certainty, balancing environmental  
157 benefits and economic practicalities, and restoring confidence  
158 to regulated entities across the country.

159 Thank you for coming up here and we look forward to continuing  
160 this conversation in the new year. And with that I will yield  
161 back my time and turn to my friend from New York, Mr. Tonko, for  
162 5 minutes.

163 [The prepared statement of Mr. Shimkus follows:]

164

165 \*\*\*\*\*INSERT 1\*\*\*\*\*



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

9

166 Mr. Tonko. Thank you, Mr. Chair. And thank you,  
167 Administrator Pruitt. Thank you for being here this morning.  
168 However, I fully expected that you, Mr. Administrator, as a proud  
169 Oklahoman, would have been here Sooner.

170 [Laughter.]

171 Mr. Tonko. All right. In all seriousness, Mr.  
172 Administrator, I hope this is the first of many appearances,  
173 regular appearances before our Energy and Commerce Committee.

174 Your predecessors came before this committee frequently and I  
175 can tell you it wasn't because they liked being berated every  
176 other 5 minutes for a few hours, it was because they understood  
177 that they had a responsibility to be accountable to Congress.

178 So I expect moving forward you will provide administration  
179 witnesses, responses to letters, and technical assistance quickly  
180 when we ask. I know many members have serious concerns about  
181 the direction of EPA in the past year which is why there is so  
182 much interest in today's hearing. Members will raise questions  
183 about how you have chosen to be a steward of taxpayer funds, who  
184 has had access to you, and the growing influence of industry at  
185 the Agency.

186 Members will also question the rollback of a number of  
187 safeguards that were put into place to protect human health.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

10

188 In July, the New York Times published an article, and I quote,  
189 *Counseled by Industry, Not Staff, EPA Chief Is Off to a Blazing*  
190 *Start*, which reported more than 30 environmental rules being  
191 delayed or undone. And often these public health safeguards are  
192 being undone with little or no legal or scientific justification.

193 I think it is worthy noting that, historically, the majority  
194 of EPA rules have withstood legal challenges, including  
195 challenges led by you in your capacity as Oklahoma's attorney  
196 general. EPA's decisions should be guided by sound science, not  
197 corporate interests and these concerns touch every office under  
198 your charge -- clean water, air quality, contaminated lands,  
199 chemical safety, pesticides to name a few.

200 From my view, rules across the Agency are being undone  
201 capriciously with little regard to the human impacts or the  
202 science that went into developing them. In fact, many states  
203 and industries were partners during the process when these rules  
204 were developed. Frankly, I believe EPA has all the signs of an  
205 agency captured by industry. You shouldn't need to be traded  
206 on the New York Stock Exchange or need an invite to a private  
207 steak dinner at a Trump hotel in order to get an audience with  
208 the EPA administrator.

209 I am particularly concerned about Agency actions on climate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

11

210 change. The Fourth National Climate Assessment Climate Science  
211 Special Report, a thorough, comprehensive report by the federal  
212 government has reaffirmed what the scientific community has long  
213 known, climate change is real, primarily caused by human activity,  
214 and a serious threat to our people and our economy.

215 Despite this scientific consensus, EPA has begun to roll  
216 back rules at the behest of special interests to address  
217 greenhouse gas emissions which have been developed over many  
218 years, backed by science, and include economic impact studies.

219 This is just one example in a trend of dismissing the role of  
220 science at EPA.

221 Scientific integrity of the Agency must be protected.  
222 Instead, we have witnessed the proposed elimination of research  
223 funding and eroding of technical and scientific capacity. The  
224 dismissal of qualified members of the Scientific Advisory Board  
225 the removal of information from EPA's website and the censorship  
226 of Agency scientists from participating in public events are  
227 incredibly troubling. Finally, I want to take a minute to  
228 recognize the work done by EPA's career employees. I know these  
229 dedicated public servants joined the Agency to protect human  
230 health and the environment and are to be commended for their hard  
231 work in this difficult environment.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

12

232 But as the workforce is reduced, as the advice of the experts  
233 is ignored, and as morale at the Agency decreases, I know there  
234 will be an inclination to pursue other career opportunities.  
235 Our country cannot afford to lose the institutional knowledge  
236 at an agency as important as EPA or fail to attract the next  
237 generation of qualified, dedicated public servants. I want to  
238 thank EPA's employees, know that your work is greatly appreciated  
239 by members here and beneficial to Americans across our great  
240 country.

241 Back to basics does not mean starving the Agency of its  
242 resources and personnel that it needs to do its job. It does  
243 not mean giving lip service to protecting clean air and water  
244 while rolling back dozens of essential rules. EPA's success has  
245 been about making steady progress over time and EPA has proven  
246 to be a resilient agency in the past, but this year we have  
247 witnessed a number of alarming decisions and I hope we will get  
248 answers to better understand some of those decisions today, Mr.  
249 Administrator.

250 And again we welcome you before this committee. Thank you  
251 so much and I yield back, Mr. Chair.

252 Mr. Shimkus. The gentleman yields back his time. The chair  
253 now recognizes the Chairman of the full committee, Mr. Walden

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

13

254 from Oregon, for 5 minutes.

255 Mr. Walden. Thank you, Mr. Chairman.

256 Good morning, Mr. Administrator. We are delighted to have  
257 you before the House Energy and Commerce Committee. I think this  
258 is your first oversight hearing on The Hill and we are delighted  
259 that we could have you here to tell us what is going on at the  
260 EPA, to take our questions and to hear what we have to say. I  
261 am obviously disappointed the President called you out in between,  
262 but I appreciate the fact you will be here this morning and come  
263 back this afternoon and continue to participate in this process.

264 With this I am going to yield briefly to my friend from  
265 Oklahoma who would like to formally introduce you to the  
266 committee, and with that I will yield 30 seconds to Mr. Mullin  
267 from Oklahoma.

268 Mr. Mullin. Thank you, Chairman Walden. Thank you,  
269 Chairman Shimkus, for allowing me to participate. I have the  
270 great privilege of introducing Oklahoma's own Scott Pruitt to  
271 our EPA administrator. Thank you, sir, for being here.

272 First, I want to thank Mr. Pruitt for making himself  
273 available for today's hearing. Administrator Pruitt and his team  
274 have worked tirelessly to bring the EPA back to its core mission,  
275 protecting our environment in common sense ways with input from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

14

276 our states, local government, and tribes to a collaborated  
277 approach which is now very -- which is a breath of fresh air.

278 Nobody wants to take care of our backyards more than us in our  
279 states. That is why I want to thank Mr. Pruitt for doing what  
280 is right by having the input of those with interests there.

281 Mr. Pruitt, thank you for coming here today. Thank you for  
282 making the whole state proud. I appreciate you and I yield back  
283 to Chairman Walden.

284 Mr. Walden. I thank the gentleman for his introduction of  
285 our witness today. And as you know, Administrator Pruitt, the  
286 committee you are appearing before today is charged by the House  
287 of Representatives with legislative and oversight  
288 responsibilities for the bulk of the statutes that the EPA  
289 implements. We may not write the check to the EPA -- the  
290 appropriators claim to do that -- but we are your authorizing  
291 agency or committee.

292 It has been almost 10 months since you were sworn in as  
293 administrator of an agency that turned 47 this past Monday, so  
294 today I would like to begin with what will hopefully be a  
295 continuing conversation about the agency that you oversee, your  
296 vision for it, and what challenges you face. I am particularly  
297 intrigued by your back to basics concepts and your stated intent

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

15

298 to return EPA from its freewheeling administrative pursuits to  
299 its mission of protecting air, soil, and water and doing so  
300 according to explicit dictates of Congress. I hope that this  
301 view of governing will guide your EPA, rather than efforts to  
302 end run Congress in the Federal Register or on the courthouse  
303 steps.

304 I also want to discuss the goals you are establishing for  
305 the programs at EPA and the metrics you intend to use to measure  
306 their progress. In particular, I want to know that you have  
307 a plan to address staffing issues identified by the Agency's  
308 Inspector General for over the last 2 decades. This is a  
309 20-year-old problem you are inheriting, but it is one I think  
310 we both take seriously.

311 So we appreciate your commitment to budget transparency and  
312 as we want to make sure the public knows how each law is being  
313 implemented and how the money is being spent, I expect that back  
314 to basics is not an abdication of environmental protection, but  
315 rather a rededication of mastering the most fundamental aspects  
316 of EPA's mission.

317 Whether it is cleaning up Superfund sites, ensuring that  
318 safe drinking water is being piped into people's homes, or keeping  
319 air clean and safe to breathe, this is the primary mission of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

16

320 the EPA. While these jobs may sound mundane, as any football  
321 fan will appreciate they are like the essential blocking and  
322 tackling techniques and so we appreciate what you are doing on  
323 all of that.

324 I also want to thank you and your team for your attention  
325 to the Superfund cleanup in the Portland Harbor. While this area  
326 is not in my district, it is in my state and what happens at the  
327 Port of Portland has an impact on all Oregonians. You brought  
328 a fresh and a welcome approach to this complicated and costly  
329 cleanup.

330 Unlike the prior administration, you have proven that this  
331 administration wants to actually clean up this environmental mess  
332 and do the work in a common sense manner in close working  
333 partnership with local stakeholders. To paraphrase an old song,  
334 if you can do it there you can do it anywhere.

335 And so I thank you for being here. I thank you for your  
336 collaborative work on the Portland Superfund cleanup. We know  
337 we have more effort to achieve there, but everybody -- well, not  
338 everybody, but most people affected by it including the port and  
339 city and everybody else saying thank you, now we feel like we  
340 have hope and a chance to get this done right, so thanks for your  
341 work there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

17

342           With that Mr. Chairman, I would yield back the balance of  
343 my time to the committee.

344           [The prepared statement of Mr. Walden follows:]

345

346           \*\*\*\*\*INSERT 2\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

18

347 Mr. Shimkus. The gentleman yields back his time. The chair  
348 now recognizes the ranking member of the full committee, Mr.  
349 Pallone from New Jersey, for 5 minutes.

350 Mr. Pallone. Thank you, Mr. Chairman. I have served in  
351 Congress alongside both Democratic and Republican  
352 administrations and in my experience the lack of transparency  
353 and cooperation from this Administration is completely  
354 unprecedented. The Environmental Protection Agency under  
355 Administrator Pruitt has consistently failed to respond to  
356 congressional oversight requests. In a few instances when we  
357 have actually received responses they are perfunctory at best.

358 EPA has also refused to testify at legislative and oversight  
359 hearings and has refused to respond to some basic requests for  
360 technical assistance on legislation that has moved or is moving  
361 its way through this committee. Even today, after finally  
362 agreeing to appear before this authorizing committee some 10  
363 months into his term, Administrator Pruitt is planning to leave  
364 after only 1 hour. And this is not the way any agency is supposed  
365 to interact with its authorizing committee.

366 I would hope that this frustration is not only felt by  
367 committee Democrats and I would hope to see a change from both  
368 the EPA and the overall Trump administration. This lack of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

19

369 transparency applies not just to Congress but also to the press,  
370 the public, and even EPA's career staff. The stories coming from  
371 the Agency paint a pretty bleak picture. While we know the  
372 Administration has wasted more than \$58,000 of taxpayer money  
373 on private jets and noncommercial flights, Mr. Pruitt's schedule  
374 has been largely kept secret and this week a major newspaper had  
375 to sue the Agency for access to this important public record.

376           Meanwhile, EPA career staff have been excluded from  
377 meetings. When they do participate they are apparently blocked  
378 from bringing phones and even pen and paper with them. Moreover,  
379 Administrator Pruitt has reportedly used \$25,000 of public funds  
380 to build a secret phone booth in his office to further isolate  
381 himself from the staff and any and all scrutiny. And why all  
382 the secrecy, one has to wonder. Mr. Pruitt has also launched  
383 an unprecedented assault on independent science, purging academic  
384 scientists with no conflicts from Science Advisory Board and  
385 replacing them with industry employees. At the same time, he  
386 has ignored the advice and conclusions of his own scientific staff  
387 on numerous occasions.

388           Today's hearing is supposedly about the mission of the EPA.  
389 According to the EPA itself, the Agency mission is to protect  
390 human health and the environment and no one cares more about that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

20

391 mission than EPA's career staff. Ignoring the staff, undermining  
392 the staff, and cutting the staff out of decisions, amounts to  
393 ignoring and undermining that mission, in my opinion.

394 Administrator Pruitt has been on a press tour lately  
395 proclaiming his vision of what the EPA's mission means and what  
396 it means to be an environmentalist and his words ring hollow  
397 because his actions have consistently and systematically  
398 undermined protections for human health and the environment.

399 I have only 5 minutes, Mr. Chairman, so I can't list all  
400 the actions the administrator has taken to undermine protections  
401 for public health and specifically for vulnerable populations  
402 including workers, children, and Native American tribes, but I  
403 want to give a few examples.

404 First, pulling out of the Paris agreement; second, pulling  
405 back the Clean Power Plan; third, rolling back protections from  
406 toxic air pollutants including mercury, methane, and smog then  
407 handing implementation of the toxic chemicals reform law just  
408 signed into law last year over to industry lobbyists; reversing  
409 the decision to ban the toxic pesticide chlorpyrifos; delaying  
410 and undermining the risk management planning program that should  
411 protect workers and communities; and, finally, reversing course  
412 on Superfund financial assurance requirements putting more of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

21

413 the burden on taxpayers and less on polluters.

414           With accomplishments like this, it is no wonder that the  
415 administrator is working so hard to hide his actions. But the  
416 American people need transparency and they deserve honesty from  
417 both the EPA and the White House and perhaps today's hearing will  
418 be the beginning of a new, more transparent era.

419           To his credit, Administrator Pruitt reached out to me in  
420 advance of this hearing and requested a meeting which we did have,  
421 but if the administrator wants to improve his relationship with  
422 the members of the committee, the steps he needs to take are clear.

423           He needs to provide the documents we have requested and will  
424 request in the future. He needs to provide substantive answers  
425 to our oversight questions, and he needs to make himself and other  
426 EPA staff available as witnesses routinely.

427           And if the administrator wants to earn the trust of the  
428 American people he needs to stop the secrecy and his war on science  
429 and reverse the systematic rollback of public protections. It  
430 is the mission of the EPA to protect the public health and the  
431 environment and not attack it. And I yield back, Mr. Chairman.

432           Mr. Shimkus. The gentleman yields back his time.

433           Now we turn to our guest. We would like to welcome and thank  
434 you, our distinguished witness, U.S. EPA Administrator Scott

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

22

435 Pruitt, for being here today. You will have an opportunity to  
436 give an opening statement followed by a round of questions from  
437 members. We appreciate you being here and you are recognized  
438 for 5 minutes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

23

439 STATEMENT OF SCOTT PRUITT, U.S. EPA ADMINISTRATOR

440

441 Mr. Pruitt. Well, Chairman Shimkus, Ranking Member Tonko,  
442 Chairman Walden, Ranking Member Pallone, it is good to see you  
443 this morning, and other members that I have not had the chance  
444 to meet. I look forward to the discussion today. It was  
445 a year ago today that the President announced my nomination to  
446 the Environmental Protection Agency; thus began the process, the  
447 confirmation process which culminated in mid-February and began  
448 serving in that timeframe as well.

449 It has been a very, very consequential and I think exciting  
450 10 months as I have been at the EPA. We have focused our efforts  
451 on three core principles as we are seeking to make decisions.

452 As I said during the Senate confirmation process, rule of law  
453 would again take center as we make decisions around the  
454 responsibilities that I have as administrator.

455 Fundamentally, my job as the administrator of the EPA is  
456 to administer statutes that you have passed as Congress to advance  
457 the objectives in those statutes from the Clean Air Act to the  
458 Clean Water Act across TSCA and CERCLA and a host of federal  
459 statutes. And rule of law matters, because as we act and adopt  
460 regulation, if we act untethered to a statute it creates

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

24

461 uncertainty in the marketplace and those that have expectations  
462 placed upon them don't know how to conduct themselves. And so  
463 rule of law is not something that is academic. It is not something  
464 that is just legal. It truly impacts how we do our job at the  
465 Agency.

466           And secondly, I have tried to emphasize process. Process  
467 matters as well. It is this body that has required federal  
468 agencies, executive agencies to go through the EPA to adopt rules  
469 that are consistent with comment and informed discussions that  
470 take place over a period of time.

471           Where a proposed rule takes place comment occurs, we respond  
472 to that comment on the record, and then finalize our decisions  
473 based upon the comments provided. Just one example, during the  
474 Waters of the United States rule of 2015 over a million comments  
475 were submitted to the Agency as that definition was adopted, and  
476 the Agency took the very, very important step of responding to  
477 each of those to make a decision. The same needs to take place  
478 today. And so we have incorporated changes at the Agency to  
479 respect process to make sure that citizens' concerns across the  
480 country are heard and that we respond on the record to those  
481 concerns.           And then, thirdly, and some of you have mentioned  
482 this in your opening comments as well, is a commitment to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

25

483 federalism. Federalism is something, again is not just a legal  
484 or academic concept, it is something that you have put into  
485 statutes, many statutes. You have prescribed authority to states  
486 across this country, because when we work together with states  
487 to achieve better outcomes with air and water quality it serves  
488 the citizens of your respective states. And I will say to  
489 you, 2 days after being sworn in as EPA Administrator, I had 18  
490 to 20 governors in my office on a Sunday -- Democrats and  
491 Republicans -- Governor Dayton of Minnesota to Governor Herbert  
492 to Utah. And we talked about a host of issues on air quality  
493 and water quality and Superfund and we began a journey that started  
494 in February.

495 And I have visited almost 30 states since that time, visiting  
496 with governors and respected DEQs to advance the issues of the  
497 respective states. And the reason that is important is because  
498 the issues in Utah, the second most driest state in the country,  
499 are different than the water issues in Minnesota. And so we must  
500 work with our partners at the state level to achieve better  
501 outcomes and that has been a focus along with these issues of  
502 process and rule of law.

503 I want you to know this dialogue that begins today is  
504 important to me. I have met with some of you individually. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

26

505 have met with many of your colleagues across the rotunda in the  
506 Senate, both Democrats and Republicans, on issues that impact  
507 their states. I know that these are very difficult issues that  
508 we handle at the Agency. I seek to engage in a civil discourse  
509 with you. I seek to have a thoughtful discussion about how we  
510 can advance the objectives of what you have passed in these  
511 statutes and I appreciate the opportunity. And I do hope, Ranking  
512 Member Pallone, that we can begin a good discussion going forward  
513 into 2018 on these issues and look forward to the questions today.  
514 Thank you, Mr. Chairman.

515 [The prepared statement of Mr. Pruitt follows:]

516

517 \*\*\*\*\*INSERT 3\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

27

518 Mr. Shimkus. The gentleman yields back his time.

519 I also want to note that a full statement of the administrator  
520 has been placed into the record. I failed to say that earlier.

521 And then I would like to recognize myself for 5 minutes to start  
522 the round of questioning. Again thank you for being here.

523 At a recent Oversight Subcommittee hearing, EPA's Office  
524 of Inspector General and the Government Accountability Office  
525 testified that EPA cannot ensure that it has the right people  
526 in the right places with the right skills and competencies to  
527 accomplish its mission. According to the Inspector General, EPA  
528 offices would probably achieve better results if they knew more  
529 precisely what the requirements were and what kind of people it  
530 needs to address them.

531 In addition, EPA has not conducted a workload analysis in  
532 over 20 years. It seems to me that a back to basics agenda for  
533 your agency must include this type of analysis to make sure the  
534 Agency is operating optimally. Can you assure me that you intend  
535 to perform this workforce analysis?

536 Mr. Pruitt. Yes. We are actually engaged in that process  
537 now. There is a gentleman by the name of Henry Darwin that is  
538 the CEO at the Agency. He worked for Governor Ducey in the state  
539 of Arizona. We are actually partnering with Toyota to begin a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

28

540 Lean process at the Agency to evaluate management practices.  
541 The Agency for many years, and this is something that I found  
542 surprising, has not measured outcomes consistently. We are  
543 actually creating a dashboard of monitoring in air quality and  
544 water quality, Superfund remediation across the full spectrum  
545 of our responsibilities to measure progress in each of those areas  
546 on a weekly and monthly basis.

547           And that has been incorporated into the program offices at  
548 the EPA, but it is also being incorporated in the regions across  
549 the country and that is one thing that I will share with you that  
550 I think has been very challenging as I have taken over this  
551 position. We have ten regions across the country, as you know,  
552 from San Francisco to Atlanta, Chicago, Boston, and there is a  
553 great deal of inconsistency with respect to permitting,  
554 compliance and assistance, enforcement in these issues with  
555 respect to how we administer the statutes.

556           And we need, I think, a more coordinated, collaborative  
557 process to ensure that we don't have different approaches in  
558 Region 8 in Denver versus, you know, Region 3 in Philadelphia,  
559 so that process is ongoing, Mr. Chairman. It is a very important  
560 process. And I think a performance based, metric based approach  
561 to these program offices that we are engaged in is so, so important

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

29

562 because it enlivens, I think empowers employees.

563           You mentioned, Ranking Member Pallone, the career staff at  
564 the Agency. I will say to you that as we have engaged in our  
565 Superfund focus I have had career employees come up to me and  
566 say thank you for awakening areas that have been dormant for a  
567 little while and they are very thankful for the focus that we  
568 have placed on some of those core missions. And the measurement  
569 and metrics that we are incorporating going forward is a part  
570 of this that you referenced, Mr. Chairman.

571           Mr. Shimkus. Thank you very much. That is important to  
572 me. One of the reasons why I care so much about the workforce  
573 issue is the implementation of the Toxic Substance Control Act.

574           In particular, I want to comment to the new chemicals. Since  
575 the law's enactment, the Agency has needed to reassign staff from  
576 other offices to address a sizeable backlog in the new chemical  
577 application.

578           Your team helped clear out substantially the backlog, but  
579 I fear as soon as the borrowed EPA workers go back to their regular  
580 jobs backlogs will come back to be the norm of the operation.

581           What assurances can you give me that the new chemical  
582 applications will stay on a schedule for the future?

583           Mr. Pruitt. Well, we had many, and I want to commend

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

30

584 Congress on the good work that was done in updating TSCA. I mean  
585 that was a decade in the making and for you to do that was a very  
586 important thing for our office. There were deadlines that you  
587 put in that statute, as an example, rules that were supposed to  
588 come out by June of this year. I made a commitment during the  
589 confirmation process to meet those deadlines and we in fact did  
590 those rules under TSCA.

591           The other area that you cite, Mr. Chairman, was the backlog.  
592           As you know, the changes you made in the TSCA statute required  
593 that before chemicals entered the flow of commerce our agency  
594 had to affirm or approve those chemicals. And there was a backlog  
595 of roughly 700 of those chemicals that were at the office before  
596 we arrived and we did actually clear that backlog out by July  
597 by dedicating resources there.           It is a commitment going  
598 forward that we do that timely. We are adopting rules now to  
599 ensure that the process is defined so that folks know what is  
600 expected to meet the deadlines going forward.

601           Mr. Shimkus. Let me cut down my last question to just a  
602 simple question on what is the -- so we talk West Lake, this is  
603 parochial, West Lake in the St. Louis metropolitan area. Are  
604 you on track to issue the Record of Decision and can you give  
605 us a sense of timing?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

31

606 Mr. Pruitt. Yes, we are, Mr. Chairman. We are going to  
607 -- we should be able to announce a decision in the month of January.  
608 There is proposals that I am looking at this month to make a  
609 decision on West Lake. It has been a long time coming,  
610 specifically 27 years. It is a very important issue to the people  
611 of St. Louis.

612 For those of you who don't know on the committee, 8,000 tons  
613 of uranium comingled with 38,000 tons of solid waste dispersed  
614 over a very large geographical area, buried about 80 feet deep,  
615 and it has taken the Agency 27 years to make a decision on whether  
616 to excavate or cap the site. That is unacceptable and the  
617 decision is coming in the month of January.

618 Mr. Shimkus. Thank you very much.

619 Let me now turn to the ranking member, Mr. Tonko, for 5  
620 minutes.

621 Mr. Tonko. Thank you, Mr. Chair.

622 And again welcome, Administrator.

623 Mr. Pruitt. Thank you.

624 Mr. Tonko. During your confirmation hearing you said that  
625 you, and I quote, have no firsthand knowledge, close quote, of  
626 the EPA's Scientific Integrity Policy. However, you did commit  
627 to reviewing the policy and following federal guidance regarding

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

32

628 scientific integrity. Now that you have had some time at the  
629 Agency, have you reviewed the EPA's Scientific Integrity Policy?

630 Mr. Pruitt. Yes. We have reviewed that and implemented  
631 it at the Agency.

632 Mr. Tonko. So have you reaffirmed the Scientific Integrity  
633 Policy to scientists as well as political appointees at EPA?

634 Mr. Pruitt. It is a matter of priority to make sure that  
635 we have a scientific review of rules at the Agency that are  
636 objective, transparent, and peer-reviewed, and that is a  
637 commitment that we are enforcing at the Agency, Mr. Ranking  
638 Member.

639 Mr. Tonko. Okay. Thank you, sir. And an essential  
640 component of scientific integrity is strong safeguards against  
641 conflicts of interest. Have you required recusals among your  
642 staff, including yourself, when serious conflicts of interest  
643 occur?

644 Mr. Pruitt. Absolutely. We have done that and we will  
645 continue to do that. And that is one of the areas that has been  
646 mischaracterized with respect to some of these advisory boards.

647 Mr. Tonko. Okay. Thank you, sir. I only have 5 minutes,  
648 so if I could move along. I have been very concerned by changes  
649 to EPA's Science Advisory Board. These concerns are shared by

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

33

650 the scientific community. Mr. Chair, I would like to enter this  
651 letter signed by over 1,000 scientists into the record as well  
652 as the letter from the American Geophysical Union which represents  
653 more than 60,000 scientists.

654 Mr. Shimkus. Yes, I am sure we will. Let me make sure my  
655 staff sees it and then we will.

656 Mr. Tonko. Okay. Thank you, Mr. Chair.

657 Administrator Pruitt, do you believe scientists are a  
658 special interest group?

659 Mr. Pruitt. I am sure I don't understand the question,  
660 Ranking Member Tonko.

661 Mr. Tonko. Well, are they a fundamental contribution to  
662 the Agency or seen as a special interest?

663 Mr. Pruitt. Look, when we engage in rulemaking at the Agency  
664 we build a record. And scientists at the Agency whether it is  
665 in the chemical shop, the air program office, it is important  
666 that we hear from our scientists internal to the Agency --

667 Mr. Tonko. Thank you.

668 Mr. Pruitt. -- but also those advisory committees in  
669 building the record and that is a point of emphasis, absolutely.

670 Mr. Tonko. Thank you. Do you believe scientists that  
671 receive EPA grant money are less qualified to give technical

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

34

672 advice to EPA than states or industry which may also have a  
673 financial relationship with the Agency?

674 Mr. Pruitt. Well, I believe that these advisory committees  
675 as you know them are independent advisory committees to the Agency  
676 to equip us in making informed decisions about the efficacy of  
677 rules that we adopt. And these advisory committees, Ranking  
678 Member Tonko --

679 Mr. Tonko. It is --

680 Mr. Pruitt. May I finish?

681 Mr. Tonko. Yes.

682 Mr. Pruitt. The advisory committees --

683 Mr. Tonko. If you could just answer the question though  
684 too.

685 Mr. Pruitt. I am.

686 Mr. Tonko. Okay.

687 Mr. Pruitt. These advisory committees had scientists  
688 serving in an independent capacity. Twenty of them made up three  
689 of the committees that have received \$77 million from the Agency  
690 in grants. That causes a perception or an appearance of a lack  
691 of independence in advising the Agency on a host of issues. And  
692 we went to those scientists and advised them that they could  
693 continue serving on these advisory committees or receive the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

35

694 grants but they could not do both, to ensure the independence  
695 of the counsel they were providing to us in the rulemaking process.

696 Mr. Tonko. Administrator, can you provide specific  
697 examples of a time when an EPA grant recipient on an advisory  
698 committee provided conflicted advice?

699 Mr. Pruitt. I can say to you that as a grantee, we the  
700 grantor, Ranking Member, and we have an ongoing obligation to  
701 oversee those grants, that creates an appearance of a lack of  
702 independence and that was addressed with the policy that we  
703 instituted. And we can provide you examples, many examples of  
704 scientists who received grants over a period of time that were  
705 substantial and it called into question that independence and  
706 we addressed that to the policy that we implemented.

707 Mr. Tonko. At the same time, does it make sense to ignore  
708 the advice of the very scientists that EPA determines are  
709 worthiest of grant funding?

710 Mr. Pruitt. Well, we are not in fact. We simply said to  
711 those individuals that they could continue receiving the grants  
712 and advise the Agency in the counseling role or receive the grants  
713 and continue providing that authority we granted them to provide  
714 substance to the Agency going forward.

715 Mr. Tonko. I would just hope that they would be seen as

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

36

716 a very reliable source. EPA's actions over the past year have  
717 led many people, myself included, to conclude that EPA's current  
718 political leadership has been dismissing the role of science in  
719 its decision making. It appears that independent and Agency  
720 scientists' recommendations are being ignored for the benefit  
721 of industry. It happens with chlorpyrifos, it happened with the  
722 Clean Power Plan, and it appears to be happening with TSCA. In  
723 many cases, scientific data are even being removed from EPA's  
724 website. This is incredibly concerning.

725 Will you commit to making scientific information, including  
726 information about climate change, prominently available on EPA's  
727 website?

728 Mr. Pruitt. Science is essential to our NOx program in  
729 review of those pollutants. It is essential as we make decisions  
730 on Superfund sites. It is essential as we review pesticides under  
731 statutory authority. It will remain central and core to what  
732 we do and is in fact central and core to what we are doing  
733 presently.

734 Mr. Shimkus. The gentleman's time has expired. The chair  
735 now recognizes the Chairman of the full committee, Mr. Walden,  
736 for 5 minutes.

737 Mr. Walden. I thank the gentleman.

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

37

738           And again, Administrator Pruitt, thank you for being here  
739 and thank you for coming back later this afternoon when the  
740 President concludes his meeting with you.

741           To the Portland Superfund site as you know that was declared  
742 in 2000, 17 years later they finally have a Record of Decision.

743           One of the concerns I have heard from folks that are involved  
744 in that is that there isn't the personnel in the Portland area  
745 --

746           Mr. Pruitt. I am sorry. I didn't hear, Chairman.

747           Mr. Walden. There isn't the personnel in the Portland area  
748 to fully implement the program, you have a lot of people up in  
749 Seattle. And I just draw that to your attention they are  
750 concerned about that and urge that you dedicate adequate resources  
751 to the Portland site so they can get going on that. And I know  
752 you are very committed to that whole cleanup operation.

753           One of the other issues that has come up is the Clean Air  
754 Act has the exceptional events exception process. We have had  
755 all these wildfires. My gosh, they have these horrible wildfires  
756 again in California. We had them in the Northwest. It has been  
757 subject of some of our hearings here about how that process works  
758 today, the amount of time, money it takes to go through it to  
759 get an exception.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

38

760           What can you do to ensure a more timely, cost effective EPA  
761 process on exceptional event determinations?

762           Mr. Pruitt. There is actually quite a bit of work, Mr.  
763 Chairman, with respect to ozone and exceptional events going on.  
764 Bill Wehrum is our only confirmed AA at this point for air.  
765 Bill is leading a task force review of both NSR but also these  
766 issues around background ozone, but in addition to exceptional  
767 events. We need to provide clarity in that area so that we know  
768 how these rules will be enforced and applied going forward. That  
769 clarity is not there presently and that is a focus of the Agency  
770 presently as we go into 2018.

771           Mr. Walden. We would like to work with you on that. It  
772 is important to a number of members on the committee. By the  
773 way you said he is confirmed. How many confirmations are you  
774 still waiting for, for staff? How many do you have, confirmed  
775 people in place, and how many are you waiting for do you know?

776           Mr. Pruitt. We have one.

777           Mr. Walden. One what?

778           Mr. Pruitt. One confirmed.

779           Mr. Walden. Besides you?

780           Mr. Pruitt. That is correct.

781           Mr. Walden. And how many would be pending?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

39

782 Mr. Pruitt. Well, we have deputy, general counsel, all the  
783 program offices. We have CFO, we have several that need to be  
784 confirmed and hopefully that will occur soon.

785 Mr. Walden. Wow. EPA air emissions data show how air  
786 pollutants have been steadily decreasing in the United States  
787 over time. Since 1990, carbon monoxide concentrations are down  
788 77 percent, lead down 99 percent, nitrogen dioxide 54 percent,  
789 ozone down 22 percent, coarse particulate matter down 39 percent,  
790 fine particulate matter down 37, sulfur dioxide down 81 percent.

791 What role have advanced technologies such as hydraulic  
792 fracturing played at decreasing the nation's air emissions?

793 Mr. Pruitt. Well, I think it is substantial. You know,  
794 many don't know that we are at pre-1994 levels today with respect  
795 to our CO2 footprint. We have reduced our CO2 levels from 2000  
796 to 2014 by almost 20 percent largely through innovation and  
797 technology. We have achieved a lot through mobile sources under  
798 the Clean Air Act for reduction of CO2, but with respect to  
799 stationary sources and other forms it has been primarily through  
800 innovation and technology.

801 But you do highlight something, Mr. Chairman, that I want  
802 to say. We need to celebrate progress that we have made as a  
803 country with respect to our air quality. We have reduced those

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

40

804 pollutants that we regulate under the Clean Air Act by over 65  
805 percent. That is a good thing and we need to celebrate that.

806 And that has been because of the actions you have taken here  
807 and that has also been because of the actions we have taken at  
808 the EPA.

809 But it has also been because of the actions taken by the  
810 private sector in states across the country. It is a  
811 collaborative process that has achieved good outcomes with  
812 respect to air quality. We have much work to be done. Forty  
813 percent of the country live in areas that don't meet air quality  
814 standards, about 120 million people. We need to focus upon that  
815 and it is an important metric that we are measuring at the Agency.

816 But we do need to celebrate the progress we have made and  
817 that has been through innovation and technology in a very, very  
818 important way.

819 Mr. Walden. Thank you, sir. In addition, you know, our  
820 committee has submitted, I think, at least five letters to your  
821 agency seeking records and documents and information. In the  
822 past administration it was very, very difficult to get responses  
823 to many of our requests. We appreciate the fact that we have  
824 received more than a thousand pages of documents on grant  
825 management issues. I also want to say we appreciate the numerous

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

41

826 bipartisan briefings you and your team have provided especially  
827 in light of the hurricanes that took place. We do appreciate  
828 that.

829           So know that when we send a letter we want a response and  
830 we want it -- you hear it from both sides I think that we expect  
831 all the agencies to respond to our requests so we can do our  
832 oversight work. And with that, Mr. Chairman, I would yield back  
833 the balance of my time.

834           Mr. Shimkus. The gentleman yields back his time. The  
835 minority's request for those letters to be accepted into the  
836 record, without objection, will be permitted.

837           [The information follows:]

838

839 \*\*\*\*\*COMMITTEE INSERT 4\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

42

840 Mr. Shimkus. And with that the chair now recognizes the  
841 ranking member of the full committee, Mr. Pallone from New Jersey,  
842 for 5 minutes.

843 Mr. Pallone. Thank you, Mr. Chairman.

844 And I wanted to talk to you about, Mr. Administrator, about  
845 TSCA, because unfortunately under your leadership I think EPA  
846 is retreating from the important task of TSCA in regulating toxic  
847 chemicals. The framework rules for implementation of TSCA  
848 published in June are not consistent with the law in very dangerous  
849 and worrisome ways, in my opinion, and I think this is because  
850 Nancy Beck, a former lobbyist for the chemical industry, was  
851 allowed to completely rewrite the rules in flagrant violation  
852 of ethics rules.

853 And I have written to you twice regarding Nancy Beck's  
854 involvement in these rulemakings, but I have not gotten a  
855 response. So let me ask you a few questions and I would like  
856 you to just answer yes or no. Did you ask Nancy Beck to recuse  
857 herself from the framework rulemakings?

858 Mr. Pruitt. Nancy Beck like every employee at the Agency  
859 --

860 Mr. Pallone. Just yes or no. I don't have a lot of time.

861 Mr. Pruitt. Ranking Member Pallone, I need the ability to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

43

862 answer your question and I will answer your question. Every --

863 Mr. Pallone. Well, I just, can you say yes or no before  
864 you proceed with the answer?

865 Mr. Pruitt. Nancy Beck went through ethics review by the  
866 ethics official at the Agency.

867 Mr. Pallone. So you did not recuse her. So let me ask you  
868 --

869 Mr. Pruitt. Mr. Ranking Member Pallone --

870 Mr. Pallone. Well, you didn't recuse her.

871 Mr. Pruitt. That is something that we have career --

872 Mr. Shimkus. Let's be respectful and let's let people  
873 answer.

874 Mr. Pallone. I understand but --

875 Mr. Shimkus. But let's answer shortly and concisely so the  
876 Ranking Member can --

877 Mr. Pruitt. We have career employees at the EPA that are  
878 ethics officials that review those issues.

879 Mr. Pallone. Okay, look. Mr. Chairman, he refuses to  
880 answer the question. He obviously has not recused her, so I want  
881 to move on. I have asked you for copies of all of Nancy Beck's  
882 ethics agreements and waivers. Will you provide those to the  
883 committee, yes or no?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

44

884 Mr. Pruitt. Absolutely.

885 Mr. Pallone. Thank you. The framework rules had already  
886 been completed and sent to various internal EPA offices for  
887 concurrence before Dr. Beck started at the Agency. We understand  
888 that they were completely rewritten after she started at EPA,  
889 by her. Now I asked you for a document tracking the changes she  
890 made to the rules. Will you provide that to the committee, yes  
891 or no?

892 Mr. Pruitt. We will provide the information that is  
893 requested and make sure it is available.

894 Mr. Pallone. Thank you. Thank you, that is fine. I would  
895 like to quickly focus on one specific chemical undergoing review  
896 right now under the TSCA.

897 Mr. Pruitt. I am sorry. I didn't hear.

898 Mr. Pallone. I am sorry. I would like to quickly focus  
899 on one specific chemical undergoing review right now under TSCA  
900 and that is asbestos. Unfortunately, your EPA's work on  
901 asbestos, in my opinion, clearly illustrates the problems in how  
902 you are implementing the act.

903 TSCA requires EPA to look at the intended conditions of use  
904 for a chemical defined as the conditions under which a chemical  
905 is manufactured, processed, distributed, used, and disposed of.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

45

906 But in the scoping document for the asbestos risk assessment,  
907 your EPA has announced that you will look only at manufacturing  
908 processing and distribution and you will not include the use --  
909 you will completely ignore asbestos that is being used and  
910 disposed of in this country.

911 Let me just explain. The use and disposal of asbestos is  
912 the main source of risk from asbestos. If you ignore those things  
913 you will produce a risk assessment that fails to capture the risk  
914 to workers and ordinary Americans and, in my opinion, will not  
915 be scientifically valid and will not be protective of public  
916 health.

917 So my question really is this. Do you think you can just  
918 ignore certain things that are inconvenient for the industry?

919 In other words you are saying we will look at the manufacturing  
920 process, distribution, but we won't be looking at how it is used  
921 and disposed of in this country. Do you understand what I am  
922 asking?

923 Mr. Pruitt. Yes, absolutely. And I think you raise a very  
924 valid concern. In fact, I had a conversation last week about  
925 this issue with the chemical office. I think you raise a very,  
926 very meaningful concern.

927 Mr. Pallone. All right. So hopefully, you know, we will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

46

928 see action on looking at the use and disposal; is that correct?

929 Mr. Pruitt. That is a very important factor that we need  
930 to consider and that is something that I have already raised with  
931 the office that is overseeing this.

932 Mr. Pallone. All right. Well, I appreciate that. Thank  
933 you, Mr. Pruitt. The other concern I have is that now that Brazil  
934 has banned asbestos mining all of the asbestos that is going to  
935 continue to flow into the United States will come from Russia,  
936 okay, because Brazil has banned it. So again my concern is that  
937 the EPA is basically protecting Russian mining at the expense,  
938 I think, of American workers by saying that, you know, asbestos  
939 is going to continue to flow into the country but it can't come  
940 anymore from Brazil. So would you just respond to that the  
941 fact that right now Russian mining is the only source for it and  
942 we continue to allow it.

943 Mr. Pruitt. Well, I think that as you have indicated this  
944 factor that hasn't been considered up until this point that is  
945 something we are going to do going forward and I think that is  
946 very important. I am not really familiar with the import issue  
947 that you have raised. If there is an impact we can have on that  
948 I look forward to the discussion on how better we can influence  
949 that. I don't know what role we would play in that regard, but

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

47

950 look forward to that discussion.

951 Mr. Pallone. Well, I appreciate again your willingness to  
952 look at that, Mr. Administrator. Thank you.

953 Mr. Pruitt. I think the primary issue is what you raised  
954 earlier which is the disposal issue I think is very valid and  
955 something we need to look at going forward.

956 Mr. Pallone. All right, thank you.

957 Mr. Chairman, can I just ask unanimous consent to put into  
958 the record a letter from Linda Reinstein, who is executive  
959 director of the Asbestos Disease Awareness Organization, and a  
960 letter from the Safer Chemicals, Healthy Families coalition.

961 Mr. Shimkus. Without objection, so order.

962 [The information follows:]

963

964 \*\*\*\*\*COMMITTEE INSERT 5\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

48

965 Mr. Pallone. Thank you.

966 Mr. Shimkus. The gentleman's time has expired. The chair  
967 now recognizes the former chairman of the full committee, Mr.  
968 Barton, for 5 minutes.

969 Mr. Barton. Thank you, Chairman Shimkus. I want to give  
970 Ranking Member Tonko A+ for the line of the day so far, his Sooner  
971 comment. That was --

972 Mr. Pruitt. That was very good. That was very good.

973 Mr. Barton. Excellent. Mr. Administrator, at the very  
974 beginning of the Obama administration there had been a Supreme  
975 Court case, Massachusetts v. EPA, that said the Clean Air Act  
976 amendments didn't specifically say that CO2 was or was not a  
977 pollutant, therefore it might be found to be a pollutant. As  
978 soon as President Obama came into office he asked the EPA for  
979 a findings document.

980 This finding document was rushed through very quickly within  
981 about, I want to say, 60 days and surprise-surprise said that  
982 they found that CO2 was a pollutant. There was a career analyst  
983 at EPA that took exception to that and wrote a scathing report  
984 that ripped it apart. That analyst was discouraged from bringing  
985 his report forward and ultimately forced to retire.

986 Are you aware of that finding document and, if so, do you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

49

987 have any plans to revisit it?

988 Mr. Pruitt. Well, I am aware of the Mass. v. EPA decision  
989 as you indicated that occurred in 2007. There was work actually  
990 being done in 2008 by the Bush administration that was left to  
991 the Obama administration, and you are correct, Congressman, that  
992 the work done in 2009 was accelerated by the Agency.

993 In fact, there was something done in 2009 that in my  
994 estimation has never been done since and not done before that  
995 event, where they took work from the U.N. IPCC and transported  
996 it to the Agency and adopted that as the core of the finding.

997 So there was a breach of process that occurred in 2009 that many  
998 believe was not handled the proper way. But the Mass. v.  
999 EPA decision and the processes that followed involved both the  
1000 Bush and the Obama administrations and that process was again  
1001 in 2009, I think, short shrifted.

1002 Mr. Barton. I would encourage you to go back and revisit  
1003 the finding document and get the report that this career analyst  
1004 put forward. If you can't find it let me know, because I have  
1005 it and it is fairly -- not fairly, it is very damning on what  
1006 they found.

1007 My second question, I have been told that you plan at some  
1008 point in time to set up a red team-blue team review of pending

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

50

1009 regulations where you have scientists basically engage in an  
1010 internal debate pro the regulation, con the regulation so that  
1011 you really get a balanced scientific understanding of the pending  
1012 regulation. Do you plan to use a red team-blue team approach  
1013 and if so when might we expect that to start?

1014 Mr. Pruitt. That is an ongoing review internally,  
1015 Congressman. It is something that I hope to be able to do and  
1016 announce sometime beginning part of next year at the latest.  
1017 But that is something we have been working on for the last several  
1018 months in trying to put that together and that would be a process  
1019 that would be focused upon an objective, transparent, real-time  
1020 review of questions and answers around this issue of CO2.

1021 I think one of the most important things we can do for the  
1022 American people is provide that type of discussion, because it  
1023 hasn't happened at the Agency. As I indicated, the Agency  
1024 borrowed the work product of a third party and we need to ensure  
1025 that that discussion occurs and it occurs in a way that the  
1026 American people know that objective, transparent review is taking  
1027 place. And so that red team-blue team concept is something that  
1028 is ongoing as far as an evaluation and we may be able to get there  
1029 as early as January of next year.

1030 Mr. Barton. Good. I would commend you on that. And I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

51

1031 think you know under the Obama administration EPA became more  
1032 than just an enforcement agency. It more and more began to  
1033 intervene in the policy arena, in many cases going further than  
1034 at least those of us on the Republican side felt that they should  
1035 go.

1036 Do you believe that before you set a standard you absolutely  
1037 ought to check with the Department of Energy and the Federal Energy  
1038 Regulatory Commission so that you really get a balanced analysis  
1039 of what is going on, and do you feel that as we take a look at  
1040 the reauthorization of your agency and the Department of Energy  
1041 that it might be necessary to try to rebalance that equation  
1042 between the energy policy arena and the environmental enforcement  
1043 arena?

1044 Mr. Pruitt. Well, as I indicated in my opening comments,  
1045 Congressman, it is important that as we do our work at the Agency  
1046 that we only do what Congress permits and authorizes us to do.

1047 I think the challenges over the last several years -- it was  
1048 mentioned in some of the opening comments about the Clean Power  
1049 Plan. It was unprecedented for the U.S. Supreme Court to enter  
1050 a stay against the Clean Power Plan, and as you know you don't  
1051 get a stay of enforcement on a rule unless there is a likelihood  
1052 of success on the merits later.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

52

1053           And so there was an understanding that the steps taken by  
1054 the previous administration, building blocks 1, 2, 3 and 4, there  
1055 was a reimagining of authority that took place under the Clean  
1056 Air Act that caused a lot of confusion on what was authorized  
1057 and what wasn't. That is not the proper way to approach these  
1058 issues and we are addressing that at the Agency in ensuring that  
1059 we hew to rule of law in these processes to make sure that there  
1060 is confidence in the rules that we adopt going forward.

1061           Mr. Barton. My time has expired. I thank you,  
1062 Administrator, for your answers.

1063           Mr. Shimkus. All right. And the gentleman yields back.

1064           An announcement for my colleagues, we are going to go to  
1065 Congressman Ruiz. He will have the last 5-minute block of  
1066 questions before we allow the administrator to get downtown, and  
1067 then I will make an announcement about getting back promptly at  
1068 2:00 for the administrator and for us to follow up. So with that  
1069 the chair now recognizes the gentleman from California, Mr. Ruiz,  
1070 for 5 minutes.

1071           Mr. Ruiz. Administrator Pruitt, welcome to the committee.

1072           I am Dr. Raul Ruiz and it is a pleasure to meet you. I want  
1073 to talk about particle pollution. Fine particle pollution is  
1074 harmful to human health and can be deadly even at the very low

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

53

1075 concentrations. Hundreds of peer reviewed studies have found  
1076 that these microscopic particles can reach the deepest regions  
1077 of the lungs and actually enter the bloodstream. Exposure to  
1078 fine particles is associated with premature death, asthma  
1079 attacks, chronic bronchitis, decreased lung function, and  
1080 respiratory disease.

1081 As an emergency medicine physician from the Inland Empire  
1082 in California, which has some of the country's highest levels  
1083 of particle pollution, I have seen firsthand the impacts of  
1084 exposure to dangerous levels of fine particle pollution and let  
1085 me tell you it is not nice. It is not a pleasant experience to  
1086 treat kids who come in with asthma because of a bad air particle  
1087 pollution day.

1088 The scientific consensus long recognized by the EPA during  
1089 both Republican and Democratic administrations is that fine  
1090 particle pollution is a non-threshold pollutant, meaning that  
1091 there is no level of fine particle pollution exposure below which  
1092 no harm occurs, including premature death. So Administrator  
1093 Pruitt, do you agree that fine particle pollution is a  
1094 non-threshold pollutant?

1095 Mr. Pruitt. Yes. And I would say to you that particulate  
1096 matter under the NOx program, as you know we can't engage in a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

54

1097 cost-benefit analysis there. It is all about health.

1098 Mr. Ruiz. Yes.

1099 Mr. Pruitt. And it is a very important role that we play  
1100 in those criteria pollutants under the NOx program.

1101 Mr. Ruiz. Thank you. Administrator Pruitt, were you aware  
1102 that the Bush administration used the health benefits associated  
1103 with reducing this non-threshold pollutant to justify their 2003  
1104 Clear Skies legislation cosponsored by Senator Inhofe?

1105 Mr. Pruitt. I am familiar with the legislation.

1106 Mr. Ruiz. Yes, they did.

1107 Mr. Pruitt. I didn't know about the cosponsoring aspect.

1108 Mr. Ruiz. They did. All right. And that the Bush  
1109 administration relied on those same health benefits for its  
1110 economic analysis for the 2004 Tier 4 rule to control emissions  
1111 from nonroad diesel engines? That is a good thing.

1112 Mr. Pruitt. Yes, it is, Congressman.

1113 Mr. Ruiz. Yes, they did. They relied on that. Isn't it  
1114 true that the Bush EPA agreed that there are no safe thresholds  
1115 for fine particle pollution related health effects including  
1116 premature death in the 2005 Clean Air Interstate Rule?

1117 Mr. Pruitt. I think you have stated it well, Congressman.

1118 Mr. Ruiz. They did. The recently confirmed Assistant

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

55

1119 Administrator for Air and Radiation, Mr. William Wehrum, played  
1120 a key role in developing those rules during the Bush  
1121 administration, and Andrew Wheeler, the nominee to be the deputy  
1122 administrator handled the Clear Skies bill when he worked for  
1123 Senator Inhofe.

1124 Administrator, are Mr. Wehrum and Mr. Wheeler wrong about  
1125 fine particle pollution having no safe level?

1126 Mr. Pruitt. Wrong about what?

1127 Mr. Ruiz. That there is no safe level for particle  
1128 pollution, so I don't think they were wrong.

1129 Mr. Pruitt. I don't think I stated that they were wrong.

1130 Mr. Ruiz. Okay, great. So you agree that --

1131 Mr. Pruitt. Yes. So I am not entirely sure what your  
1132 question is. That Bill Wehrum is doing a fine job, is focused  
1133 on these issues as is Andy when he is confirmed as deputy and  
1134 I agree with your position that it is a very important criteria  
1135 pollutant that we need to regulate on the NOx --

1136 Mr. Ruiz. Wonderful.

1137 Mr. Pruitt. -- in a very, very important way.

1138 Mr. Ruiz. So despite that, this well-established  
1139 scientific reality, your proposed repeal of the Clean Power Plan,  
1140 EPA assumes for the first time that there are safe levels of deadly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

56

1141 fine particle pollution. That is a concern of mine. Did you  
1142 rely on any new peer-reviewed scientific studies to support  
1143 reversing EPA's position on fine particle pollution?

1144 Mr. Pruitt. As you know, Congressman, no, we did not base  
1145 that upon -- our withdrawal of the Clean Power Plan is largely  
1146 based upon the jurisdictional issues of the Clean Air Act.

1147 Mr. Ruiz. Okay.

1148 Mr. Pruitt. And all I have to have is a reason basis to  
1149 withdrawal a rule, a U.S. Supreme Court stay of the Clean Power  
1150 Plan --

1151 Mr. Ruiz. Well, that is obviously a point of difference  
1152 in --

1153 Mr. Pruitt. We did not base our withdrawal of the Clean  
1154 Power Plan upon the issues that you have cited.

1155 Mr. Ruiz. Okay. So I do think that the mission of the EPA  
1156 is, was charged by the people to protect the health and the  
1157 environment of the American people so that everybody, regardless  
1158 of socioeconomic status, can enjoy a healthy environment and  
1159 therefore live their life to full health potential. And this  
1160 Clean Power Plan was part of that mission to make sure that we  
1161 protect the environment so therefore we could protect the people's  
1162 health.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

57

1163           And there is no reliance on any scientific studies whether  
1164 they were peer-reviewed or non-peer-reviewed, as you just  
1165 admitted, in withdrawing this. This was your interpretation of  
1166 the jurisdictional matter of the EPA which we beg to differ, of  
1167 course, because we are here to protect the American people's  
1168 health.

1169           Do you believe therefore that it was appropriate to reverse  
1170 the EPA's positions on the deadliness of fine particle pollution?

1171           Because there is the assumption here that now the EPA is saying  
1172 that there is a threshold for that to happen.

1173           Mr. Pruitt. We did not reverse it, Congressman. And  
1174 moreover, we are going to be introducing a replacement rule too  
1175 in place of the Clean Power Plan.

1176           Mr. Ruiz. Before my time has expired --

1177           Mr. Shimkus. Your time has just expired, but be quick.

1178           Mr. Ruiz. Let me submit this unanimous consent to place  
1179 this 2012 letter from EPA to Chairman Upton into the record,  
1180 please.

1181           Mr. Shimkus. Again we will look at it and I am sure we will  
1182 do it.

1183           Mr. Ruiz. Thank you.

1184           Mr. Shimkus. And the gentleman's time has expired.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

58

1185 I want to remind all my members that pursuant to my  
1186 announcement at the start of the hearing, we are recessing now  
1187 so Mr. Pruitt can attend a meeting with the President at the White  
1188 House. Mr. Pruitt will be returning to the committee to answer  
1189 member questions. We will convene at 2322 Rayburn House Office  
1190 Building. This is for people who don't know the operations here  
1191 very -- and our guests -- at 2:00 p.m. sharp, and stay as long  
1192 it takes for every member who is present and wants to ask questions  
1193 to be given their turn to ask questions.

1194 For our guests in the gallery, your seat here does not  
1195 guarantee your seat when we resume the hearing. Seats will be  
1196 allocated on a first come-first serve basis starting at 1:45.

1197 Should you wish to join the proceedings in 2322, and it is a  
1198 smaller hearing room, you will need to be in line outside of 2322.

1199 And I apologize for the inconvenience and the committee stands  
1200 in recess.

1201 [Whereupon, at 11:00 a.m., the subcommittee recessed, to  
1202 reconvene at 2:28 p.m., the same day.]

1203 Mr. Shimkus. The subcommittee will come to order. When  
1204 we recessed, it was Mr. McKinley's turn to be recognized. So  
1205 with that I want to recognize the gentleman from West Virginia  
1206 for 5 minutes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

59

1207 Mr. McKinley. Thank you, Mr. Chairman. And thank you,  
1208 Administrator, for coming and participating in this. Over the  
1209 years we had asked your predecessors to come particularly as it  
1210 relates to Section 321(a) to see the impact some of the regulations  
1211 were having in the coal fields and they declined to do that.

1212 But I am particularly appreciative of the fact that a week  
1213 ago or 2 weeks ago the EPA, you sent -- other folks came to West  
1214 Virginia to get the impact of what these regulations are having,  
1215 because it is pretty clear in the statute that we have to abide  
1216 by the economic impact. We have to take that into consideration  
1217 when rules and regs are promulgated. They didn't do that.

1218 And I know you and I have had that conversation that you  
1219 want to follow the law very clearly, and I know a federal judge  
1220 has already ruled that the EPA in the past considered them  
1221 discretionary and not mandatory. I think your position I have  
1222 heard from you is that you think that they are mandatory and you  
1223 intend to abide by them. Am I correct on that?

1224 Mr. Pruitt. Yes, Congressman. And we did in fact as you  
1225 indicated send representatives to West Virginia as part of the  
1226 proposed withdrawal. And I do think it is important that that  
1227 is a rulemaking process. You know, we have talked a little bit  
1228 this morning about the withdrawal of the Clean Power Plan, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

60

1229 as I indicated earlier that is primarily jurisdictional as far  
1230 as the basis for that withdrawal.

1231 But that is a rulemaking process, and so that rulemaking  
1232 process means that we go out and solicit and receive comment from  
1233 across the country. We are not just going to be in West Virginia.

1234 We are going to be in Gillette, Wyoming soon. We are going be  
1235 in San Francisco. We are going to be Kansas City. There is going  
1236 to be a crosscurrent of viewpoints with respect to this issue  
1237 and it is important we hear all voices and that process is ongoing.

1238 Mr. McKinley. Well, I think I particularly appreciate the  
1239 fact that you sent people to the coal fields to understand the  
1240 impact of what those regulations were doing when 86,000 coal  
1241 miners lost their job during the Obama administration and no one  
1242 paid attention. No one came to those communities to find out  
1243 what was going to be the impact of another regulation that was  
1244 going to put them out of business.

1245 But part of the question is have they been able to debrief  
1246 you? What were some of the salient issues? What were the points  
1247 that were raised at the meeting in Charleston?

1248 Mr. Pruitt. Well, quite a few comments that were offered,  
1249 it was multiple hours of information, and again a crosscurrent  
1250 of information that we are reviewing. And I think that,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

61

1251 Congressman, you hit on some very important matters with respect  
1252 to the cost of the Clean Power Plan that wasn't taken into  
1253 consideration before and that is something that came out in the  
1254 process in West Virginia.

1255 Mr. McKinley. I know you have made a commitment. You said  
1256 you are going back to blocking and tackling the fundamentals of  
1257 rulemaking. Is there something that we should be doing here in  
1258 Congress to make sure that we don't revert back to that old way  
1259 of just following the ideology rather than science?

1260 Mr. Pruitt. Well, I think, you know, there are some things  
1261 we have done recently that I think are very important to the  
1262 process that I talked about earlier. For many years the APA,  
1263 the Administrative Procedure Act that governs how we do rulemaking  
1264 has not been really followed as closely as it should. We have  
1265 used guidance as forms of rules at times which I think subverts  
1266 the voices that need to be heard on substantive actions. We have  
1267 engaged in litigation, regulation through litigation. We talked  
1268 about a sue and settle practice at the Agency that literally has  
1269 impacted state implementation plans across the country with air  
1270 quality.

1271 And so there is much that we need to do to ensure that we  
1272 respect that process and make sure that rulemaking is adhered

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

62

1273 to. I mean, excuse me, the APA is adhered to as we are engaged  
1274 in rulemaking.

1275 Mr. McKinley. Well, in the time -- or is there something  
1276 you would suggest, because that has been on the books that they  
1277 are supposed to do that but we saw 8 years where they did not  
1278 follow that. Is there something that we should do to tighten  
1279 up that?

1280 Mr. Pruitt. Well, I think that anytime that an agency, and  
1281 it is not just the EPA it is any agency of the executive branch  
1282 that engages in litigation to change substantive requirements  
1283 in the statute, you know, timelines that Congress sets or taking  
1284 discretionary duties and making it nondiscretionary, as an  
1285 example, that is something that should be dealt with by Congress.  
1286 And I think speaking to that through codification is something  
1287 that could be, I think it would be very helpful.

1288 Mr. McKinley. Okay, thank you. I yield back.

1289 Mr. Shimkus. The gentleman yields back his time. The chair  
1290 now recognizes the gentleman from California, Mr. Peters, for  
1291 5 minutes.

1292 Mr. Peters. Thank you, Mr. Chairman. And thank you, Mr.  
1293 Administrator, for being here. I wanted to ask you about the  
1294 methane rule. EPA has an effort to control dangerous methane

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

63

1295 pollution from the oil and gas industry. The common-sense rule  
1296 asks operators to put our natural gas resources to productive  
1297 use rather than wastefully leaking them. I support the rule  
1298 because it will boost energy supplies, reduce air pollution  
1299 including smog, air toxins, greenhouse gases, and the estimated  
1300 benefit of capturing methane emissions from the oil and gas  
1301 industry is \$2 billion annually.

1302 Do you support this rule and if not, without it what would  
1303 you do to reduce wasted natural gas?

1304 Mr. Pruitt. Congressman, I think as you -- historically,  
1305 the way the Agency has dealt with methane has been part of a VOC  
1306 approach where volatile organic compounds as we have regulated  
1307 the VOCs methane has been part of that bundle. What happened  
1308 with that particular rule is the EPA for the first time pulled  
1309 methane out of the bundle and regulated it separately. We haven't  
1310 taken any action on that as you know as far as the substantive  
1311 rule itself. There are compliance dates that are forthcoming  
1312 that have been extended and that has really been the focus up  
1313 until now.

1314 But I think there is a meaningful debate, discussions that  
1315 should occur about whether the rule should be focused on a bundle  
1316 approach, a VOC approach, or whether methane should be pulled

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

64

1317 out. As you know, methane is very valuable. Companies don't  
1318 like to flare methane because it can be captured and used in other  
1319 ways and it is very marketable, if you will. And so I think having  
1320 a rule in place that incentivizes that and ensures that we approach  
1321 it pursuant to the statute, I think, is very -- that is something  
1322 we should look at.

1323 Mr. Peters. Okay. So you have said -- I think you and  
1324 Secretary Perry have both made appearances on CNBC and on March  
1325 9th you said that carbon dioxide is not a primary driver  
1326 contributing to recent climate change, and that said differently  
1327 that you said CO2 is not the only contributor to climate change.

1328 Do you agree that methane, nitrous oxide, and other greenhouse  
1329 gases are air pollutants?

1330 Mr. Pruitt. Absolutely. Absolutely, and are more potent,  
1331 actually, than CO2.

1332 Mr. Peters. Right, so --

1333 Mr. Pruitt. Methane is more potent than CO2 as you know  
1334 in that regard.

1335 Mr. Peters. So I have to say it seems to me, I knew you  
1336 have emphasized the importance of points of process before, but  
1337 if the object is to reduce methane, nitrous oxide, and other  
1338 greenhouse gases what would be the strategy whether as part of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

65

1339 a bundle or is not part of a bundle, how do you think we should  
1340 go about controlling and reducing those greenhouse --

1341 Mr. Pruitt. I mean I think that distinction matters though,  
1342 Congressman.

1343 Mr. Peters. Okay.

1344 Mr. Pruitt. I think as we look at the statutory framework  
1345 and how methane should be regulated the question whether it should  
1346 be part of the bundle is a significant question and so that is  
1347 what we are evaluating. Again the focus in the first 10 months  
1348 has been on those compliance dates, and as you know the rule is  
1349 in effect presently and that has been the primary focus. As we  
1350 go forward, the discussion and the focus will be on whether it  
1351 needs to be a part of the bundle or not.

1352 Mr. Peters. So I understand the procedural point you make  
1353 about whether it is part of the bundle, but whichever avenue we  
1354 take, whether it is part of the bundle or not, how would we go  
1355 about reducing the emissions of methane gas?

1356 Mr. Pruitt. Well, you look at the wellhead, you speak to  
1357 companies with respect to the flaring practices that have gone  
1358 on historically, and there are best management practices and best  
1359 practices that can be deployed by companies to ensure again there  
1360 is not an incentive for companies to waste methane. It is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

66

1361 something that can be used and it is very valuable. We need to  
1362 recognize that and encourage and incentivize that.

1363 Mr. Peters. Right. And I think one of the things that we  
1364 have noticed is it has many benefits and the price of natural  
1365 gas has gone down, so perhaps the incentive to lose that cheap  
1366 gas isn't as great as it might be to actually force the control  
1367 of it. But you mentioned a couple of things like looking at the  
1368 wellhead and so forth. Substantively, do you think that what  
1369 is the methane rule is the right kind of approach to deal with  
1370 that?

1371 Mr. Pruitt. I think, Congressman, it is probably best that,  
1372 you know, in the rulemaking process it is important that I don't  
1373 prejudge outcomes and I think that what will be important is taking  
1374 comment on those issues as we go forward.

1375 Mr. Peters. Do you intend to start from zero or do you intend  
1376 to put out the methane rule for additional comment? How do you  
1377 intend to land this plane?

1378 Mr. Pruitt. I mean it is yet to be determined.

1379 Mr. Peters. All right. Well, I would say I think it is  
1380 -- we have made a lot of progress on it. I think that there is  
1381 a lot of understanding within the industry that natural gas can  
1382 be a better burning fuel than some fuels we use, but you have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

67

1383 to control methane to really get the benefit out of it from a  
1384 climate change standpoint and that is kind of where we should  
1385 be.

1386 Mr. Pruitt. Thanks, Congressman.

1387 Mr. Peters. Thank you.

1388 Mr. Peters. The gentleman yields back his time. The chair  
1389 now recognizes the gentleman from Texas, Mr. Olson, for 5 minutes.

1390 Mr. Olson. I thank the chair. And welcome, Administrator  
1391 Pruitt. My congressional district, Texas 22, may be the biggest  
1392 one in America. Right now we have 850,000 people and growing  
1393 quickly. The huge majority of these people wanted me to tell  
1394 you thank you, thank you, thank you for making EPA what it should  
1395 have been, an agency in D.C. that works with local governments,  
1396 local private sector to get clear air and cleaner water. Thank  
1397 you for that.

1398 They are frustrated by the last 8 years. The administration  
1399 used the EPA that became a combatant that actually kept us from  
1400 getting cleaner air and cleaner water, and they are thrilled to  
1401 have you there. They got tired of things we can't achieve as  
1402 human beings, technology that is not available and yet it is  
1403 demanded. They are tired of arranging lawsuits to sue and settle  
1404 and that is now gone also. Thank you for that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

68

1405           There are many frustrations back home, one example, the RFS.  
1406           As you know, sir, I have had long and serious concerns with the  
1407 RFS. I hope this committee will act to take care of this matter  
1408 quickly. But in the meantime, until we act, guess what, you are  
1409 on point and you have a lot of leeway going forward.

1410           My question is how have the concerns about the ethanol blend  
1411 wall, or even RIN prices, figured in your decisions about the  
1412 2018 targets?

1413           Mr. Pruitt. Well, a couple things. Number one, I was very,  
1414 very appreciative to the Agency of the work that was done to meet  
1415 the deadline. Historically, as you know the November 30th  
1416 deadline to publish those volume obligations has been missed and  
1417 it creates uncertainty. People don't know what is expected.  
1418 It affects capital outlay, et cetera, and so it was very important  
1419 to meet that November 30th deadline and we did in fact do that.

1420           As we have looked at volume obligations with respect to  
1421 conventional cellulosic, bio-based diesel, the advanced  
1422 categories, the focus is try, we try to focus our efforts on  
1423 objective criteria whether it is production levels and/or demand.

1424           As an example, the most we have ever produced with cellulosic  
1425 is about 180 to 190 million gallons domestically, yet the volume  
1426 obligations, historically, by the agencies have been set around

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

69

1427 300 million or so.

1428           So when you set those levels artificially high it creates  
1429 other problems elsewhere and so I think in the administration  
1430 of that statute it is very important upon our agency to be as  
1431 objective as possible at setting those volume obligations to  
1432 reflect true production levels.

1433           You know, bio-based diesel, the capacity is about 2.6 billion  
1434 I have heard, but the production levels have not eclipsed 2.1  
1435 billion. We imported about 700 million gallons from last year  
1436 to meet that level, so there are a lot of questions obviously  
1437 around the administration of RFS. Please know that I and we are  
1438 committed to doing it pursuant to that statutory framework that  
1439 you have established, but at the same time that statutory  
1440 framework is very challenging because the levels that have been  
1441 set by statute have never been met. And so we have got a lot  
1442 of challenge there.

1443           Mr. Olson. And as you know, Senator Barrasso asked EPA to  
1444 complete a long overdue study on the environmental impact of the  
1445 RFS. That is something that is required by the Clean Air Act.  
1446 Any update on the progress of this study?

1447           Mr. Pruitt. Yes. Actually, I have been briefed on that  
1448 within the last couple weeks and we have begun the process to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

70

1449 provide that study to Congress. That is something that is  
1450 statutory and something that needs to be done.

1451 Mr. Olson. Thank you. And also talk about Hurricane --

1452 Mr. Pruitt. I am sorry. Say it again?

1453 Mr. Olson. Hurricane Harvey, sir --

1454 Mr. Pruitt. Yes, yes.

1455 Mr. Olson. -- hit my district hard. As you know, hit us  
1456 twice basically, the most expensive hurricane in American  
1457 history. Talking with Dr. Bryan Shaw, who heads up our Texas  
1458 Commission on Environmental Quality, he is quite pleased with  
1459 the working together with EPA during that storm. You guys  
1460 deployed all over the Gulf Coast, on the coast, inland, and got  
1461 acting pretty quickly.

1462 One concern is having money to go forward and one solution  
1463 may be what is called the State Revolving Fund. Can that be used  
1464 to address repairs in Texas? It is under your control and will  
1465 you do that?

1466 Mr. Pruitt. Well, SRFs as you know have been used in a very  
1467 good way to address infrastructure challenges at the state level  
1468 and I think it is something that Congress ought to consider.

1469 Again I want to highlight something though with respect to  
1470 Hurricane Harvey and Hurricane Irma and then what is going on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

71

1471 in Puerto Rico. We embedded officials from EPA with local towns  
1472 and cities across Texas, Florida as the storms approached in order  
1473 to have real-time decisions made on the threats that it posed  
1474 to drinking water, Superfund sites, chemical facilities, and the  
1475 rest, and it was truly an example of federalism in action between  
1476 the state, local towns and cities, and the U.S. Government working  
1477 to address those issues. So I am very, very thankful for the  
1478 leadership of Region 6, you know, which is in Dallas and then  
1479 obviously Region 4 as it relates to Florida. It was good work  
1480 by their folks, employees, but also the folks at the state level.

1481 Mr. Olson. And speaking for Dr. Shaw, he would say great  
1482 teamwork with the EPA. Thank you, thank you. One final thank  
1483 you, the San Jacinto Waste Pits.

1484 Mr. Pruitt. Yes.

1485 Mr. Olson. Harvey knocked them loose. All this benzene  
1486 came out.

1487 Mr. Pruitt. Yes.

1488 Mr. Olson. You stepped up and said we will stop this  
1489 forever. So thank you for that.

1490 Mr. Pruitt. You know, I think it is important, Mr. Chairman,  
1491 and this is an example. We talked about the Superfund initiative  
1492 at the Agency. San Jacinto is a site in Houston, Texas that is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

72

1493 just off of I-10. It has dioxin that has been placed there and  
1494 embedded for a number of years and it is near a harbor and barge  
1495 traffic goes through.

1496 The Agency has been working with folks at the state level  
1497 and responsible parties for a number of years and the solution  
1498 has been to take a covering and put it over the site and then  
1499 pile rocks on top of the site and it has been that way for 10  
1500 years. I was in Houston in mid-September and looked at the site  
1501 and it is totally unacceptable to have that type of temporary  
1502 situation because of potential hurricanes coming through and  
1503 displacing those rocks.

1504 So we provided a permanent solution there, about \$115 million  
1505 of cost that responsible parties are going to bear to provide  
1506 a permanent solution and the citizens, I think, have been very  
1507 pleased with the outcome.

1508 Mr. Shimkus. The gentleman's time has expired. Let me go  
1509 to Mr. -- Jacinto -- the other member from Texas, Mr. Green, for  
1510 5 minutes.

1511 Mr. Green. Thank you for being here today, Mr.  
1512 Administrator. I have the district -- I used to have the San  
1513 Jacinto Waste Pits but in Texas they keep changing our lines.  
1514 I think it was in Pete Olson's for awhile. Now it is in Brian

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

73

1515 Babin's. Ted Poe had part of it. So, but we change our lines  
1516 in Texas.

1517 But I want to thank you for visiting right after Harvey and  
1518 seeing what was there. And I appreciate EPA continuing to make  
1519 sure we have a permanent fix there because that area is like you  
1520 said, barge traffic, people crab and fish in that area and both  
1521 the city, the county, and the state have signs up in Spanish,  
1522 English, in Vietnamese that expectant mothers or small children  
1523 should not eat the crabs or the fish. But I don't know if that  
1524 day you were there, but every time I go there everybody is fishing.

1525 So, but thank you and hopefully we can move that as quickly  
1526 as possible because it is an industrial area but it also is a  
1527 recreational area, because I water-skied in that water back when  
1528 I was young.

1529 But is there a contradiction of priorities of EPA between  
1530 the cleanup of the Superfund sites and the Agency's commitment  
1531 to the drastic cuts in the Superfund program? I know the EPA's  
1532 budget request was 30 percent cut in the Superfund program. I  
1533 know that may not affect San Jacinto Waste Pits because we have  
1534 a responsible party, but there are a lot of Superfund sites around  
1535 the country that don't have a responsible party.

1536 Mr. Pruitt. Well, it is a concern, Congressman. In fact,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

74

1537 during the budgeting process, appropriations process, I conveyed  
1538 to our committee that if monies were necessary to address those  
1539 orphan sites -- we have orphan sites that make up the Superfund  
1540 portfolio -- that I would come and advise Congress and ask for  
1541 those funds. I mean it is very important that as we go forward  
1542 on Superfund cleanup that money not be the problem on how we get  
1543 those cleanups. We need accountability there.

1544 I will tell you that in my time evaluating the Superfund  
1545 portfolio there is very few orphan sites and most of it is just  
1546 a lack of direction on how we should clean up. There are several  
1547 examples, in Chicago. I think one of the members earlier today  
1548 mentioned Portland. San Jacinto was one of those where there  
1549 just simply wasn't much direction on how to get accountability  
1550 and how to get cleanup with these responsible parties.

1551 And so we are trying to do both, but I commit to you that  
1552 if there are issues, deficiencies on funding with respect to that  
1553 Superfund priority we will advise you and ask for help as we work  
1554 through the appropriations process.

1555 Mr. Green. Okay. Well, thank you. Because I know back  
1556 in September the EPA Inspector General issued a report about the  
1557 distribution of Superfund full time FTEs among the EPA regions  
1558 does not support the current regional workloads. As a result,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

75

1559 some regions have to prioritize work and are slowed down like  
1560 you mentioned or discontinued. And are you aware of that OIG's  
1561 report?

1562 Mr. Pruitt. Yes. I have actually talked to the Inspector  
1563 General about the Superfund issues going forward and we have  
1564 looked at some management issues. How we bid projects, sometimes  
1565 they are not competitively bid. We sometimes are getting bids  
1566 that take -- routinely I hear something will take 15 or 20 years.

1567 And I have pushed back saying that perhaps that is not how long  
1568 it should take and maybe the bid is just trying to prolong things  
1569 as far as receiving funding for 15 or 20 years in those  
1570 contractors. So we are trying to get reform both in how we  
1571 process and how we bid out and do remediation, but also making  
1572 decisions early in the process to make sure that we get  
1573 accountability on outcomes.

1574 Mr. Green. Okay, since I come from the Houston area and  
1575 the Houston ship channel, where we have five refineries, my next  
1576 question. The EPA recently released its final ruling on  
1577 renewable fuel standard that said 15 billion gallon standard for  
1578 conventional ethanol. I know many of my refineries in my district  
1579 and along the Gulf Coast were disappointed with this final number.

1580 Would you commit to lowering future RFS requirements to avoid

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

76

1581 this blend wall that we are having? And I know from Oklahoma  
1582 you understand.

1583 Mr. Pruitt. Well, Congressman, I can't commit to certain  
1584 outcomes with respect to that process. That is a rulemaking  
1585 process. But what I can tell you is what I shared earlier with  
1586 the question, we will objectively determine each year what the  
1587 production levels look like they are going to be. We are tracking  
1588 those numbers now.

1589 Biodiesel has been as big of a challenge as conventional.  
1590 We have routinely set that at 2.1 or higher. 2.1 was the last  
1591 number before this year. And as I indicated, we imported 700  
1592 million gallons of bio-based diesel from Argentina to meet that  
1593 2.1 billion gallon limit. So we ought not be dependent upon the  
1594 people of Argentina to meet a volume obligation that we are setting  
1595 domestically so that is something that we will continue to look  
1596 at, but we can't prejudge those outcomes at this point.

1597 Mr. Green. Well, and every time I talk to one of my  
1598 refineries they talk about the problems of RINs and of course  
1599 the chair of the committee is a great fellow from Illinois but  
1600 we do have some differences on corn ethanol as compared to biofuel.

1601 Mr. Pruitt. But Congressman, it is a fair point and I will  
1602 say to you it is a real issue as far as RIN reform. I mean we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

77

1603 need to get some accountability in the RIN market.

1604 There is a lot of speculation that goes on with respect to RINs.

1605 There are enforcement issues, fraud that occurs. In fact we  
1606 just prosecuted a company, I think it was 30 million plus as a  
1607 fraud that occurred in the RIN market. There is a lot of work  
1608 to be done to get reform and accountability in the RIN market.

1609 Mr. Green. I would be glad to work with you on that. Thank  
1610 you.

1611 Mr. Shimkus. The gentleman's time has expired. The chair  
1612 now recognizes the gentleman from Ohio, Mr. Johnson, for 5  
1613 minutes.

1614 Mr. Johnson. Thank you, Mr. Chairman. And Mr.  
1615 Administrator, thank you for being here with us today. Let me  
1616 first express my support for your comments on cooperative  
1617 federalism. When issuing drastic regulatory changes like the  
1618 Clean Power Plan, the previous administration did not take into  
1619 account the people that would have been most truly affected by  
1620 those regulatory changes and those are the hardworking coal  
1621 miners, the power plant workers, and others throughout the  
1622 industry supply chain, all of which, many of which live in eastern  
1623 and southeastern Ohio where I live and represent.

1624 As you well know, the Ohio EPA along with many other states

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

78

1625 breathed a sigh of relief when the Supreme Court issued a stay  
1626 of this rule that would have had a devastating effect on not only  
1627 Ohio's electricity generation and economy, but other states as  
1628 well. That in my opinion is not cooperative federalism. Now  
1629 EPA's recent public hearing in West Virginia on the proposed  
1630 repeal of the Clean Power Plan I think exemplifies the Agency's  
1631 willingness to listen to those that would have been most affected  
1632 by the rule.

1633 No one cares more about the air we breathe nor the water  
1634 we drink than those of us that live in regions where that kind  
1635 of work goes on, places like eastern and southeastern Ohio where  
1636 some of the best paying energy and manufacturing opportunities  
1637 for jobs reside. There is a necessary balance to environmental  
1638 protection and a process to share that responsibility with states  
1639 and local leaders like you have suggested is a crucial and much  
1640 needed change to how these regulations have been approached in  
1641 the past. So I applaud your work in that regard.

1642 Mr. Pruitt. Well, if I could say, Congressman, and to give  
1643 you an example about how it shouldn't work, when I came into this  
1644 position there were 700 approximate state implementation plans  
1645 that many of your states had prepared on how to improve air quality  
1646 where resources had been devoted, expertise delegated at the state

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

79

1647 level to improve air quality pursuant to those state  
1648 implementation plans. They were sitting on a shelf at our agency  
1649 that we had not acted upon and that is just simply not a good  
1650 way to do business.

1651 We as an agency need to respond up or down on those kinds  
1652 of plans to give input and direction back to states. We need  
1653 to encourage and want to encourage states to take those kinds  
1654 of steps. And I think it was very disheartening over the last  
1655 several years for that to take place. We are trying to remedy  
1656 that.

1657 Mr. Johnson. Well, I thank you for that collaborative  
1658 approach. I want to move on to another subject though that is  
1659 important in our state, the deadlines under which the Brick MACT  
1660 which were set up under, set under a 2015 EPA rulemaking are soon  
1661 approaching. These regulations affect domestic brick and tile  
1662 manufacturers among other small businesses typically located in  
1663 rural communities, and in most cases are the primary source of  
1664 jobs in those little small communities especially in my district.

1665 The EPA, your agency, recently announced its intentions to  
1666 reconsider these regulations. Can you please elaborate on status  
1667 and timing of the Agency's reconsideration of the Brick MACT  
1668 regulations?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

80

1669 Mr. Pruitt. Well, as far as the timing it would be very  
1670 difficult to provide that to you at this point, Congressman.  
1671 I think we need to assess what that process will look like. It  
1672 is not a rulemaking process, per se, but it approaches that and  
1673 so that is something that we will have to evaluate.

1674 I apologize that I don't have that answer, but --

1675 Mr. Johnson. Can you look at it and get back to us?

1676 Mr. Pruitt. Sure.

1677 Mr. Johnson. Okay, all right. That will work. Let me just  
1678 make some comments about that. You know, the last Brick MACT  
1679 rule was enacted in 2003. Hundreds of millions of dollars spent  
1680 by the industries to comply then later vacated by a federal court,  
1681 but only after most brick manufacturers had already committed  
1682 to facility modifications to comply and the money had been spent.

1683 So for all practical purposes, judicial review was  
1684 meaningless in that case in terms of the economy and the jobs.

1685 Do you agree we don't want to see a repeat of that kind of  
1686 situation?

1687 Mr. Pruitt. Absolutely. And I think as we look at other,  
1688 there are other examples, Congressman. Where that has happened  
1689 where there has not been a stay of enforcement on a particular  
1690 rule. Those that are required to meet the rule's obligations

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

81

1691 take those steps and by the time that judicial review takes place  
1692 it is somewhat hollow with respect to whether the rule was  
1693 constitutional or lawful in the first instance. So I think it  
1694 is very important that we work to get these things right so that  
1695 that doesn't happen.

1696 Mr. Johnson. I appreciate it. Mr. Chairman, I yield back  
1697 a 5 whole seconds, and I thank you for your service, Mr.  
1698 Administrator.

1699 Mr. Shimkus. The chairman thanks him and the chair now  
1700 recognizes the gentlelady from Colorado for 5 minutes, Ms.  
1701 DeGette.

1702 Ms. DeGette. Thank you so much, Mr. Chairman.

1703 Administrator Pruitt, thank you for coming today. I am the  
1704 ranking Democrat on the Oversight and Investigations Subcommittee  
1705 of this committee and I will tell you, we all take our obligations  
1706 very seriously. Effective oversight relies on receiving the  
1707 information from the agencies that we oversee.

1708 And members of the committee have sent the EPA over 34 written  
1709 requests this year including requests about the lack of  
1710 transparency at the Agency, removal of climate data from the  
1711 website, and other critically important topics. Now to date,  
1712 Mr. Administrator, we have received no response to eight of these

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

82

1713 letters. Let me give you an example and I can give you copies  
1714 of all of these.

1715 On May 18th, members of this committee and the Committee  
1716 on Science, Space, and Technology sent a letter requesting  
1717 documents and additional information on EPA's premature removal  
1718 of qualified experts from EPA's board of science counselors.  
1719 Now we still, 7 months later, have not received a response.

1720 Mr. Pruitt, can you commit to giving us a timely response  
1721 to this request?

1722 Mr. Pruitt. Are you referring to BOSCO? Is that what you  
1723 are referring to, the Board of Scientific Counselors?

1724 Ms. DeGette. That is correct.

1725 Mr. Pruitt. Yes. We will provide whatever information you  
1726 need there.

1727 Ms. DeGette. Thank you.

1728 Mr. Pruitt. I would disagree that it was a premature  
1729 removal. We -- yes.

1730 Ms. DeGette. Well, no, no. I am not arguing with you about  
1731 the substance.

1732 Mr. Pruitt. Yes. Yes.

1733 Ms. DeGette. I just need to get the information.

1734 Mr. Pruitt. Sure.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

83

1735 Ms. DeGette. And then there are seven other letters that  
1736 we have not gotten responses. Can you also commit that you will  
1737 give us responses to those letters?

1738 Mr. Pruitt. If you inventory those. I have a --

1739 Ms. DeGette. I will give you copies of all of them.

1740 Mr. Pruitt. Yes. Yes.

1741 Ms. DeGette. Now there is 22 other letters, Mr. Pruitt,  
1742 that the minority at least feels have had incomplete response.

1743 For example, there was one on April 20th where Ranking Member  
1744 Pallone sent a letter requesting a briefing on the budget requests  
1745 and they got a five-sentence letter back that basically said we  
1746 are developing the President's budget based on the framework  
1747 provided by the blueprint and gave no other information. It is  
1748 hard for us --

1749 Mr. Pruitt. What timeframe is that? I am sorry,  
1750 Congresswoman.

1751 Ms. DeGette. It was April 20th.

1752 Mr. Pruitt. Okay.

1753 Ms. DeGette. So it is hard for us to develop our oversight  
1754 if we don't have this information. I am going to work with other  
1755 members of this committee on those other 22 letters to drill down  
1756 and see what additional information we feel we need from the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

84

1757 Agency. Can I get your commitment to please also respond to those  
1758 and I will give that all to you?

1759 Mr. Pruitt. Yes, ma'am. And I will say we have got a group  
1760 of individuals that --

1761 Ms. DeGette. Thank you. Thank you very much. You know,  
1762 I only have 5 minutes. I am so sorry. One of the things about  
1763 the lack of information is the TSCA bill. And I will tell you,  
1764 my buddy Mr. Shimkus and I and all of us on this committee, we  
1765 worked really hard to revise TSCA and that is one of the crowning  
1766 achievements, we think, of this committee.

1767 But since we did this on a bipartisan basis, the Obama  
1768 administration proposed banning methylene chloride from use as  
1769 a paint stripper based on extensive evidence of unreasonable risk  
1770 to human health, and so we haven't heard yet from the EPA whether  
1771 they are giving the public an indication about whether they are  
1772 finalizing the rule. I just have a couple of questions around  
1773 that.

1774 Have you personally met with Dow Chemical or the American  
1775 Chemistry Council to discuss this rule while we are waiting for  
1776 the update?

1777 Mr. Pruitt. No, ma'am.

1778 Ms. DeGette. Okay. And will you commit to finalizing this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

85

1779 TSCA rule for methylene chloride and doing so soon?

1780 Mr. Pruitt. I will commit to reviewing it and giving you  
1781 an answer soon, yes.

1782 Ms. DeGette. That would be great. When do you think we  
1783 can get an answer?

1784 Mr. Pruitt. I don't know, but we will advise you soon after  
1785 this meeting.

1786 Ms. DeGette. Okay. That would be great, thanks. We will  
1787 be on top of it, don't worry. Now one last thing, a press account  
1788 said that you installed a \$25,000 soundproof booth in your office  
1789 at EPA headquarters. Is that true?

1790 Mr. Pruitt. It is a secure phone line.

1791 Ms. DeGette. Okay, so it is a SCIF, what we call a sensitive  
1792 compartmental information facility; is that right?

1793 Mr. Pruitt. Yes.

1794 Ms. DeGette. And did you do that because part of the EPA's  
1795 mission involves classified information?

1796 Mr. Pruitt. Yes, ma'am, part of that but also  
1797 communications with the White House. There are secure  
1798 conversations that need to take place at times and that is --

1799 Ms. DeGette. So you believe it is appropriate to use the  
1800 SCIF to talk to the White House?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

86

1801 Mr. Pruitt. I believe that there are secure conversations  
1802 that need to take place that I didn't have access to that --

1803 Ms. DeGette. Okay. So what percentage of your work would  
1804 you say is conducted in this SCIF?

1805 Mr. Pruitt. It is hard to predict that --

1806 Ms. DeGette. Well, is it 50 percent of your conversations?  
1807 Is it 75 percent?

1808 Mr. Pruitt. Cabinet level officials need to have access  
1809 to secure communications.

1810 Ms. DeGette. Oh. I am talking about the one that you put  
1811 into the EPA. How often do you use that SCIF?

1812 Mr. Pruitt. It is hard to predict in the future --

1813 Ms. DeGette. 95 percent?

1814 Mr. Pruitt. I haven't taken any calculations of that.

1815 Ms. DeGette. Well, when you use that --

1816 Mr. Pruitt. It is necessary for me to be able to do my job.

1817 Ms. DeGette. Okay, let me ask you. So you use that only  
1818 for classified information or for communications with the  
1819 President. Is that your testimony?

1820 Mr. Pruitt. It is used for secure communications that need  
1821 to take place at the office.

1822 Ms. DeGette. And that is what you think is appropriate for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

87

1823 a SCIF. Thank you, Mr. Chairman. I yield back.

1824 Mr. Shimkus. The gentlelady yields back her time. The  
1825 chair now recognizes the gentleman from Texas, I believe, Mr.  
1826 Flores, for 5 minutes.

1827 Mr. Flores. Well, thank you, Mr. Chairman. And I thank  
1828 you, Administrator Pruitt, for joining us today. I want to thank  
1829 you for the EPA's timely rollout of the RFS standards. I think  
1830 it is the first time in the RFS that that was done, so I appreciate  
1831 that. There is a bipartisan group of us here in Congress  
1832 including Chairman Shimkus, Peter Welch, others, and myself that  
1833 are working on a solution to this, the challenges of the current  
1834 RFS statute also with respect to RIN reform, so we may need data  
1835 and input from you and so be expecting a request from us on that.

1836 Moving to ozone for a minute, one of the challenges with  
1837 ozone regs is that the 2008 standards were rolled out and then  
1838 there were huge delays in the rollout methodology from the EPA  
1839 and then the 2015 standards were levied out on top of that. That  
1840 has created substantial uncertainty in our communities in terms  
1841 of trying to comply with two standards essentially at one time.

1842 And then when you add to that there is a growing recognition  
1843 that -- well, before I get to that, today I think most people  
1844 agree that most of the country even based on some of the EPA's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

88

1845 own modeling show that most of the country will be in compliance  
1846 in 7 years with both standards.

1847 And then you add to that there is a growing recognition that  
1848 international pollution is causing several communities to not  
1849 be able to meet the standards. There is actually a recent  
1850 analysis by the Midwest Ozone Group of the EPA said that but for  
1851 international contributions the United States east of the Rockies  
1852 would attain the 2008 and 2015 standards by 2023.

1853 So a couple of questions in this regard, the first one is  
1854 does it make sense to force new compliance burdens on states before  
1855 existing controls have been implemented?

1856 Mr. Pruitt. Well, speaking generally to those pollutants  
1857 that we regulate under NOx, I think the 5-year review process  
1858 that we engage in should be a review and not necessarily just  
1859 an automatic ratcheting down, because I think when you look at  
1860 the 75 parts per billion versus the 70 parts per billion that  
1861 was the focus of the ozone rule, there are issues that you  
1862 describe. Air transport issues, background ozone, exceptional  
1863 events I think came up earlier today. There are issues that we  
1864 need to calculate and understand as those standards are set.

1865 So going forward, I think the 5-year review process should  
1866 not be interpreted as an automatic ratcheting down. It should

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

89

1867 be a review of whether the levels are protective of human health.

1868 Mr. Flores. Okay. Do you think it makes sense for states  
1869 or communities to be punished for ozone that is beyond their  
1870 control that comes in from other areas or background ozone?

1871 Mr. Pruitt. No. And in the designation process,  
1872 Congressman, we try to take that into consideration. I mean there  
1873 are areas in Wisconsin as an example that are facing compliance  
1874 issues because of air transport issues.

1875 Mr. Flores. Right.

1876 Mr. Pruitt. And we are trying to calculate that into the  
1877 designation process as best we can.

1878 Mr. Flores. Good. In order to address the situations that  
1879 we have just talked about, supplementally, in order to comply  
1880 with my time limit, I would like you to tell me what you think  
1881 Congress could do to help with this and also what EPA could do  
1882 under its current statutory authority.

1883 Mr. Pruitt. Well, I think that, you know, mentioning  
1884 background ozone and background levels, I think there are certain  
1885 parts of the country that really have -- there is no economic  
1886 activity that could occur and they still would be violative of  
1887 the standard that has been set. So I think Congress assisting  
1888 the EPA in how to address background levels would be substantially

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

90

1889 important.

1890 I think also the exceptional events, there is a lot of  
1891 confusion, better put, lack of clarity on how to apply exceptional  
1892 events in the designation process and otherwise and so I think  
1893 some clarity around that would be much appreciated.

1894 Mr. Flores. Okay, great. We are working on that. I wanted  
1895 to take a second of my remaining time to ask for your help with  
1896 an agricultural herbicide that is called glyphosate. I think  
1897 it is more commonly known as Roundup by the manufacturer.

1898 Last month, HHS released an agricultural health study that  
1899 determined that this particular chemical does not cause cancer,  
1900 again does not cause cancer, and that is similar to a study, the  
1901 outcome of a study that the EPA made this past March. The  
1902 challenge is that the state of California and the International  
1903 Association for the Research of Cancer claiming that it does and  
1904 that creates uncertainty among our agricultural community as well  
1905 as the manufacturer of this particular herbicide.

1906 And of course we have got to get all of this sorted out because  
1907 you have one group of folks saying it does, you have got two other  
1908 government agencies saying it does not cause cancer. Can I get  
1909 a commitment from you to have your team take a look at this to  
1910 try to sort this out?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

91

1911 Mr. Pruitt. Yes. And, you know, there has been another  
1912 study I think at NIH that was similar to the one you cited. So  
1913 there is some clarity that we need to provide on this going forward  
1914 and, yes, we need to work with you and others on the committee  
1915 that are concerned about that.

1916 Mr. Flores. Okay, thank you. I yield back the balance of  
1917 my time.

1918 Mr. Shimkus. The gentleman yields back his time. The chair  
1919 now recognizes the gentleman from California, Mr. McNerney, for  
1920 5 minutes.

1921 Mr. McNerney. I thank the chairman and I thank the  
1922 administrator for coming here in front of us today. In response  
1923 to Chairman Walden's questions, you said that the U.S. should  
1924 celebrate the progress that has been made in reducing air  
1925 pollution. I agree. You also said that that is in large part  
1926 due to technology and innovation. I agree completely. But do  
1927 you think that the progress that has taken place would have been  
1928 made without the EPA regulations enforcements? And these are  
1929 regulations that you are now eliminating.

1930 Mr. Pruitt. I think the EPA's regulation framework has  
1931 helped, absolutely, in contributing to those outcomes, but I think  
1932 it has been a partnership between regulatory response as well

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

92

1933 as technology in the private sector. So I think it has been a  
1934 combination of factors.

1935 Mr. McNerney. Okay. Ozone pollution is one of the most  
1936 widespread pollutions in the United States and scientists have  
1937 been studying its effect on health for decades. Hundreds of  
1938 research studies have confirmed that ozone harms people at levels  
1939 currently found in the United States. The Clean Air Act requires  
1940 that the EPA to review the latest scientific evidence and set  
1941 air quality standards that will protect public health, these  
1942 standards that we rely on to know whether ozone is safe, what  
1943 levels of ozone are safe.

1944 Administrator Pruitt, do you agree that the ozone pollution  
1945 is a problem that the EPA should address?

1946 Mr. Pruitt. Yes. It is a criteria pollutant under the NOx  
1947 program that needs to be addressed.

1948 Mr. McNerney. Good. Approximately 30 percent of the  
1949 people in my district suffer from asthma partly related to ozone,  
1950 but your actions, in my opinion, do not demonstrate a commitment  
1951 to addressing the problem. For example, on October 1st, 2017  
1952 marked the legal deadline for the EPA to identify communities  
1953 with levels of ground level ozone pollution above the EPA's 2015  
1954 ozone standard. These are also known as non-attainment areas.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

93

1955 Administrator Pruitt, you spoke a lot about the rule of law  
1956 in your statement. Did the EPA announce attainment designations  
1957 by the October 1st statutory deadline?

1958 Mr. Pruitt. Congressman, we have designated all but 50  
1959 sites across the country, approximately, and we have made  
1960 tremendous progress since the timeframe that you are talking  
1961 about, so we are very close to finishing that process.

1962 Mr. McNerney. But you didn't make the October 1st deadline.

1963 Mr. Pruitt. Some of those were designated prior to that  
1964 time, yes, but not all.

1965 Mr. McNerney. Well, I think you sort of mentioned this  
1966 already, about half of the counties that were not designated by  
1967 October 1st comprise about half of the United States population.

1968 Mr. Pruitt. Some of that is based upon, Congressman, on  
1969 information that has not been provided by the states. So  
1970 sometimes there is insufficient information in which for us to  
1971 make a determination and so there is a communication to those  
1972 states to get that in to help us finish that process. It is not  
1973 exclusively, you know, something we can do without that  
1974 information.

1975 So it is a combination of factors, but we are working  
1976 diligently to finish that process. The designations are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

94

1977 occurring. And as I indicated, there is only approximately 50  
1978 sites across the country that need to be designated, out of  
1979 hundreds by the way.

1980 Mr. McNerney. Okay. Will the EPA engage in a transparent  
1981 and science-based process in setting designations for the  
1982 remaining parts of --

1983 Mr. Pruitt. I am sorry, Congressman.

1984 Mr. McNerney. Will the EPA engage in scientific and  
1985 transparent process in designating those areas --

1986 Mr. Pruitt. It will be absolutely be a part of the record.

1987 Mr. McNerney. Well, on your website you state that the  
1988 purpose of the EPA is to ensure that all parts of society --  
1989 communities, individuals, businesses, state and local and tribal  
1990 governments -- have access to accurate information sufficient  
1991 to effectively participate in managing human health and  
1992 environmental risks. Are you fulfilling the purpose of the EPA  
1993 keeping information from Americans about the ozone levels in their  
1994 area?

1995 Mr. Pruitt. I am not sure in what ways, Congressman. Maybe  
1996 you can clarify your question, how we are keeping it from those  
1997 citizens.

1998 Mr. McNerney. Well, you haven't, you didn't meet the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

95

1999 October 1st deadline and you still haven't fulfilled the entire  
2000 requirement. So you are keeping information from communities  
2001 that need to know what their attainment levels are.

2002 Mr. Pruitt. That is not information, it is a designation  
2003 process which is a -- it is a legal process, Congressman, that  
2004 we are going through to make those designations, which we need  
2005 information to do that and I think we are making tremendous  
2006 progress and should be done very soon.

2007 Mr. McNerney. Administrator Pruitt, you have made it clear  
2008 that you are committed to Superfund cleanup, but what about  
2009 preventing creation of new Superfund sites? What is your  
2010 commitment in that regard?

2011 Mr. Pruitt. In what regard, Congressman?

2012 Mr. McNerney. Well, the EPA's job is to protect public  
2013 health, so it should be the job to prevent companies or entities  
2014 from creating Superfund sites. Are you committed to that?

2015 Mr. Pruitt. Correct. I mean that is something -- when you  
2016 say creating Superfund sites, sometimes states actually ask for  
2017 us to put Superfund sites on a list which I was just trying to  
2018 get clarity about that. Yes.

2019 Mr. McNerney. I am not talking about designation. I am  
2020 talking about creating pollution that could be designated as a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

96

2021 Superfund site.

2022 Mr. Pruitt. Obviously lead, uranium, these issues, we want  
2023 to do all we can to eliminate those things so we don't have those  
2024 kind of sites across the country, absolutely.

2025 Mr. McNerney. Well, in your rush to eliminate regulations  
2026 that is exactly what you are doing is creating opportunity for  
2027 new Superfund sites to be created.

2028 Mr. Pruitt. I wouldn't interpret it that way, Congressman.

2029 Mr. Shimkus. The gentleman's time has expired. The chair  
2030 now recognizes the gentleman from North Carolina, Mr. Hudson,  
2031 for 5 minutes.

2032 Mr. Hudson. Thank you, Mr. Chairman. And thank you, Mr.  
2033 Administrator, for making the extra effort to come back and take  
2034 all of our questions and thank you for your strong leadership  
2035 at the Agency. I appreciate also your efforts to make the EPA  
2036 focus on air and water and soil contamination. My state of  
2037 North Carolina has been shaken by a discovery of a chemical called  
2038 GenerationX in the Cape Fear River. I know my state reports that  
2039 GenX is no longer getting into the river and that treated drinking  
2040 water is within state health goals. The previous EPA  
2041 administrator permitted use of this chemical within conditions  
2042 in 2009. Can you say whether EPA has discovered if GenX was used

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

97

2043 in an impermissible fashion?

2044 Mr. Pruitt. You know, I am not aware, Congressman. We can  
2045 provide that information to you. I don't have any information  
2046 on that today, but we can get that to you.

2047 Mr. Hudson. I appreciate it. I understand the EPA is  
2048 updating its risk assessment of GenX and is performing an  
2049 independent laboratory analysis and several other compounds in  
2050 water samples that are being collected now by the North Carolina  
2051 DEQ along the Cape Fear River including waste water, surface  
2052 water, ground water, and treated drinking water samples. Are  
2053 there any findings that you can discuss on that so far?

2054 Mr. Pruitt. Again on that I would have to get the  
2055 information from the office and provide that to you to make sure  
2056 it is complete, comprehensive, and up to date.

2057 Mr. Hudson. Great. I appreciate that. One issue that is  
2058 a real concern to folks in my part of North Carolina, whether  
2059 it is agriculture or just property owners in general, is the Waters  
2060 of the USA regulation. And I have heard some of your critics  
2061 say that you have done the same thing as your predecessor in that  
2062 you have already decided the outcome of the rule and are just  
2063 casting about for justifications. That is sort of the claim that  
2064 we keep hearing. I would love to give you a chance to respond

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

98

2065 to that.

2066 Mr. Pruitt. Well, I think oftentimes with respect to issues  
2067 like Waters of the United States and CPP, it is not deregulation  
2068 in the true sense. The Waters rule that was adopted in 2015,  
2069 the stated objective was to provide clarity. That was what the  
2070 past administration said. If that were the stated objective it  
2071 was they failed miserably.

2072 Mr. Hudson. I agree.

2073 Mr. Pruitt. Because the confusion across the country on  
2074 what a Water of the United States is where federal jurisdiction  
2075 begins and ends. And so there is a process that we are going  
2076 through to deal with the deficiency. There is a court stay  
2077 against this 2015 rule that you are aware of, and so our obligation  
2078 is to provide a definition and that process has begun in earnest  
2079 and we should have a proposed rule by April of next year timeframe  
2080 and we are taking significant comment on that along with the  
2081 withdrawal of the 2015 rule. So it is not deregulation in  
2082 the truest sense, it is regulatory clarity going forward so we  
2083 know where federal jurisdiction begins and ends.

2084 Mr. Hudson. Sounds good to me. One of the main arguments  
2085 in favor of the Obama administration's Waters rule is that it  
2086 is essential to protecting drinking water and that without this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

99

2087 version of the rule public health would be at risk. The Safe  
2088 Drinking Water Act, however, has provisions addressing both the  
2089 protection of source water, Sections 1453 and 1454, and  
2090 underground sources of drinking water, Part C. Do you agree  
2091 that the Safe Drinking Water Act has these provisions and provides  
2092 protection to source waters?

2093 Mr. Pruitt. Absolutely. And let me say to members of the  
2094 committee, one of the things that we are focused upon as we head  
2095 into 2018 is lead in our water supply, safe drinking water. And  
2096 I think there are tremendous challenges we have across the country  
2097 with respect to service lines in particular communities and the  
2098 lead that is seeping into the water supply of our children. It  
2099 is one of the greatest environmental threats I think we face as  
2100 a country.

2101 And one of the things that I hope that I can work with this  
2102 committee on as we go into 2018 is a strategy over a 10-year period  
2103 to eradicate those concerns. And it is going to be a very  
2104 ambitious initiative at our agency and it is something that we  
2105 have various offices in the Agency working upon. There are about  
2106 17 agencies actually that are working on this issue of lead as  
2107 well.

2108 And I am sending a letter to my colleagues in other agencies

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

100

2109 to make this a point of emphasis as we go into 2018. So not only  
2110 do I agree with what you are saying about the reach on these issues,  
2111 but I think there are important matters that we can take on lead  
2112 that will make a difference for our citizens across the country  
2113 going forward.

2114 Mr. Hudson. Well, thank you for your answers.

2115 And Mr. Chairman, I think I can speak for folks on both sides  
2116 of the aisle that we look forward to that discussion. And with  
2117 that I will yield back.

2118 Mr. Shimkus. The gentleman --

2119 Mr. Pruitt. And I understand, if I may for a second.

2120 Mr. Shimkus. You may.

2121 Mr. Pruitt. I understand that that is a costly endeavor.  
2122 You know, replacing service lines across the country it has been  
2123 estimated may cost as much as \$30 billion or maybe upwards of  
2124 50-, 30- to \$50 billion. But I will say to you that if we can  
2125 develop a 10-year strategy on how to address that across the  
2126 country -- the state of Michigan as an example, right now, is  
2127 considering lowering its levels from 15 parts per billion down  
2128 to 10 parts per billion on the standard, but they are also spending  
2129 a tremendous amount of money to replace those lead lines, as I  
2130 understand it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

101

2131           And that is good leadership with the governor of Michigan  
2132 and I think, frankly, we in Washington need to have that kind  
2133 of conversation with states across the country to focus on that  
2134 issue. The President has talked about infrastructure, the  
2135 importance of using some of the infrastructure discussion to  
2136 address some of these things and I look forward to that discussion  
2137 with you.

2138           Mr. Shimkus. So if the gentleman would allow me to yield,  
2139 so we passed a Safe Drinking Water Act out of the full committee  
2140 which should be helpful in this. My friends on the other side  
2141 wanted more money, so maybe in a supplemental and stuff in this  
2142 process, we have already started moving to try to do that  
2143 legislatively, but executive branch focus would be helpful.

2144           Mr. Pruitt. It is not just -- look, it is not just service  
2145 lines. It is corrosion control measures that need to be deployed,  
2146 obviously paint as well. I mean, so there is a multifaceted  
2147 approach that we need to evaluate on how to declare a war on lead,  
2148 if you will, but I want to let you know as a committee it is  
2149 something I desire to work with you going forward in 2018.

2150           Mr. Shimkus. You will have some interest.

2151           The chair now recognizes the gentleman from California, Mr.  
2152 Cardenas, for 5 minutes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

102

2153 Mr. Cardenas. Thank you very much, Mr. Chair.

2154 Mr. Pruitt, appreciate the opportunity for us to -- as I  
2155 quote you, the dialogue that begins today. I hope that future  
2156 dialogue doesn't span 10 months between these opportunities.

2157 Is your current office, place of work, Washington, D.C.?

2158 Mr. Pruitt. Yes, sir.

2159 Mr. Cardenas. Okay. And prior to becoming the EPA  
2160 administrator what city or state did you live in?

2161 Mr. Cardenas. Tulsa, Oklahoma.

2162 Mr. Cardenas. Tulsa, Oklahoma, okay. Well, Mr. Pruitt,  
2163 I would just like to point out for the record that you traveled  
2164 to Oklahoma for 43 out of 92 days this spring according to the  
2165 Washington Post. That is almost half of every day in March,  
2166 April, and May of this year. I am extremely troubled by reports  
2167 that your frequent travel to and from Oklahoma occurred at the  
2168 expense of the U.S. taxpayer and cost more than \$15,000 just on  
2169 those trips alone. And it appears I am not the only one concerned.

2170 At the request of members of this congressional committee,  
2171 EPA's Office of Inspector General has begun an audit to review  
2172 issues of potential waste, fraud, and abuse associated with your  
2173 frequent travel back to Oklahoma at taxpayers' expense. Also,  
2174 your record of wasting taxpayer dollars does not end there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

103

2175           Later news reports uncovered that you along with other  
2176 members of the Trump administration have been using private jets  
2177 and military aircraft at tremendous taxpayer expense. One of  
2178 the most expensive examples was in early June when you and several  
2179 of your staff traveled on a military jet from Cincinnati, Ohio  
2180 to John F. Kennedy Airport in New York on your way to Italy.  
2181 The cost of that flight alone was reportedly over \$36,000. In  
2182 August, you chartered a private plane to fly from Denver, Colorado  
2183 to Durango, Colorado, in the same state, costing the U.S.  
2184 taxpayers over \$5,000. You did so even though the governor of  
2185 California had reportedly offered to fly you on a state-owned  
2186 plane.

2187           Mr. Pruitt, the taxpayer bill for your travel on private  
2188 jets and other non-commercial aircraft is a record total more  
2189 than \$58,000 since February of this year alone. These costs are  
2190 especially offensive given the severe cuts you have proposed to  
2191 essential and lifesaving EPA programs. Take, for example, the  
2192 Office of Environmental Justice which helps poor communities who  
2193 are being disproportionately impacted by environmental  
2194 pollution. This administration proposed to eliminate the Office  
2195 of Environmental Justice.

2196           So Mr. Pruitt, are the American people supposed to believe

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

104

2197 that we cannot afford \$2 million to help our most vulnerable  
2198 communities but we can afford tens of thousands of dollars for  
2199 you to fly on private jets?

2200 Mr. Pruitt. First, I want to say to you, Congressman, I  
2201 do look forward to the dialogue and I appreciate your comments  
2202 going forward. I think there is much work that we can engage  
2203 in together and I look forward to that discussion.

2204 Environmental justice is something that I met with,  
2205 actually, internal members of our team, yesterday, talking about  
2206 issues like East Chicago. Environmental justice is an important  
2207 issue. It is something that we seek to translate to real action  
2208 on the ground and we have since I have been serving, with  
2209 particular emphasis on Chicago in the east, the Superfund  
2210 situation there.

2211 On the travel that you have highlighted I would just say  
2212 to you, every trip that I have taken to Oklahoma with respect  
2213 to taxpayer expenses has been business related. When I was in  
2214 Oklahoma for a WOTUS meeting, a Waters of the United States  
2215 meeting, we had three states converge in the Panhandle of Oklahoma  
2216 that had Kansas, Oklahoma, and Texas come together. There were  
2217 hundreds of individuals in attendance. That is a very important  
2218 effort.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

105

2219 Bird Creek in Osage County had high salinity levels. Region  
2220 6 had not responded to those high salinity levels. There was  
2221 harm taking place with fish in that water and as such we needed  
2222 to take action and I was there to address that. There are concerns  
2223 that affect Oklahoma and Region 6 just like every state. Every  
2224 dollar that was expended with respect to those travel was business  
2225 related. When I have traveled back to the state for personal  
2226 reasons I paid for it and that will bear out in the process.

2227 But let me say this to you, finally, with respect to the  
2228 travel, commercial travel is what we fly almost exclusively.  
2229 The situation in Cincinnati, I fly with the President for a meeting  
2230 on infrastructure. We were going to the G7 in Italy and could  
2231 not make the flight at JFK unless we got a public transport, so  
2232 that is why that decision was made. But it has been only four  
2233 instances during the entire time that I have been serving as  
2234 administrator and it was always based upon circumstances.

2235 You mentioned the one in Colorado, the reason that occurred  
2236 is because we were going into Gold King, Colorado to address the  
2237 needs and concerns of the citizens there and couldn't make it  
2238 otherwise. And I would dispute the governor's reference that  
2239 you made earlier.

2240 Mr. Cardenas. Oh, really. Okay. Well, thank you very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

106

2241 much for stating for the record, because the Inspector General  
2242 is looking into those details and I hope it all bears out and  
2243 let's see what the outcome is.

2244 Well, I wanted to be respectful of giving you an opportunity  
2245 to answer and there goes all of my time. So with the last 5  
2246 seconds, I just would like to ask that I be able to insert these  
2247 two letters from the EPA's Inspector General agreeing to  
2248 investigate this travel. I ask unanimous consent to enter them  
2249 into the record.

2250 Mr. Shimkus. Without objection, so ordered.

2251 [The information follows:]

2252

2253 \*\*\*\*\*COMMITTEE INSERT 6\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

107

2254 Mr. Shimkus. The chair now recognizes the gentleman from  
2255 North Dakota, Mr. Cramer, for 5 minutes.

2256 Mr. Cramer. Thank you, Mr. Chairman.

2257 Thank you, Mr. Administrator, for your candor, for being  
2258 here, and for your strong leadership. And I might just say you  
2259 used a term in responding to Mr. McNerney that I think is a new  
2260 term at the EPA and that was partnership. And I think that my  
2261 friend from California's line of questioning bears out that you  
2262 see states as stakeholders and partners not as subordinates.

2263 Thank you for going to places like Oklahoma and to North Dakota  
2264 and other states in the middle of real America that are affected  
2265 by what for the last 8 years has simply been a dictatorship by  
2266 the EPA. So thank you for that and we appreciate your willingness  
2267 to address us in our home states. I also want to  
2268 congratulate you on your incredible work on meeting these  
2269 deadlines, the 27 years that gets done in a matter of weeks and  
2270 months. It probably shouldn't seem like such a high standard,  
2271 but by comparison and doing all that with only one confirmed AA  
2272 is really quite remarkable. So I look forward to when you have  
2273 a full staff and a full team and we can really get to it.

2274 And I know CPP and WOTUS are the big topics obviously in  
2275 North Dakota as you know, but I want to get to the heart of a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

108

2276 couple of things that you have emphasized. And like my friend  
2277 from Texas, Mr. Olson, I appreciate your commitment to process  
2278 and rule of law. I appreciate your commitment to cooperative  
2279 federalism.

2280 And I know you are very familiar with a couple of North Dakota  
2281 cases. One in particular of course, the regional haze case that  
2282 started in California and North Dakota was blocked from  
2283 intervening in, which just kind of blows me away that states don't  
2284 have as a matter of right, constitutional right, standing in cases  
2285 that affect them especially with regard to regulations that they  
2286 have primacy over regulating.

2287 The more recent one is one that sort of straddled your memo  
2288 on sue and settle that I want to bring to your attention and see  
2289 if we can't work more closely together -- you, me, our attorney  
2290 general -- on addressing it as we go forward. And that was a  
2291 RCRA revision of rules that was proposed in 2016, a consent decree  
2292 was declared between the EPA and environmentalist groups and North  
2293 Dakota was blocked from intervening.

2294 And this is, it related to oil and gas industry in our state,  
2295 where our state has primacy we were blocked from intervening.

2296 Oral arguments in October of this year, about the same time as  
2297 you were putting out your memo, occurred in the D.C. Circuit Court

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

109

2298 of Appeals and we were blocked again. The environmentalists and  
2299 the EPA prevailed.

2300 But what was most disturbing about that and why I want to  
2301 bring it to your attention is because you have a really big task  
2302 in front of you to meet not just the rules but the culture change  
2303 that we hope to achieve, and that is it was the Department of  
2304 Justice attorneys that argued so effectively against the state  
2305 of North Dakota in the D.C. Circuit.

2306 So as we go forward, what I would love to do is be able to,  
2307 you know, maybe have a meeting with my attorney general and you  
2308 and me and plan, you know, the next phase of this and use the  
2309 state of North Dakota as a partner as opposed to, you know, a  
2310 litigant on the other side.

2311 Mr. Pruitt. Yes. As I indicated earlier in my opening  
2312 comments and I think in response to questions, from your  
2313 perspective, you know, you have put into place a process by which  
2314 we are supposed to adopt rules. And rules are supposed to be  
2315 what, laws of general applicability. And so when you are involved  
2316 in litigation and you change requirements under a statute,  
2317 discretionary to nondiscretionary or timelines or otherwise and  
2318 then you apply it in a general fashion, that is something that  
2319 I think is offensive with respect to the APA process and should

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

110

2320 be dealt with.

2321           And that is why the sue and settle practice is important  
2322 as we go forward. We may consider codifying that loosely said  
2323 with respect to rulemaking, but it is important that we implement  
2324 this directive I have sent to respect the APA as we make decisions.

2325           Mr. Cramer. Well, with regard then to states' rights,  
2326 because I really feel like it is not just RCRA, it is all of the  
2327 acts under the EPA, it is several other agencies where it seems  
2328 like the right for a state to have standing somehow has to be  
2329 based on some finding of harm or injury. And it seems to me that  
2330 in a cooperative federalism states should just have that right,  
2331 especially if it is a regulation that they have primacy over.

2332           I am wondering if we should be doing something, you know,  
2333 to codify that which it seems to me the Constitution should be  
2334 adequate for, but whether we should do it broadly or whether we  
2335 should do it very specifically. And I might add and then you  
2336 can answer and wrap up my time, should you have some more  
2337 independent litigation authority, independent of, say, of the  
2338 DOJ or other --

2339           Mr. Pruitt. Well, look. I think on the first point, I do  
2340 think that perhaps Congress addressing the standing of states  
2341 to address some of those. Most of those are state implementation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

111

2342 plans. Many of them deal with regional haze requirements under  
2343 the Clean Air Act, and I do think it is important that the voice  
2344 of those states are heard.

2345 And that is the reason as it relates to the directive that  
2346 I issued, we asked Justice to take a very accommodating posture  
2347 with respect to the state intervention on these issues, but there  
2348 probably is more that can be done to make sure that that happens  
2349 going forward.

2350 Mr. Cramer. Thank you. And I thank you for your service.

2351 Mr. Shimkus. Time is expired. The chair now recognizes  
2352 the young lady from Michigan, Ms. Dingell, for 5 minutes.

2353 Mrs. Dingell. Thank you, Mr. Chairman.

2354 Administrator Pruitt, it is good to see you here and I was  
2355 very glad to hear you talk about this war on lead we need to have.

2356 I share like every one of us, I have met those children in Flint.

2357 I have lived with some of those families. It is a very serious  
2358 problem and we all need to work together to make sure it never  
2359 happens in another community again.

2360 We have been meeting with my mayors for the last year even  
2361 in my own community, included the state.

2362 Mr. Pruitt. It is not just Flint either.

2363 Mrs. Dingell. No, it is all -- I have it in my district.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

112

2364 I don't have Flint in my district, but it is a concern all over  
2365 the country. But having said that there are some things I think  
2366 that are happening at EPA that actually threaten that what you  
2367 are talking about. So I have got a lot of stuff to talk about,  
2368 EPA matters in Michigan.

2369 Could I ask for some yes or no questions just to this. For  
2370 example, the EPA budget for 2018 eliminated two programs that  
2371 provide grants to states and tribe grants to support their lead  
2372 training and certification programs for lead paint removal  
2373 contractors and the lead risk reduction program; is that correct?

2374 Mr. Pruitt. We welcomed Congress restoring that and we  
2375 talked about that in the appropriations process.

2376 Mrs. Dingell. Okay. But you -- this would represent, it  
2377 would have represented a 90 percent reduction or a \$26.5 million  
2378 in funding. In addition to proposed cuts, we have seen delays  
2379 on several key rulemakings. You talked about one of them which  
2380 isn't only in Flint. It is another plume that I have got in mind,  
2381 which is the Agency's long overdue update to the Lead and Copper  
2382 Rule for drinking water system. It was supposed to be completed  
2383 by June of this year and now it appears to be delayed to next  
2384 month. Will we see it next month?

2385 Mr. Pruitt. I mean the Agency, Congresswoman, as you know

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

113

2386 has taken over a decade on that. 1991 --

2387 Mrs. Dingell. I nudged them too.

2388 Mr. Pruitt. No, no. 1991 was the last time we had a Lead  
2389 and Copper Rule.

2390 Mrs. Dingell. But we need it and you have been promising  
2391 it.

2392 Mr. Pruitt. And there is much work that has gone on over  
2393 a decade and I will tell you it is a major part of what we need  
2394 to be about with respect to this war on lead.

2395 Mrs. Dingell. So when are we going to see it?

2396 Mr. Pruitt. So hopefully -- we are working on it and it  
2397 is something I am committed to.

2398 Mrs. Dingell. All right. And the Agency recently delayed  
2399 implementation of a 2015 rule to require steam electric power  
2400 plants to install pollution control equipment to limit effluents,  
2401 including lead, from being discharged to rivers. The 2015 rule  
2402 was the first update to these regulations in 30 years; is that  
2403 correct?

2404 Mr. Pruitt. I am not sure about the timeline,  
2405 Congresswoman. I take that but I don't know for sure if it has  
2406 been 30 years.

2407 Mrs. Dingell. All right. Can we work together to get these

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

114

2408 things done, because they matter to our communities. Now I  
2409 am going to quickly -- but I am going to make one little -- I  
2410 am not trying to be -- I just care. You know, you made a comment  
2411 to MDEQ that you should have made about reducing the amount of  
2412 staff that they had and that they needed to have more people on  
2413 their team addressing these Flint issues.

2414 Mr. Pruitt. MDEQ.

2415 Mrs. Dingell. Michigan Department of Environmental  
2416 Quality, do you know that? You recommended that MDEQ hire more  
2417 staff with water management expertise. I agree with that, but  
2418 you have only got one person. You are offering buyouts and  
2419 cutting experience and manpower at your agency, the one with  
2420 oversight responsibility for all these state programs while  
2421 advising Michigan to do the opposite. So I would encourage you  
2422 to look at that.

2423 But I have got to do two more things. First, I am going  
2424 to go to my -- all politics is local, but it is not just local.  
2425 It matters to this country. We have an EPA lab in Ann Arbor  
2426 that everybody -- that is doing critical work for every single  
2427 state on automotive emissions and fuel economy. The budget would  
2428 have eliminated that. The auto companies support it. The  
2429 environmentalist community support it. Everybody knows what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

115

2430 good work it has done.

2431 Will you support keeping that lab open with all the important  
2432 work we have got coming down the road?

2433 Mr. Pruitt. I will.

2434 Mrs. Dingell. Thank you. You just made my day. But now  
2435 having said that the Great Lakes. Michigan is, you know, it is  
2436 not just Michigan. It is all the states that are on the Great  
2437 Lakes. They matter. They are more than 20 percent of the fresh  
2438 water supply in the world. The EPA, the President's budget would  
2439 have eliminated all the dollars for the Great Lakes Restoration  
2440 Initiative or the GLRI. Republicans and Democrats on this  
2441 committee and in the House and Senate worked to restore that.

2442 The EPA had something to do with eliminating that down to zero.  
2443 Can you explain why and can we work with you to make sure that  
2444 never happens again?

2445 Mr. Pruitt. Well, I actually talked to your senator about  
2446 this a couple nights ago.

2447 Mrs. Dingell. We care.

2448 Mr. Pruitt. Oh, I know, and not just Michigan, but other  
2449 region. The Great Lakes Initiative is something that has been  
2450 very successful. You have an issue with invasive species there  
2451 with carp.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

116

2452 Mrs. Dingell. A serious one.

2453 Mr. Pruitt. And it is something we need to pay attention  
2454 to and I respected Congress and their restoration of those funds  
2455 and appreciate that and we will continue to work with you in that  
2456 regard.

2457 Mrs. Dingell. And not cut them again?

2458 Mr. Pruitt. Excuse me?

2459 Mrs. Dingell. And not make an effort to cut them again?

2460 Mr. Pruitt. That is a process that we will go through next  
2461 year. I mean that is not something that is unilaterally our  
2462 decision as you know. That is a combination of decisions --

2463 Mrs. Dingell. We will be back if you do.

2464 Mr. Pruitt. Yes.

2465 Mrs. Dingell. Thank you.

2466 Mr. Shimkus. The gentlelady's time has expired. The chair  
2467 now recognizes the gentleman from Michigan, believe it or not,  
2468 Mr. Walberg, for 5 minutes.

2469 Mr. Walberg. Thank you. And Michigan works together on  
2470 these things, so I want to thank my colleague for some of the  
2471 questions there.

2472 But also, Administrator Pruitt, I want to thank you for being  
2473 here. Thank you for your straight talk. I thank you for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

117

2474 fact that we don't have to watch you use a lot of notes. That  
2475 says something about your understanding of the issues.

2476 You made a quote in this, or a statement in this Great Lakes  
2477 Restoration, the Initiative report that had a lot of good things  
2478 in it, your Interagency Task Force on the Great Lakes that you  
2479 -- I am grateful -- chair, and you said that the GLRI is protecting  
2480 public health in the Great Lakes more than any other coordinated  
2481 interagency effort in the U.S. history in helping to ensure that  
2482 our children and their children live in safe, healthier  
2483 communities. I thank you for that statement. I agree with you  
2484 on it.

2485 I would just follow up my good friend and colleague from  
2486 the other side of the aisle. My question is this. Can I count  
2487 on you and your agency to work with my office, our Michigan  
2488 delegation, and the state to support programs to protect cleanup  
2489 and preserve the Great Lakes?

2490 Mr. Pruitt. Yes, sir.

2491 Mr. Walberg. I appreciate that and whatever it takes I would  
2492 assume that that would be the case.

2493 Mr. Pruitt. I mean as an example, Congressman, as was  
2494 mentioned earlier, the Great Lakes Initiative is similar to the  
2495 Chesapeake TMDL and how the states came together to address a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

118

2496 concern. There it was something different, but this process is,  
2497 the Great Lakes Initiative is something that we should work  
2498 together to make sure that it is achieving good outcomes and I  
2499 think it has and we will continue that discussion as we head into  
2500 2018.

2501 Mr. Walberg. Right. Well, thank you. Another issue I  
2502 feel very strongly about is the environmental threat the algae  
2503 blooms pose to Lake Erie which is in my district. This committee  
2504 has worked over the years to address this issue and encourage  
2505 cooperation between federal agencies and the states.

2506 I supported my colleague from Ohio. It is tough for a  
2507 Michigander to support Ohio at times especially after the game  
2508 2 weeks ago, but I supported Bob Latta's legislation in 2015 that  
2509 required the EPA to develop and submit a plan to Congress for  
2510 assessing and managing risks from the cyanotoxins. Could you  
2511 please update me on the latest efforts by the Agency to address  
2512 the harmful algae blooms in the Great Lakes and more specifically  
2513 Lake Erie?

2514 Mr. Pruitt. Yes. The algal blooms there, but other parts  
2515 of the country have been a primary point of emphasis for the Office  
2516 of Water working with states on nonpoint source discharge for  
2517 a number of years as you know, Congressman. It is something that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

119

2518 we actually have a task force internally and a dedicated team  
2519 of individuals looking at that to try to achieve better outcomes  
2520 and that is ongoing.

2521 I can provide other specifics to questions that you have  
2522 as it relates to Lake Erie. I would have to get that from the  
2523 staff to get an update for you, but it is something that is  
2524 absolutely a priority.

2525 Mr. Walberg. And we are taking a broad perspective.  
2526 Agriculture has its problems, we know that. We also know in  
2527 Michigan the MAEAP program has attempted to be very effective  
2528 in trying to address the concerns about excess nutrients,  
2529 fertilizers, all sorts of things that come from agriculture.  
2530 But there are other processes that go into this as well and I  
2531 would assume that you would be looking at the total.

2532 Mr. Pruitt. Well, look. And I think we need to recognize  
2533 that there are farmers and ranchers all over the country that  
2534 have taken very important steps to address those issues. I have  
2535 said many times those farmers and ranchers are our first  
2536 conservationists or our first environmentalists. They care  
2537 about these issues as well and we need to make sure their voices  
2538 are heard to ensure that we are working together to achieve those  
2539 outcomes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

120

2540 Mr. Walberg. I thank you for that. What cooperative  
2541 efforts has EPA undertaken with other federal agencies in this  
2542 matter dealing with algae blooms?

2543 Mr. Pruitt. You know, Congressman, I am not entirely sure  
2544 if Department of Ag has been a part of our discussion. I am sure  
2545 that they have historically. Sonny Perdue and I have not  
2546 addressed it, but it is something that we ought to do going forward  
2547 and ensure that there is partnership like with the Department  
2548 of Ag and there are probably others, but perhaps the Department  
2549 of Interior with certain aspects of Secretary Zinke's shop. But  
2550 I think Department of Ag would be a very important partner in  
2551 this process.

2552 Mr. Walberg. Okay, invasive species, specifically Asian  
2553 carp. What is the involvement with EPA in looking at that? It  
2554 is a huge, huge problem for the Great Lakes. The Army Corps of  
2555 Engineers, any involvement with them, other federal agencies as  
2556 well as state and local governments, what is the EPA doing there?

2557 Mr. Pruitt. A point of emphasis and you mentioned the Corps,  
2558 the Corps has been very, very involved in that.

2559 Mr. Walberg. Very, very slow in that as well.

2560 Mr. Pruitt. Well, perhaps we can encourage them.

2561 Mr. Walberg. I would appreciate that and we will look

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

121

2562 forward to --

2563 Mr. Pruitt. We are working together with the Corps on a  
2564 multitude of issues, Congressman, not the least of which is WOTUS.

2565 But the leadership there has been responsive and so we will take  
2566 that information and make sure that we communicate that to our  
2567 partners.

2568 Mr. Walberg. Thank you and I yield back.

2569 Mr. Shimkus. The gentleman's time has expired. The chair  
2570 now recognizes the gentlelady from California, Ms. Matsui, for  
2571 5 minutes.

2572 Ms. Matsui. Thank you, Mr. Chairman, and thank you, Mr.  
2573 Pruitt, for being here today.

2574 Mr. Pruitt, I understand that you and President Trump have  
2575 decided to reopen the Midterm Evaluation, the greenhouse gas  
2576 emission standards from model year 2022 to 2025. Can you briefly  
2577 list for us which groups and companies asked you to revisit the  
2578 evaluation?

2579 Mr. Pruitt. You know, I wouldn't say reopen, Congresswoman,  
2580 necessarily. This is as you know the Midterm Evaluation was  
2581 supposed to have taken place in April of 2018. That is when it  
2582 was supposed to occur. The past administration accelerated that  
2583 for it to happen in December of '16 into January of '17. And

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

122

2584 this was simply a restoration of process to ensure that the midterm  
2585 review took place consistent with the original understanding.

2586 Ms. Matsui. So this is halfway step, it is not a total  
2587 evaluation?

2588 Mr. Pruitt. That is right.

2589 Ms. Matsui. Okay, all right. Okay, so I will go along with  
2590 you for that. I just want to suggest to you though that this  
2591 half-step evaluation I am somewhat concerned about this because  
2592 these standards to save consumers particularly dollars at the  
2593 pumps and reduce oil consumption has been validated many times  
2594 to reduce greenhouse gas emissions that contribute to climate  
2595 change. And the standard is good for American drivers and good  
2596 for the environment and it is really necessary, particularly  
2597 because the International Energy Agency found that the  
2598 transportation sector is the only area in which the U.S. has become  
2599 less energy efficient. Now I also believe that our country  
2600 should be investing in clean transportation options and many auto  
2601 companies share my opinion. One of our major domestic auto  
2602 manufacturers recently announced it is cutting spending on  
2603 internal combustion engines and instead investing billions of  
2604 dollars in electric vehicle development. Another company plans  
2605 to release 20 all-electric vehicles in the coming years.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

123

2606 Can you please answer yes or no, do you support efforts to  
2607 strengthen American innovation and manufacturing through  
2608 electric vehicle R&D and production?

2609 Mr. Pruitt. It definitely should be a part of the mix,  
2610 Congresswoman. And I would say this to you as well, the Agency  
2611 has not adequately considered with those standards high octane  
2612 being used as well. There has been a lot of focus on the design  
2613 of vehicles and access to electric vehicles as well, but not as  
2614 much on the fuel side and I think that we need to incorporate  
2615 that into the discussion as well.

2616 Ms. Matsui. So you have a plan to support the electric  
2617 vehicle market in the long term?

2618 Mr. Pruitt. That would definitely be part of the evaluation  
2619 as we head into April of 2018 and we continue in the years ahead,  
2620 I am sure.

2621 Ms. Matsui. All right. I am pleased to hear that because  
2622 EVs will be a significant portion of our vehicle mix in the future  
2623 and we need to be positioning the United States to benefit from  
2624 their adoption.

2625 Mr. Pruitt. We want to ensure, if I may for a second?

2626 Ms. Matsui. Yes.

2627 Mr. Pruitt. We want to ensure that as we set those standards

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

124

2628 that you don't want people staying in older model vehicles. I  
2629 mean the whole purpose here is to ensure that as the vehicles  
2630 are manufactured that they meet efficiency levels and outcomes  
2631 that are important to the environment.

2632 Ms. Matsui. I understand.

2633 Mr. Pruitt. And so if you don't look at the cross section  
2634 of issues from high octane fuel design and what you have raised,  
2635 Congresswoman, the very purposes are not achieved. And so we  
2636 are taking all those into consideration as we head into April  
2637 '18.

2638 Ms. Matsui. Okay, certainly. Mr. Pruitt, I am now running  
2639 out of time. Does California currently have a waiver to set its  
2640 own light-duty vehicle emission standards through 2025?

2641 Mr. Pruitt. Yes. There is, as you know, a statutory waiver  
2642 for California that is evaluated as part of the midterm review.

2643 Ms. Matsui. Right. Is the EPA involving the state of  
2644 California in your review or partial review to a 2022 through  
2645 2025 emission standards?

2646 Mr. Pruitt. I missed the first part of the question, I am  
2647 sorry.

2648 Ms. Matsui. Are you involving the state of California in  
2649 your review of the 2022 to 2025 emission standards?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

125

2650 Mr. Pruitt. As part of the midterm review the California  
2651 waiver is necessarily a part of that process.

2652 Ms. Matsui. Okay, great. That is encouraging because I  
2653 believe that the communication of all involved stakeholders is  
2654 very important. And Mr. Pruitt, can you please answer yes or  
2655 no. Do you believe that environmental laws envision a  
2656 cooperative relationship between states and the federal  
2657 government?

2658 Mr. Pruitt. Yes.

2659 Ms. Matsui. In the past you have said that the previous  
2660 administration was, quote, aggressive about dictating to the  
2661 states and displacing their authority, end quote. Is this  
2662 correct?

2663 Mr. Pruitt. Yes, ma'am.

2664 Ms. Matsui. Given your support for states' rights under  
2665 federal environmental laws, do you support California's ability  
2666 to seek a waiver to set its own Clean Air Act light-duty vehicle  
2667 standards?

2668 Mr. Pruitt. Well, federalism principles, Congresswoman,  
2669 do not say that one state can dictate to the rest of the country  
2670 the standard for the entire country. So there are a multitude  
2671 of considerations with respect to the waiver and those we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

126

2672 considered in due time.

2673 Ms. Matsui. That we will definitely work with states in  
2674 order to do this.

2675 Mr. Pruitt. We have already reached out to the governor  
2676 of California and are waiting for a response.

2677 Ms. Matsui. Okay, great. So as I mentioned previously,  
2678 certain auto manufacturers asked for changes to the emission  
2679 standards. Some have specifically asked for flexibilities under  
2680 the current program. Are you considering providing these types  
2681 of flexibilities or are you also looking at relaxing the standards  
2682 entirely?

2683 Mr. Pruitt. As part of that midterm review all things will  
2684 be considered.

2685 Ms. Matsui. Okay. NHTSA has made --

2686 Mr. Shimkus. The gentlelady's time has expired.

2687 Ms. Matsui. All right. Thank you very much, Mr. Chairman.

2688 Mr. Shimkus. The chair now recognizes the gentleman from  
2689 South Carolina, Mr. Duncan, for 5 minutes.

2690 Mr. Duncan. Thank you, Mr. Chairman.

2691 Administrator Pruitt, thank you for being here today. This  
2692 hearing has been extremely informative to me for learning the  
2693 Trump administration priorities within the EPA and I have to say

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

127

2694 I have been extremely impressed and supportive with the EPA thus  
2695 far under the Trump administration and your leadership. You all  
2696 understand what the intended role of the Agency is and have  
2697 effectively worked to roll back the bureaucratic overreach and  
2698 power abuses of the Agency under the previous administration.

2699 Through cooperative federalism you prioritized what should  
2700 be left up to the states when it comes to both energy and  
2701 environmental matters. The states should be the ones to set their  
2702 own limits in regards to the environment and I thank you for  
2703 understanding the crucial role the states and localities play  
2704 in this process. A quick question about the February 28th  
2705 presidential executive order on Waters of the U.S., could you  
2706 inform me of the status of that AEO?

2707 Mr. Pruitt. Yes. On February 28th, the President issued  
2708 an executive order asking the Agency to review that definition  
2709 from 2015. We in fact are doing that. There is a two-step  
2710 process presently that is ongoing. One is a proposed withdrawal  
2711 of the Waters rule and that is in the marketplace.

2712 There is comment being taken upon that, in fact the comment  
2713 period is closed. And we have a substitute definition of what  
2714 a Water of the United States is that will come out sometime in  
2715 April of next year. So there is a substantive replacement that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

128

2716 is forthcoming and a withdrawal that is already in the marketplace  
2717 that makes up the response to the February 28th executive order.

2718 Mr. Duncan. Thank you. A lot of us were alarmed when we  
2719 saw what was defined as a navigable waterway under the previous  
2720 administration. A lot of times these were ditches that didn't  
2721 hold any water, no stream bed, only had water during a significant  
2722 rain event, but yet they were regulated under the Waters of the  
2723 U.S. and that was to the detriment of the developer, the landowner,  
2724 the farmers, and what not. So I thank you and the administration  
2725 for doing that.

2726 I want to shift gears to ports. The South Carolina port  
2727 regulated by the Ports Authority in South Carolina, our Charleston  
2728 port, is important. One in every 11 jobs in South Carolina is  
2729 attributed to some sort of port activity. So could you explain  
2730 how under the Trump administration the permitting process for  
2731 ports is carried out in a more timely and efficient manner to  
2732 ensure that these ports continue to maintain, be a main economic  
2733 driver while still protecting the environment?

2734 Mr. Pruitt. Yes, it is not just a port issue, Congressman,  
2735 but I think the permitting process at the EPA has been very  
2736 inconsistent. I talked about this, this morning, with respect  
2737 to the ten regions and how individuals in Region 8 or Region 6

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

129

2738 are being treated differently than Region 5 and Region 10. And  
2739 so we are trying to get processes in place to ensure that there  
2740 are timely responses. You know, a permitting process  
2741 shouldn't go on for years and years and years, and we have many  
2742 examples at the Agency where, literally, the decision on whether  
2743 to grant or deny a permit has taken over a decade. That is  
2744 entirely unacceptable. And what we are doing is trying to set  
2745 an outside time limit that a decision will be made up or down  
2746 on whether a permit should issue.

2747 In fact, I have been told, I mentioned the chief operating  
2748 officer earlier today, it is our goal by the end of 2018 to have  
2749 processes in place to ensure an answer up or down on permits within  
2750 6 months as we go forward. So that is something states are doing  
2751 across the country. It is a major undertaking at our Agency but  
2752 we are trying to reform the processes internally to provide  
2753 answers with more clarity and more certainty.

2754 Mr. Duncan. I applaud you for that and I wish this committee  
2755 had jurisdiction over the Corps of Engineers and we could  
2756 encourage them to manage river systems in this country on a  
2757 regional basis instead of a one-size-fits-all. Because I can  
2758 tell you, eastern river systems like the Savannah River system  
2759 is different than western river systems, and how the Savannah

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

130

2760 River Basin is managed from a Corps of Engineers standpoint and  
2761 possibly even an EPA standpoint is different than how a western  
2762 river system should be managed. That is important to my district  
2763 that has core lakes and downstream flows that affect Mr. Carter's  
2764 district.

2765 So Mr. Administrator, I appreciate you being here. With  
2766 that Mr. Chairman, I yield back a minute of my time.

2767 Mr. Pruitt. Well, if I may, I really appreciate the comment  
2768 about regional variation, because as we look at the Waters of  
2769 the United States rule as an example, I mentioned this earlier  
2770 today. The states have, North Dakota has something called  
2771 prairie potholes and as I spent time in North Dakota I had never  
2772 seen a prairie pothole. But that is a unique aspect of that state  
2773 that needs to be taken into consideration as we look at these  
2774 issues. So I really appreciate your feedback. That is the  
2775 reason we were reaching out to governors and these DEQs, DNRs  
2776 across the country to make sure that we are making informed  
2777 decisions not only on just permitting, but the substantive rules  
2778 that we are talking about.

2779 Mr. Duncan. Yes. That is critical. I yield back.

2780 Mr. Shimkus. The gentleman yields back his time. The chair  
2781 now recognizes the gentleman from Georgia, Mr. Carter, for 5

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

131

2782 minutes.

2783 Mr. Carter. Thank you, Mr. Administrator. I appreciate  
2784 you being here today very much. Pardon me?

2785 Mr. Shimkus. My apology, talking to another member here.

2786 Mr. Carter. No worries.

2787 Administrator Pruitt, I have got a -- during the last  
2788 administration, toward the end of the last administration there  
2789 was a rule that was titled Greenhouse Gas Phase 2 Rule for Medium  
2790 and Heavy-duty Trucks. And in my opinion this had a lot of  
2791 overreach in it because it included regulating truck trailers  
2792 as self-propelled vehicles. And I have introduced legislation  
2793 to deal with this and I just wanted to ask you. You issued a  
2794 statement on this rule back in November and in that rule you issued  
2795 a statement on the review of glider kits, but you didn't include  
2796 anything about tractor trailers. Do you intend to do that? Are  
2797 you familiar with this at all?

2798 Mr. Pruitt. I actually appreciate you bringing it to my  
2799 attention. I was aware of the latter that you mentioned but not  
2800 the former, so that is something that I will definitely take a  
2801 look at.

2802 Mr. Carter. Okay. I appreciate it because it is something  
2803 that is very important to us, particularly to the tractor trailer

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

132

2804 industry which is a big industry down in our area as well.

2805 I also wanted to ask you, in my district in the coastal region  
2806 of Georgia, the entire coast of Georgia I have the honor and  
2807 privilege of representing that area. We have got three  
2808 significant Superfund sites, and very briefly can you just bring  
2809 me up to date where we are at with that with the Superfund sites  
2810 and the status of the program and the improvements you may have  
2811 made with this?

2812 Mr. Pruitt. Yes. There were 42 recommendations that we  
2813 would be happy to make available to the committee, but in the  
2814 month of May-June timeframe we commissioned this task force to  
2815 evaluate how we can better manage the Superfund portfolio and  
2816 out of that came 42 recommendations. Those recommendations are  
2817 being implemented as we speak and the great progress is being  
2818 made.

2819 And we are trying to address because there are certain areas,  
2820 and in Portland -- I am sorry. I can't recall the member that  
2821 brought it up this morning, but the City of Portland and the harbor  
2822 there were substantial issues. It was a large area that was  
2823 impacted. There was progress that could be made in certain parts  
2824 of the Superfund area and not others. And so we made a call to  
2825 get started on those areas, because what has happened historically

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

133

2826 is that we delayed taking any positive action until the entire  
2827 area had been decided upon on how to proceed.

2828 So we are trying to make those kind of changes to provide  
2829 clarity to the communities and also ensuring that we are hearing  
2830 the voices of those cities and towns and citizens about those  
2831 decisions. I think that has been neglected in the past. So there  
2832 are many things we are looking at, but ultimately it is to ensure  
2833 that we get outcomes and we get decisive outcomes and decisions  
2834 are made and responsible parties are held responsible for the  
2835 harm they have caused in those areas.

2836 Mr. Carter. Is there any kind of legislative actions that  
2837 you feel like you need that we would be able to make that would  
2838 help you in that area?

2839 Mr. Pruitt. You know, it is a good question because in the  
2840 brownfields program as an example this body has been very, very  
2841 successful with respect to changes in the brownfields program.

2842 I think there are some reusability opportunities with respect  
2843 to Superfund sites, sites that are more marketable going forward.

2844 I mean, ultimately, our goal in the Superfund portfolio should  
2845 be to remediate those sites, protect human health, and see those  
2846 sites redeemed as far as using them going forward. And so there  
2847 may be some things we can work on together to adopt a brownfields

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

134

2848 kind of approach to some of the Superfund areas within the  
2849 portfolio.

2850 Mr. Carter. Good. As I mentioned before, I represent the  
2851 entire coast of Georgia, over a hundred miles of coastline. So  
2852 as you can imagine, we have a lot of boaters in that area and  
2853 our office has been getting a lot of calls about the tiers of  
2854 engine classes that are available for specialized boats  
2855 particularly among the harbor pilots and the bar pilots. They  
2856 are having a lot of trouble with the lack of flexibility that  
2857 is in the framework.

2858 They have got situations where we have heard requirements  
2859 of them forcing people to, in the scenarios where the  
2860 manufacturers don't necessarily make an appropriately tiered  
2861 engine for a boat type and they are having a lot of trouble with  
2862 this and it is causing them problems with being able to order  
2863 these boats. Are you familiar with this or is this something  
2864 that you have been addressing at all?

2865 Mr. Pruitt. It is not something that I have been privy to  
2866 as far as discussions at the Agency, but I would be happy to look  
2867 at it.

2868 Mr. Carter. Okay. And if it is okay I would like my office  
2869 to be able to send you this information so that you can review

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

135

2870 it because it is a serious problem down here. They want to comply  
2871 and they want to do this to do the right thing, but they need  
2872 some flexibility with it as well.

2873 Mr. Pruitt. Okay.

2874 Mr. Carter. Thank you, Mr. Administrator. One last  
2875 question, as I understand it, Mr. Administrator, you are from  
2876 Oklahoma; is that correct?

2877 Mr. Pruitt. Yes, sir.

2878 Mr. Carter. Can you say Go Dawgs?

2879 Mr. Pruitt. It is hard. It is hard.

2880 Mr. Shimkus. I think the gentleman is out of order.

2881 Mr. Carter. Out of order.

2882 Mr. Pruitt. Yes, Boomer Sooner comes out easier.

2883 Mr. Carter. Thank you, Mr. Chairman. I yield back.

2884 Mr. Shimkus. The gentleman yields back his time. The chair  
2885 now recognizes the gentleman from Mississippi, Mr. Harper, for  
2886 5 minutes.

2887 Mr. Harper. Thank you, Mr. Chairman.

2888 And thanks so much for being here, Administrator Pruitt,  
2889 and congratulations on a great, almost 10 months I guess that  
2890 you have been in this role. And while I was born in Mississippi,  
2891 my late father was born in Altus, Oklahoma and grew up there,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

136

2892 so we have a great affinity for the state of Oklahoma in my  
2893 household. So I appreciate you taking the time to be here and  
2894 go through this.

2895 Yesterday, I was appointed chairman of the Subcommittee on  
2896 Oversight and Investigations here in Energy and Commerce, an  
2897 important responsibility that I will now have and I certainly  
2898 don't take that lightly. Many of the matters that we have  
2899 reviewed and will review will concern the EPA.

2900 While I cannot comment on the minority's interest and agenda,  
2901 I can pledge to my colleagues across the aisle and to you that  
2902 I will work with you when at all possible and that in the weeks  
2903 ahead I will be reviewing available information with the chairman  
2904 of the full committee and committee staff to determine our  
2905 oversight agenda regarding the many agencies under the  
2906 committee's jurisdiction including EPA.

2907 I will also work closely with the chairmen of the other  
2908 subcommittees to identify issues we think deserve focus and  
2909 attention. In addition, I wanted to emphasize that as with all  
2910 agencies in the committee's jurisdiction, we do anticipate and  
2911 expect that the EPA will cooperate with our inquiries and I hope  
2912 you, Administrator Pruitt, will respect our constitutional  
2913 prerogatives and will be fully responsive to our inquiries and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

137

2914 requests for information, and I assume we can count on that.

2915 Mr. Pruitt. Yes, Congressman.

2916 Mr. Harper. Thank you.

2917 Mr. Pruitt. And it is good to meet you and I am glad to  
2918 hear about your connection to Altus.

2919 Mr. Harper. Thank you so much. You know, the Obama  
2920 administration's EPA rule on wood heaters had two steps. Step  
2921 one took effect in 2015 that reduced emissions up to 90 percent.

2922 Step two is scheduled to take effect in 2020 and will reduce  
2923 emissions a bit more. The 2015 step one has already gone into  
2924 effect.

2925 But the wood heater industry, many of them are having great  
2926 difficulty developing models that meet the 2020 step two  
2927 standards. So one of the things we have looked at is giving more  
2928 time in a matter that was actually marked up yesterday to extend  
2929 that by 3 years. Do you believe that it makes sense to give this  
2930 industry a little more time to meet the step two standards rather  
2931 than seeing companies going out of business and letting workers  
2932 go?

2933 Mr. Pruitt. Well, I think it is always helpful,  
2934 Congressman, in response to your question, for Congress to provide  
2935 those kinds of direction to the Agency, and I am glad to hear

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

138

2936 and encourage that this body is looking at that to give us the  
2937 path forward in that regard. And as that occurs we will make  
2938 sure we work with you to address the issue.

2939 Mr. Harper. You know, many of the customers for these wood  
2940 heaters, many of them will be in the rural areas, many low-income  
2941 individuals or households. So, you know, it is a feeling I would  
2942 assume that you would agree that the EPA needs to make sure that  
2943 its rules don't drive up prices unnecessarily.

2944 Mr. Pruitt. I mean all those things have to be considered  
2945 in the regulatory process, but I very much appreciate the  
2946 congressional response as well on those deadlines.

2947 Mr. Harper. One last thing in the time we have. Last week,  
2948 the Oversight and Government Reform Committee held a hearing on  
2949 the Regulatory Reform Task Force. During the hearing, Deputy  
2950 Associate Administrator Bolen testified that retrospective  
2951 review of regulations was nothing new to EPA. What are some  
2952 regulations that have been repealed and what are some others that  
2953 have been proposed but maybe not yet finalized?

2954 Mr. Pruitt. Goodness. Are you talking about Brittany  
2955 Bolen?

2956 Mr. Harper. Yes.

2957 Mr. Pruitt. And I am not sure. I haven't reviewed her

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

139

2958 testimony, but are there any specific rules or areas that you  
2959 are concerned about?

2960 Mr. Harper. Just wondering if there is something that you  
2961 have got on your radar that we need to be aware of that you are  
2962 looking at.

2963 Mr. Pruitt. I mean I think that we have been very, you know,  
2964 regulatory reform pursuant to the executive order and that task  
2965 force is something that I think is going to be ongoing as we head  
2966 into 2018. The agenda that we have spelled out there is very  
2967 apparent and I think we have addressed some of those here today.

2968 If there are certain rules or regulations that are of concern  
2969 to you or others on the committee, we look forward to that  
2970 discussion but I can't point to any particular one that hasn't  
2971 been discussed already. My apologies in that regard, but.

2972 Mr. Harper. Administrator Pruitt, we want to thank you for  
2973 your time and your insight. We look forward to working with you  
2974 in the years ahead. Thank you.

2975 Mr. Pruitt. Thank you, Congressman.

2976 Mr. Shimkus. The gentleman yields back his time. Just an  
2977 announcement of my apologies to my colleagues who have been here  
2978 for a long time, the committee rules dictate that members who  
2979 don't serve on the committee go by seniority on the full committee.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

140

2980 So with that I recognize the gentleman from Illinois, Mr. Rush,  
2981 for 5 minutes.

2982 Mr. Rush. I want to thank you, Mr. Chairman.

2983 And I want to thank you, Administrator Pruitt, for your  
2984 attendance here. After your confirmation hearing in January you  
2985 were submitted questions for the record asking you to define  
2986 environmental justice and whether you considered it a serious  
2987 issue. And in your response you seemed to give the issue, in  
2988 my opinion, short shrift as you reported as saying that you were,  
2989 quote, familiar with the concept of environmental justice, end  
2990 of quote.

2991 You then went on to say in a vague way, and I quote you  
2992 directly, the administrator plays an important role regarding  
2993 environmental justice, end of quote. And this statement you  
2994 repeated 11 times in your written response. Then a few months  
2995 later, after you took over the Agency, the former Assistant  
2996 Associate Administrator for Environmental Justice, Mr. Mustafa  
2997 Ali, an individual who worked with my office on several occasions,  
2998 Mr. Ali resigned in March after 24 years of service stating that  
2999 he did not see any indication that you or the rest of the  
3000 Administration are interested in any way in helping vulnerable  
3001 communities.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

141

3002 I just want to say this is deeply disturbing to me because  
3003 as you know protecting these communities is an essential aspect  
3004 of the EPA's mission and is one that appears to have been, in  
3005 my opinion, summarily neglected. So Mr. Administrator, how would  
3006 you prioritize EPA's responsibility to protect the nation's most  
3007 vulnerable populations from pollution? Is it a high, medium,  
3008 or low priority in your -- how would you define it?

3009 Mr. Pruitt. Congressman, thank you for your comments. And  
3010 let me say to you it is a priority and I will give you feedback.

3011 Mr. Rush. Is it a high, medium, or low priority?

3012 Mr. Pruitt. It is a very important priority at the Agency,  
3013 and I will give you an example. East Chicago, an area that I  
3014 am sure you are familiar with, with respect to a Superfund site  
3015 there, there are threats to water supply and there is a community  
3016 in East Chicago that has faced those threats for a number of years.

3017 I traveled to East Chicago, met with members of the community  
3018 there that make up the constituency group, those that have not  
3019 had a voice in some of these areas, and met with them about a  
3020 progress and an answer on that East Chicago area. In fact, we  
3021 have sent staff there multiple times since I left to ensure  
3022 progress. So it is something that I consider an important  
3023 priority.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

142

3024 I met with internal members of our team as recently as  
3025 yesterday, the NEJAC group that meets internal to the EPA on  
3026 environmental justice, and we talked about these very issues of  
3027 making sure that individuals who historically have not had voice  
3028 to impact outcomes with respect to Superfund or other issues that  
3029 we take that seriously and actually take that into account going  
3030 forward. So it is something that is an important priority going  
3031 forward.

3032 Mr. Rush. So it is an important priority, all right. The  
3033 record shows that you -- let me ask you another question then.

3034 The record shows that you have met either in person or by phone  
3035 with the API on at least three different occasions, on the 28th  
3036 of June, on the 29th, and also on the 6th of November. My question  
3037 to you, there is as an individual who is a scientific advisor  
3038 for the API and her name is Ms. Una Blake. Are you familiar with  
3039 this individual?

3040 Mr. Pruitt. The name doesn't sound familiar, Congressman.

3041 Mr. Rush. So have you had any occasion to discuss her  
3042 position on hydraulic fracturing? She indicated that hydraulic  
3043 fracking is a health benefit to minority communities, to African  
3044 American communities specifically and this is in contrast to NAACP  
3045 study that found that many African American communities face an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

143

3046 element of risk of cancer due to air toxic emissions in natural  
3047 gas. Are you familiar with the NAACP study?

3048 Mr. Pruitt. The person to whom you refer, I am not familiar  
3049 with that person. So I am sorry.

3050 Mr. Shimkus. The gentleman's time has expired. The chair  
3051 recognizes the gentleman from Virginia, Mr. Griffith, for 5  
3052 minutes.

3053 Mr. Guthrie. Thank you very much, Administrator Pruitt.

3054 I also want to thank you personally for meeting with me earlier  
3055 this year to discuss some of the issues in the 9th congressional  
3056 district of Virginia, and I appreciate that you will continue  
3057 to work on those. One of those that I think that we talked at  
3058 that time but I want to discuss again today dealt with the EPA's  
3059 regulations affecting medium and heavy-duty vehicles. Now the  
3060 problem that I have is that the prior administration wanted to  
3061 regulate both the tractor and the trailer.

3062 But the code says that the motor vehicle which is the area  
3063 where the authority comes from, the term motor vehicle means any  
3064 self-propelled vehicle designed for transporting persons or  
3065 property on a street or highway, and of course a trailer is not  
3066 self-propelled. It has to have the tractor component and we make  
3067 both in my district. I have Volvo which makes the tractor and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

144

3068 then I have companies that make the trailers and about 2,000  
3069 employees just making trailers in my district. So it is a very  
3070 important question.

3071 And so I guess what I have to ask is, is that with that reading  
3072 of the law -- and look, I have to applaud you all for agreeing  
3073 to reconsider those regulations overall, but at some point the  
3074 EPA needs to either acknowledge that there is no authority over  
3075 the trailers or come and ask Congress for that authority. Do  
3076 you know how long it will take before you get to that point?

3077 Mr. Pruitt. And I agree wholeheartedly. I mean it is one  
3078 of those areas where the text of the statute is something that  
3079 governs whether we have authority or not and we need to provide  
3080 clarity on that and do it soon and advise Congress if there is  
3081 a deficiency. So I agree wholeheartedly with your position.

3082 Mr. Griffith. Well, I appreciate that. In fact, one of  
3083 the folks there before said that since you had to have goods in  
3084 the trailer to move anything that that is how they got authority.

3085 And I made the analogy at the time, well, that gives the EPA  
3086 the authority to restrict the weight of the driver because you  
3087 can't drive at least at this point until we get to the driverless  
3088 trucks. At this point you have still got to have a driver in  
3089 the truck and if you are going to get to weights and that kind

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

145

3090 of thing on things that aren't self-propelled motor vehicles then  
3091 you can do anything.

3092 All right. I do want to talk about some New Source Review  
3093 issues and I am concerned that the EPA has been using New Source  
3094 Review programs inappropriately in the past as a weapon against  
3095 coal-fired power plants using enforcement actions to change the  
3096 way the program is supposed to work and making it hard for these  
3097 plants to do the type of maintenance projects that are needed  
3098 to keep them running reliably and efficiently.

3099 I have introduced legislation to address this problem. A  
3100 lot of us are hoping that you will help on this. Can you give  
3101 me some yes or no answers to the following questions? One, EPA  
3102 has taken New Source Review enforcement actions against  
3103 coal-fired power plants because they have taken steps to become  
3104 more efficient. Are you aware of this?

3105 Mr. Pruitt. I am.

3106 Mr. Griffith. And do you think that this is the way the  
3107 program is supposed to work?

3108 Mr. Pruitt. I don't.

3109 Mr. Griffith. To be more efficient?

3110 Mr. Pruitt. I don't.

3111 Mr. Griffith. Do you think that a power plant should be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

146

3112 required to go through a long and costly permitting process before  
3113 it can do something to improve its efficiency including less  
3114 pollutants?

3115 Mr. Pruitt. I don't.

3116 Mr. Griffith. And do you believe that such a requirement  
3117 might actually discourage plant owners from doing things to make  
3118 their plants more efficient?

3119 Mr. Pruitt. In fact it is happening across the country.

3120 And I would say to you, Congressman, we have a task force. I  
3121 mentioned earlier today that Bill Wehrum, who is an AA for air  
3122 recently confirmed, there is a task force internal to the Agency  
3123 to address NSR steps going forward in 2018. It is a very important  
3124 area as you have indicated. There are companies across this  
3125 country that seek to invest capital to improve emissions and they  
3126 are very concerned if they do that it will trigger new permitting  
3127 requirements and it is a disincentive. And that is not the way  
3128 that it should work and we are trying to address that and believe  
3129 it is a very important issue.

3130 Mr. Griffith. Well, I appreciate that and look forward to  
3131 working with you on that issue because I do believe it is a very  
3132 important issue. And while I do represent a coal district, it  
3133 is also, I think, important for those who are concerned about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

147

3134 pollution because we are going to continue to need coal well into  
3135 the future at least at some percentage level to keep our grid  
3136 reliable. And as we use that coal we want to do it more cleanly  
3137 and more effectively and more efficiently and to discourage people  
3138 from taking on the new technology because it might put them out  
3139 of business is not a good idea.

3140 Mr. Pruitt. I mean we should remember that this is really  
3141 an issue that affects all utility companies that seek to invest  
3142 monies to improve emission outcomes. We celebrate that and  
3143 encourage that. We don't want there to be disincentives in place  
3144 to impact that adversely.

3145 Mr. Griffith. And I know the technology is changing. I  
3146 am going to switch gears on you a little bit. But I know the  
3147 technology has changed, but I would like to allay some people's  
3148 fears. Every rock, every rock system is a little bit different  
3149 and I know that too, but they have been fracking in my district  
3150 for probably about 40, 45 years. And so for those people who  
3151 are afraid of it, if you have the right rock and you are taking  
3152 a look at the ingredients that are being put into that rock, I  
3153 think it can be done very safely.

3154 Mr. Pruitt. I mean to your point, Congressman, hydraulic  
3155 fracturing itself is not new technology. It has been around for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

148

3156 decades. And the uniqueness, the shale revolution that has  
3157 occurred is largely because of horizontal drilling combined with  
3158 the fracking process. So --

3159 Mr. Shimkus. The gentleman's time has expired. The chair  
3160 will now recognize the gentlelady from Illinois, Ms. Schakowsky,  
3161 for 5 minutes.

3162 Ms. Schakowsky. Thank you, Mr. Chairman. I appreciate  
3163 being allowed to be at this hearing today.

3164 Thank you, Secretary Pruitt. I have a number of questions  
3165 so I am going to try and push through these. Last Congress,  
3166 Assistant Administrator McCabe appeared before the subcommittee  
3167 on Digital Commerce and Consumer Protection -- I am the ranking  
3168 member there -- to discuss EPA and NHTSA technical assistance  
3169 report, the technical analysis that supported the decision to  
3170 retain EPA's greenhouse gas standards for the 2022 to '25 model  
3171 year cars and light trucks. You reopened the midterm review after  
3172 receiving a request from the auto industry in February, and I  
3173 have a number of questions that may help me understand why you  
3174 agreed to their request.

3175 So first, let me ask you this. Is there a revised technical  
3176 report that you used as a basis for reopening the midterm review  
3177 of the EPA fuel efficiency standards?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

149

3178 Mr. Pruitt. The reopening, Congresswoman, was to keep  
3179 consistent with what was committed on the midterm review when  
3180 it was supposed to happen initially. It was supposed to occur  
3181 April of 2018. This was not a change of that date, it was just  
3182 a commitment to keep the date that was agreed to at the beginning.

3183 And that date was not -- actually accelerated by the previous  
3184 administration, December of '16, January of '17, so this was just  
3185 restoring order to the process to make sure that the original  
3186 date was upheld and enforced and it occurred in the time it was  
3187 supposed to occur initially.

3188 Ms. Schakowsky. Okay. So you are saying there were no  
3189 change and is that already closed now again?

3190 Mr. Pruitt. No, the review is ongoing. But the review is  
3191 ongoing because the initial commit was April of 2018. So this  
3192 is a restoration of process to say that the midterm review should  
3193 occur pursuant to April 2018 as originally discussed.

3194 Ms. Schakowsky. Well, my understanding is that it was  
3195 already approved in the last Congress. So in answer to my  
3196 question, is there a revised technical report that you used as  
3197 a basis for reopening and is it --

3198 Mr. Pruitt. The Agency accelerated the review process  
3199 inconsistent --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

150

3200 Ms. Schakowsky. All right.

3201 Mr. Pruitt. -- with the original understanding and this  
3202 was a restoration of that process.

3203 Ms. Schakowsky. So let me ask you this. I would like to  
3204 know if you agree or disagree with the information your agency  
3205 provided to us at that time, that is, last Congress. I don't  
3206 have any --

3207 Mr. Pruitt. What timeframe is that? What timeframe would  
3208 that be as far --

3209 Ms. Schakowsky. So that was in September of 2016. Do you  
3210 have new -- agree or disagree with the information that your agency  
3211 did provide, now your agency, provided to us at that time?

3212 Mr. Pruitt. I think my comment is what I said earlier,  
3213 Congresswoman. It is consistent with the commitments were made  
3214 that the midterm review would occur in April of 2018.

3215 Ms. Schakowsky. Okay. So I am a bit confused, because Ms.  
3216 McCabe testified that the EPA found that fuel efficiency  
3217 technology development was moving faster than they had expected  
3218 and is being implemented in the early years of the program. Has  
3219 this finding changed?

3220 Mr. Pruitt. I am not aware, Congresswoman.

3221 Ms. Schakowsky. The EPA found that to meet the proposed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

151

3222 standards automakers do not have to manufacture and sell large  
3223 numbers of hybrids and electric vehicles. The Agency projects  
3224 that the 2022 through '25 standards can be met largely with more  
3225 efficient gasoline powered cars. Has this finding changed?

3226 Mr. Pruitt. That will be part of the review that occurs  
3227 in April of '18.

3228 Ms. Schakowsky. So all of these are dependent on a review  
3229 that was opened earlier than expected. In other words you decided  
3230 --

3231 Mr. Pruitt. The Agency concluded their process,  
3232 Congresswoman, inconsistent with the original timeframe that was  
3233 established and we have restored that process. So this review  
3234 that you are referring to will occur and culminate in April of  
3235 2018.

3236 Ms. Schakowsky. Okay, so we are going to be interested then.  
3237 And the transportation sector accounts for a third of the total  
3238 greenhouse gas emissions in the United States. With light-duty  
3239 truck vehicles making up more the 60 percent of the emission  
3240 standards in that sector, the EPA found in that original review  
3241 that these standards are a critical part of any program to reduce  
3242 greenhouse gases. Would you agree and do you expect that that  
3243 finding may change?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

152

3244 Mr. Pruitt. The progress made in the mobile source category  
3245 has been significant and the auto industry has made significant  
3246 progress over the years. That is why the process matters and  
3247 we are going to go through that and it will culminate in April  
3248 of '18.

3249 Ms. Schakowsky. And EPA and NHTSA found that the average  
3250 cost increase for a car by 2025 due to the standards will be about  
3251 \$1,200 and that that cost would be offset by an estimated fuel  
3252 cost savings of about \$1,900. Are you aware of that finding that  
3253 there would actually be a savings in the cost of a car?

3254 Mr. Pruitt. The vehicle emissions and efficiencies are  
3255 dramatically more than people anticipated several years ago so  
3256 there has been great progress as I indicated.

3257 Ms. Schakowsky. The gentlelady's time has expired. The  
3258 chair now recognizes the gentleman from Florida, Mr. Bilirakis,  
3259 for 5 minutes.

3260 Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate it.  
3261 Thanks for letting me sit in on the subcommittee as well. And  
3262 I thank you for your testimony, Administrator, and your patience.

3263 Administrator Pruitt, this subcommittee recently held a  
3264 hearing regarding the status of the hurricane response in Florida,  
3265 Texas, Puerto Rico, and the Virgin Islands. A key issue of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

153

3266 concern was how EPA addressed the Superfund sites both in advance  
3267 of and in the wake of the hurricanes. This is a big priority  
3268 for me because in my district I have the Stauffer Chemical Company  
3269 Superfund site.

3270 I want to thank you for having your staff be so responsive  
3271 again during and leading up to the hurricanes as well. I  
3272 appreciate that very much. Can you walk us through EPA's process  
3273 to secure Superfund sites before and after a hurricane and how  
3274 does EPA coordinate with state and local agencies?

3275 Mr. Pruitt. Thank you, Congressman. And there are  
3276 assessments that are made in conjunction with governors, Governor  
3277 Abbott in Texas, Governor, the Florida governor, Governor Scott.

3278 That is going to be bad because he is going to call me a little  
3279 bit later.

3280 Mr. Shimkus. And I knew it. I am from Illinois, so.

3281 Mr. Pruitt. The governor of Florida and the governor of  
3282 Texas, we were in conversations with them leading up to the  
3283 hurricanes in both instances to talk about how to secure those  
3284 sites. So you have conversations that are ongoing with  
3285 responsible parties, the governors in those states, the DEQ, DNR  
3286 at the state level.

3287 There is a pre-assessment on whether proper steps are being

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

154

3288 taken to secure those sites, and there is constant evaluation  
3289 during the storms. And then postscript a determination whether  
3290 there has been any release. So it is both a pre-, during, and  
3291 post process that occurs with those states and members of our  
3292 agency.

3293 Mr. Bilirakis. Okay, thank you. Again the Stauffer --

3294 Mr. Pruitt. Governor Scott is a great governor.

3295 Mr. Bilirakis. And Governor Scott -- I will repeat it.

3296 Governor Scott is a great governor and did a great job during

3297 --

3298 Mr. Pruitt. He is. And I will say he showed tremendous  
3299 leadership. In fact, I will tell you with respect to the fuel  
3300 waivers that occurred, access to fuel is a key issue for citizens  
3301 during those kinds of storms and working with Governor Abbott  
3302 in Texas and Governor Scott in Florida we were able to address  
3303 that in a proactive way to ensure better access to fuel during  
3304 those storms and Governor Scott was a tremendous leader in that  
3305 regard.

3306 So I really commend his leadership, the leadership of the  
3307 state of Florida, the DEQ there, but also in the state of Texas  
3308 as well.

3309 Mr. Bilirakis. Ditto. I agree. Okay, the current status

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

155

3310 of the Stauffer site, the Superfund site that I referred to  
3311 earlier, is better than most of the sites on the national priority  
3312 list in that the remedy is largely in place and the most recent  
3313 5-year review found that the remedy was protective of people and  
3314 the environment. I know that not all sites on the National  
3315 Priorities List are in such good shape. I have a couple questions  
3316 for you about the Superfund cleanup program if I may. Number  
3317 one, how does EPA plan to work through the sites on the National  
3318 Priorities List and how does EPA prioritize existing sites on  
3319 the National Priorities List?

3320 Mr. Pruitt. We have had some changes at the Agency to  
3321 address sites that are over \$50 million, because historically  
3322 regions have been the primary place where that has been decided  
3323 and we have had inconsistency on large sites based upon it being  
3324 a region by region evaluation. And so what we did is institute  
3325 a change that on sites of over \$50 million, that would actually  
3326 be a decision made at headquarters to ensure greater consistency  
3327 and uniformity and urgency to address those sites.

3328 So that is ongoing based upon the task force recommendations  
3329 that came out in June of this year, as I previously referred to  
3330 that. And the other thing we are looking at is to ensure that  
3331 if we have sites as I indicated earlier that have the ability

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

156

3332 to be cleaned up partially, you know, where it is a large site  
3333 and we can make progress, instead of waiting until there is a  
3334 remedy or proposed remedy for the entire site, we are trying to  
3335 address those hot spots, if you will, throughout the process to  
3336 get some clarity and success, if you will, through the cleanup  
3337 process. So those are just a couple of examples.

3338 But the Superfund program, overall, in my view, has lacked  
3339 a sense of focus, a sense of leadership and management over making  
3340 decisions. It is really unacceptable for an agency to take  
3341 decades to make a decision on how you clean up sites. I would  
3342 love to tell you that that is an isolated situation at the Agency.  
3343 It has not been historically.

3344 I have had individuals in the Land and Emergency Management  
3345 Office that have been in EPA for a number of years that really  
3346 appreciate how we have vitalized that area and really focused  
3347 in this and they look forward and are actually making a difference  
3348 in as early as, you know, the time we have been in there.

3349 Mr. Shimkus. I am going to ask my colleague to yield back  
3350 that time so we can get -- and also make an announcement that  
3351 they are going to call votes real soon. We are going to try to  
3352 drive through our last colleagues. And with that --

3353 Mr. Tonko. Mr. Chair?

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

157

3354 Mr. Shimkus. Yes.

3355 Mr. Tonko. Yes, just quickly. If I might ask the Fumes  
3356 Across the Fence-Line issued by the Clean Air Task Force and NAACP  
3357 referenced by Congressman Rush be entered into the record.

3358 Mr. Shimkus. Without objection, so ordered.

3359 [The information follows:]

3360

3361 \*\*\*\*\*COMMITTEE INSERT 7\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

158

3362 Mr. Shimkus. And the very patient Kathy Castor is  
3363 recognized for 5 minutes.

3364 Ms. Castor. Well, thank you, Mr. Chairman.

3365 Mr. Pruitt, I appreciate the work that the EPA professionals  
3366 out of Region 4, the work they did before and after Hurricane  
3367 Irma, so thank you for that.

3368 Mr. Pruitt. They worked very diligently.

3369 Ms. Castor. But clean water and clean air are vital to our  
3370 economy in Florida. And I had to choke a little bit when you  
3371 called our governor a great governor, because one of the things  
3372 -- and I wasn't going to mention this. One of the things he has  
3373 done is to deny the rising cost of the changing climate. Florida  
3374 is probably one of the most impacted states when it comes to that  
3375 looking at flood insurance, property insurance, property taxes  
3376 from these extreme weather events and hurricanes.

3377 And I hope that EPA was not taking a page out of Governor  
3378 Scott's book. Governor Scott at one point prohibited folks at  
3379 our environmental agencies from using the term climate change  
3380 at all and also scrubbed websites. And now you have an  
3381 unfortunate, now you are laying down that same legacy and I think  
3382 that is unfortunate as well. To be great you have to great things  
3383 and not -- and work in the public interest and not for private

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

159

3384 interests. And --

3385 Mr. Pruitt. I think the Governor did exercise tremendous  
3386 leadership during the hurricanes. And --

3387 Ms. Castor. On climate he has been a denier and that is  
3388 a problem and that is going to cost us dearly in the state of  
3389 Florida. Mr. Pruitt, prior to becoming administrator of EPA you  
3390 served as attorney general of Oklahoma. In that role you sued  
3391 the EPA repeatedly, in fact, 14 different times fighting clean  
3392 air protections, fighting clean water protections.

3393 And interestingly, the CEO of one private company, Murray  
3394 Energy, was a co-plaintiff in eight of the 14 lawsuits. You also  
3395 acted with other energy companies and special interests such as  
3396 Peabody Energy, Southern Power Company, the American Fuel &  
3397 Petrochemical Manufacturers, Oklahoma Gas & Electric, and others.

3398 How many of these groups have you met with during your 10-month  
3399 tenure at the EPA?

3400 Mr. Pruitt. Look, the claims that were made by those  
3401 companies were separate from the claims of the states --

3402 Ms. Castor. No, just answer that question because we have  
3403 limited time.

3404 Mr. Pruitt. -- and the state interest.

3405 Ms. Castor. How many times have you met with those

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

160

3406 companies?

3407 Mr. Pruitt. I don't know, Congresswoman.

3408 Ms. Castor. All right, so please submit that information  
3409 for the record. These groups also reportedly contributed money  
3410 to you or your political action committees. Murray Energy CEO  
3411 Bob Murray was a top donor to your Super PAC. In fact, according  
3412 to the National Institute on Money in State Politics, you have  
3413 received over \$345,000 in campaign contributions from these  
3414 fossil fuel interests.

3415 You previously served two terms as chairman of the Republican  
3416 Attorneys General Association, correct?

3417 Mr. Pruitt. That is correct.

3418 Ms. Castor. And Murray Energy donated not only to your Super  
3419 PAC but also to the RAGA. In fact, in 2014, press report describes  
3420 a, quote, secretive alliance between energy firms and attorneys  
3421 general, according to this report, under your leadership at the  
3422 RAGA that set up a separate entity called the Rule of Law Defense  
3423 Fund which could accept unlimited anonymous donations from  
3424 companies benefiting from your lawsuits.

3425 Under this arrangement, fundraising reportedly skyrocketed.  
3426 The report also states that quote, the work in Mr. Pruitt's office  
3427 has sometimes seemed to blur the distinction between his official

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

161

3428 duties and the advancement of his political career. And I have  
3429 to be frank. Many of us are very concerned that you continue  
3430 to blur the distinction between your official duties and your  
3431 political ambitions. You pledged that while you are  
3432 administrator you would recuse yourself from any active cases  
3433 where Oklahoma is a party/petitioner/intervener; is that correct?

3434 Mr. Pruitt. I have, in fact.

3435 Ms. Castor. So given your extensive history of suing the  
3436 Agency you now oversee and the vast amounts of money you have  
3437 raised from the fossil fuel industry, offering to recuse yourself  
3438 from only active cases and only cases from where Oklahoma, itself,  
3439 is a party is grossly inadequate. So will you commit to recusing  
3440 yourself from cases involving your past co-litigants and donors  
3441 to the Rule of Law Defense Fund?

3442 Mr. Pruitt. It has not been inadequate according to the  
3443 ethics official at the EPA who is a career employee. And that  
3444 --

3445 Ms. Castor. So you are saying you will not commit today?

3446 Mr. Pruitt. I follow the advice of counsel.

3447 Ms. Castor. So yes or no, you will not --

3448 Mr. Pruitt. Mr. Chairman, if I may.

3449 Mr. Shimkus. The time is the gentlelady's from Florida,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

162

3450 so.

3451 Ms. Castor. So I understand --

3452 Mr. Pruitt. If I may.

3453 Mr. Shimkus. Well, let the gentlelady ask her question.

3454 Ms. Castor. So if you cannot do that you will cement your  
3455 legacy as one who serves the powerful special interests and not  
3456 the public interest. I am also deeply concerned that you have  
3457 not recused yourself from regulatory proceedings on specific  
3458 rules you have previously targeted despite the fact that your  
3459 position on the issue is clearly already established. Will you  
3460 commit to recusing yourself from rulemakings and other regulatory  
3461 actions that were the subject of your past lawsuits?

3462 Mr. Shimkus. The gentlelady's time has expired. The chair  
3463 now recognizes the gentleman from Maryland for 5 minutes.

3464 Ms. Castor. He can answer that.

3465 Mr. Shimkus. The gentlelady's time has expired. The chair  
3466 recognizes the gentleman from Maryland.

3467 Mr. Pruitt. No, you don't, Congresswoman. These issues  
3468 have been addressed by the ethics official at the EPA.

3469 Mr. Shimkus. The gentleman will suspend. The chair  
3470 recognizes the gentleman from Maryland.

3471 Mr. Sarbanes. Thank you, Mr. Chairman. Thank you for being

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

163

3472 here, Mr. Pruitt, and staying until the end.

3473           President Trump has promised the American people he and his  
3474 administration would drain the swamp in Washington, overturn,  
3475 quote, decades of special interest dealing. Do you agree that  
3476 as EPA administrator your job is to protect public health and  
3477 the environment by serving the public interest and not wealthy  
3478 special interests?

3479           Mr. Pruitt. A very key mission of the Agency.

3480           Mr. Sarbanes. Yes.

3481           Mr. Pruitt. Yes.

3482           Mr. Sarbanes. That is a yes answer. The Democracy Reform  
3483 Task Force, which I am privileged to chair, has been monitoring  
3484 the Administration's progress with respect to draining the swamp.

3485           And as you might suspect from the title of our most recent report,  
3486 it is still swamped and it is only getting deeper. We didn't  
3487 want to do this report, but we felt compelled to do it when we  
3488 looked at all of the ethical lapses that exist within this  
3489 administration.

3490           On March 30th you met with CropLife America which is a trade  
3491 association run by several large pesticide companies including  
3492 Dow Chemical; is that correct?

3493           Mr. Pruitt. If that is what the calendar reflects.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

164

3494 Mr. Sarbanes. Okay. This was a day after you denied a  
3495 science-based petition to ban a widely used pesticide tied to  
3496 developmental delays in children and that action was strongly  
3497 supported by Dow Chemical, which I will mention donated a million  
3498 dollars to President Trump's inaugural committee. On April 26th  
3499 you met with Southern Power, one of the nation's largest  
3500 coal-burning utilities, and had dinner with Alliance Resource  
3501 Partners, a major coal mining company. Is that also correct?

3502 Mr. Pruitt. If that is what the calendar reflects.

3503 Mr. Sarbanes. Well, I think that is what the calendar shows.  
3504 Since then, the EPA has announced that the Agency will consider  
3505 rolling back rules that protect mining communities from toxic  
3506 coal ash, and Alliance Resource Partners CEO donated almost \$2  
3507 million to elect the President. I am not mentioning this stuff  
3508 as a gotcha thing. I am mentioning it because it really makes  
3509 a lot of Americans anxious when you consider the conflicts of  
3510 interest that this suggests.

3511 Let me turn now to a topic of importance to my home state  
3512 of Maryland, if I can, the Chesapeake Bay Program. In your  
3513 confirmation hearing before the Senate Environment and Public  
3514 Works Committee, you commended the state and federal partnership  
3515 to restore the Chesapeake Bay and you committed to enforcing the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

165

3516 Bay pollution diet or the TMDLs; is that correct?

3517 Mr. Pruitt. That is correct. In fact, Senator Cardin and  
3518 I had wonderful conversations during that process.

3519 Mr. Sarbanes. Yes, I am going to get to that conversation  
3520 you had with the senator. Despite the fact that as Oklahoma  
3521 attorney general you sued the EPA challenging the Bay TMDLs  
3522 previously, you also pledged with Senator Cardin that you would  
3523 support the federal government's role in Chesapeake Bay  
3524 partnership through funding critically important programs and  
3525 supporting the grantmaking role of EPA; is that correct?

3526 Mr. Pruitt. Yes.

3527 Mr. Sarbanes. You would say that is correct. And yet if  
3528 you look at the President's fiscal year 2018 budget, it completely  
3529 eliminated the Chesapeake Bay Program at EPA. Now we have pushed  
3530 back against that, but that is hardly a follow-through on the  
3531 pledge that you made to Senator Cardin and the statements that  
3532 you made about the Chesapeake Bay Program. So that is not  
3533 standing up and enforcing the TMDLs, making the grants that we  
3534 need to support Bay restoration. It appears rather that under  
3535 your leadership that commitment is being zeroed out.

3536 Mr. Pruitt. I think, Congressman, that the comments that  
3537 I made during the appropriations process should also be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

166

3538 referenced, which I spoke to members of this body as well as the  
3539 members of the Senate on the very issue and expressed my  
3540 commitment.

3541 Mr. Sarbanes. I appreciate that. What I guess I am looking  
3542 for is a follow-through on the original commitment that you made  
3543 in the sense of fighting back inside the Administration and saying  
3544 programs like the Chesapeake Bay Program are valuable, the funding  
3545 needs to be there. Don't just rely on Congress to restore these  
3546 things, which by the way we have tried to do on a bipartisan basis  
3547 demonstrating the commitment to the program here --

3548 Mr. Pruitt. Those discussions happen.

3549 Mr. Sarbanes. -- but become an ally of ours --

3550 Mr. Pruitt. Those discussions in fact have taken place  
3551 historically.

3552 Mr. Sarbanes. -- in that respect. Okay. Well, I  
3553 appreciate you continuing to do that. Let me finish real quickly  
3554 to speaking to Executive Order 13770, which relates to ethics  
3555 commitments by executive branch appointees, which requires,  
3556 quote, every executive agency appointed on or after January 20th,  
3557 2017, agency employee to be, quote, contractually committed to  
3558 an ethics pledge; is that correct?

3559 Mr. Pruitt. Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

167

3560 Mr. Sarbanes. Yes. And that pledge stipulates that  
3561 Administration appointees are prohibited for 2 years from the  
3562 date of their appointment from participating in any matter  
3563 involving specific parties that is directly or substantially  
3564 related to the former employer or former clients including  
3565 regulations and contracts.

3566 Executive Order 13770 states that appointees have a 2-year  
3567 cooling off period in terms of handling matters related to their  
3568 previous lobbying. But I am concerned that several of your  
3569 personnel decisions deviate from those guidelines. There is a  
3570 growing list of appointees at EPA that appear to have substantial  
3571 conflict.

3572 Mr. Shimkus. The gentleman needs to wrap it up.

3573 Mr. Sarbanes. So I hope that you will bring some real  
3574 attention to these conflicts as we move forward and I yield back  
3575 my time. I thank the chairman for allowing us to participate  
3576 off the committee and I would ask for unanimous consent to submit  
3577 these Still Swamped --

3578 Mr. Shimkus. Yes. Without objection, so ordered.

3579 [The information follows:]

3580

3581 \*\*\*\*\*COMMITTEE INSERT 8\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

168

3582 Mr. Shimkus. And you are welcome. The chair recognizes  
3583 the gentleman from Iowa, Mr. Loeb sack, for 5 minutes.

3584 Mr. Loeb sack. Thank you, Mr. Chair. I do appreciate the  
3585 opportunity to be here today.

3586 And Administrator Pruitt, I am sorry I haven't been able  
3587 to meet you yet, even though I am from Iowa and I know you were  
3588 just there last week. Thank you for coming to Iowa. I am sure  
3589 that you heard a lot about the RFS while you were there. I know  
3590 you have heard a lot about it since you have been administrator.

3591 We have bipartisan concerns in Iowa, as you well know, about  
3592 the RFS in making sure that the Administration lives up to what  
3593 the RFS demands and what the statute says we should be doing.

3594 And I am a Democrat but I also held the Obama administration  
3595 accountable. I probably wore my Do Not Mess with the RFS button  
3596 to the White House on one occasion and talked about that with  
3597 folks there.

3598 The renewable fuels industry as you know, including  
3599 biodiesel, supports over 40,000 jobs in Iowa. And simply put,  
3600 I think the RFS works for Iowa. I think it works for America.

3601 I think it works to make sure that our economy grows when it  
3602 comes to jobs. I think it works for our environment. And there  
3603 is no question that it works for our energy security, because

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com



**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

169

3604 when we are able to produce biofuels I think that contributes  
3605 to a reduction in our dependence on foreign oil and I think that  
3606 is really, really critical. It is a security issue as much as  
3607 it is an economic issue. During your confirmation hearing,  
3608 you affirmed without question your belief that Congress intended  
3609 for the RFS to increase the amount of renewable fuel blended into  
3610 our transportation fuel supply, yet on November 30th as you know  
3611 you finalized the 2018 RVO that lowers the amount of cellulosic  
3612 biofuels called for in the statute and flatlines biodiesel  
3613 volumes. I have the numbers in front of me here as well.

3614 How can you explain these actions when it is clear that these  
3615 two industries have enormous potential for growth?

3616 Mr. Pruitt. By the way, Congressman, the visit to Iowa last  
3617 week was very good. I enjoyed the conversation with your  
3618 constituents. I met with my farmers and ranchers on this issue  
3619 along with others and it was a very good dialogue. And I  
3620 think as you look at the volume obligations you reference  
3621 cellulosic, as you know under the statute there is a waiver  
3622 authority that is given to the EPA to address production levels.

3623 The most we have ever produced domestically is around 190  
3624 million, 190 million gallons of cellulosic. The Agency has  
3625 routinely set those levels higher than that and we did this year

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

170

3626 as well. I think it was around 280 million gallons of cellulosic.

3627 So it is in excess of production levels that we have seen.

3628 Mr. Loeb sack. After you increased it by 50 million over  
3629 your previous proposal, the light proposal.

3630 Mr. Pruitt. That is right.

3631 Mr. Loeb sack. But actually it is down 23 million from last  
3632 year.

3633 Mr. Pruitt. It is, but it is --

3634 Mr. Loeb sack. Far short of what the statute calls for.

3635 Mr. Pruitt. But the statute calls for billions of gallons  
3636 to be -- and that waiver authority is there for a reason. Congress  
3637 gave it to us to address, you know, real market issues, production  
3638 and demand, and that has been utilized in that area. With  
3639 biodiesel we did keep it flat. There is some consideration  
3640 that it is 2.6 billion as far as capacity, but we never breached  
3641 the 2.1 billion in production. In fact, we imported about 700  
3642 million gallons last year from Argentina. So that is the reason  
3643 those were flatlined and we discussed those numbers in Iowa last  
3644 week.

3645 Mr. Loeb sack. And a lot of us that issue is with the logic  
3646 of what you are saying, and I understand what you are saying and  
3647 I have heard that from Gina McCarthy as well as from you. But

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

171

3648 I think a lot of us in Iowa and other places have real concerns  
3649 about the logic of those statements. I will move on.

3650 When it comes to the Reid vapor pressure issue, I know that  
3651 is something that EPA is looking into. I have introduced  
3652 legislation along with Adrian Smith, bipartisan legislation --  
3653 that is what is great about the RFS, I think, is we have bipartisan  
3654 support for the RFS -- to lift the restrictions on the sale of  
3655 E15 in the summer months. I am a strong supporter of doing that.

3656 And this is something as you know that will put more biofuels  
3657 into the market. It will help to stabilize the RIN market as  
3658 well, I believe, create jobs, support farmers, and quite frankly  
3659 I think consumers are demanding it. I think if we had more  
3660 infrastructure out there, if we had more opportunities for E15,  
3661 I know at least in Iowa but I think around the country, folks  
3662 would in fact buy the E15.

3663 I know you have talked about a legislative fix achieving  
3664 that goal. Members of this Administration including your deputy  
3665 administrator have indicated that the RVP fix can be made through  
3666 the administrative process through EPA and that EPA is committed  
3667 to completing the analysis. Can you update us at this point where  
3668 you are in that analysis?

3669 Mr. Pruitt. Well, I am not sure to whom you refer as far

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

172

3670 as the deputy, but I will say to you that I have been personally  
3671 involved in the evaluation of the statutory authority for us to  
3672 grant a national waiver 12 months a year and it is something we  
3673 are evaluating, but that has not been concluded yet.

3674 Mr. Loeb sack. I really hope that you will move in that  
3675 direction, then we wouldn't have to have a legislative fix. It  
3676 is clear that the demand is there for that and it is clear that  
3677 I think what was done previously by the EPA was the wrong way  
3678 to go. So I would look forward to you moving forward on that.

3679 Mr. Pruitt. What I would say to you is I appreciate that  
3680 and I would say to you that as I shared with the folks there in  
3681 Iowa on Friday, if the statute permits us to do that we will proceed  
3682 that direction, if it doesn't we will advise Congress.

3683 Mr. Loeb sack. All right, thank you very much. And thank  
3684 you, Mr. Chairman.

3685 Mr. Shimkus. The gentleman yields back. I thank my  
3686 colleagues. Seeing no further members wishing to ask questions,  
3687 I would like to thank our witness again for being here.

3688 Mr. Pruitt. Thank you, Chairman.

3689 Mr. Shimkus. We have a unanimous consent request. Earlier  
3690 today we entered into the record a 2012 letter response to the  
3691 committee from Administrator McCarthy regarding policy decisions

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

173

3692 concerning the use of particulate matter. This information was  
3693 also entered into the record of an EPA hearing last year along  
3694 with the initial committee letter and EPA's supplemental  
3695 response.

3696 To ensure this hearing is just as complete, I ask unanimous  
3697 consent to enter the full correspondence surrounding that letter  
3698 into the hearing record as well. Without objection, so ordered.

3699 [The information follows:]

3700

3701 \*\*\*\*\*COMMITTEE INSERT 9\*\*\*\*\*

**This is a preliminary, unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker. A link to the final, official transcript will be posted on the Committee's website as soon as it is available.**

174

3702 Mr. Shimkus. Pursuant to the rules, I remind all members  
3703 that they have 10 business days to submit additional questions  
3704 for the record and ask the witnesses to submit their responses  
3705 within 10 days of receipt of the questions. Without objection,  
3706 the committee is adjourned.

3707 [Whereupon, at 4:34 p.m., the subcommittee was adjourned.]