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6 THE FISCAL YEAR 2019 ENVIRONMENTAL

7 PROTECTION AGENCY BUDGET

8 THURSDAY, APRIL 26, 2018

9 House of Representatives

10 Subcommittee on Environment

11 Committee on Energy and Commerce

12 Washington, D.C.

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16 The subcommittee met, pursuant to call, at 10:00 a.m.,
17 in Room 2123 Rayburn House Office Building, Hon. John Shimkus
18 [chairman of the subcommittee] presiding.

19 Members present: Representatives Shimkus, McKinley,
20 Barton, Blackburn, Harper, Olson, Johnson, Flores, Hudson,
21 Cramer, Walberg, Carter, Duncan, Walden (ex officio), Tonko,
22 Ruiz, Peters, Green, DeGette, McNerney, Cardenas, Dingell,

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23 Matsui, and Pallone (ex officio).

24 Also present: Representatives Long, Costello, Bilirakis,
25 Lance, Griffith, Rush, Eshoo, Schakowsky, Butterfield,
26 Castor, Sarbanes, Welch, Lujan, Loeb sack, Kennedy, and Engel.

27 Staff present: Jennifer Barblan, Chief Counsel,
28 Oversight & Investigations; Mike Bloomquist, Staff Director;
29 Samantha Bopp, Staff Assistant; Daniel Butler, Staff
30 Assistant; Karen Christian, General Counsel; Kelly Collins,
31 Legislative Clerk, Energy/Environment; Jerry Couri, Deputy
32 Chief Counsel, Environment; Jordan Davis, Senior Advisor;
33 Lamar Echols, Counsel, Oversight & Investigations; Wyatt
34 Ellertson, Professional Staff, Energy/Environment; Margaret
35 Tucker Fogarty, Staff Assistant; Adam Fromm, Director of
36 Outreach and Coalitions; Ali Fulling, Legislative Clerk,
37 Oversight & Investigations, Digital Commerce and Consumer
38 Protection; Jordan Haverly, Policy Coordinator, Environment;
39 Zach Hunter, Director of Communications; Peter Kielty, Deputy
40 General Counsel; Bijan Koohmaraie, Counsel, Digital Commerce
41 and Consumer Protection; Tim Kurth, Deputy Chief Counsel,
42 Communications & Technology; Ben Lieberman, Senior Counsel,
43 Energy; Ryan Long, Deputy Staff Director; Milly Lothian,
44 Press Assistant and Digital Coordinator; Mary Martin, Chief

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45 Counsel, Energy/Environment; Drew McDowell, Executive
46 Assistant; Brandon Mooney, Deputy Chief Counsel, Energy;
47 Annelise Rickert, Counsel, Energy; Peter Spencer, Senior
48 Professional Staff Member, Energy; Jason Stanek, Senior
49 Counsel, Energy; Austin Stonebraker, Press Assistant; Hamlin
50 Wade, Special Advisor, External Affairs; Andy Zach, Senior
51 Professional Staff Member, Environment; Michelle Ash,
52 Minority Chief Counsel, Digital Commerce and Consumer
53 Protection; Priscilla Barbour, Minority Energy Fellow; Jeff
54 Carroll, Minority Staff Director; Jacqueline Cohen, Minority
55 Chief Environment Counsel; Jean Fruci, Minority Energy and
56 Environment Policy Advisor; Tiffany Guarascio, Minority
57 Deputy Staff Director and Chief Health Advisor; Caitlin
58 Haberman, Minority Professional Staff Member; Rick Kessler,
59 Minority Senior Advisor and Staff Director, Energy and
60 Environment; Jourdan Lewis, Minority Staff Assistant; John
61 Marshall, Minority Policy Coordinator; Jon Monger, Minority
62 Counsel; Kaitlyn Peel, Minority Digital Director; Alexander
63 Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief
64 Counsel; Michelle Rusk, Minority FTC Detailee; Andrew
65 Souvall, Minority Director of Communications, Outreach and
66 Member Services; Tuley Wright, Minority Energy and

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67 Environment Policy Advisor; C.J. Young, Minority Press
68 Secretary; and Catherine Zander, Minority Environment Fellow.

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76 Mr. Shimkus. The subcommittee will come to order.

77 Before we begin, I would like to take a moment to address the
78 guests in our audience. First of all, thank you for coming.
79 We think engaged citizens are a welcome and valuable part of
80 the political process. I only wish every hearing drew this
81 much interest.

82 The purpose of this hearing is to hear from the
83 Administrator of the EPA on important matters currently
84 before the Agency including the subcommittee's continued
85 interest in the workings of the Environmental Protection
86 Agency. It is an opportunity for the subcommittee to ask
87 questions and have a thoughtful discussion on these issues.
88 The number of people in the audience this morning

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89 demonstrates the strong interest in these topics and we
90 welcome that interest and your attendance today.

91 I do want to remind our guests in the audience that the
92 chair is obligated under the rules of the House and the rules
93 of the committee to maintain order and preserve decorum in
94 the committee room. I know that we have deep feelings on
95 these issues and that we may not agree on everything, but I
96 ask that we abide by the rules and be respectful of our
97 audience members, our viewers, and our witnesses.

98 The chair appreciates the audience's cooperation to
99 maintaining order as we have a full discussion on these
100 important issues. And I would like to recognize myself for 5
101 minutes for an opening statement.

102 Good morning, Administrator Pruitt, and welcome back to
103 the Environment Subcommittee. I am glad you are here today
104 and look forward to our discussion. From a policy
105 perspective and from my seat outside the Agency, I am
106 generally pleased with the direction you are taking at the
107 EPA. As I mentioned when you were here 5 months ago, the
108 American people don't want ideologues rewriting or
109 reinterpreting our laws, they expect and deserve folks at
110 agencies like the EPA who will faithfully implement what

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111 Congress has passed.

112 I am especially happy with the reinvigorated Superfund
113 program and in particular, after more than 20 years on the
114 National Priorities List, I am very glad to see progress
115 finally being made on the West Lake Landfill which we have
116 talked about numerous times. Superfund sites are a tangible
117 environmental and public health problem that may pose
118 multiple immediate threats.

119 One of the bills I worked on when I joined this
120 committee was to help make the Superfund program operate more
121 rationally, so to see that you also care about this program
122 is important to me. I also want to applaud your initiative
123 to look at the EPA's workforce and identify ways to make the
124 Agency more efficient and effective. As I mentioned back in
125 December, this exercise, sadly, has not been undertaken in
126 more than 20 years. I believe a lack of consistent review
127 can lead to complacency or foster regulatory overreach and I
128 look forward to learning more about efforts to reshape the
129 bureaucracy.

130 As the author of the changes to Title I of the Toxic
131 Substances Control Act, I also want to commend you for
132 reducing the backlog of applications for new chemicals. I

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133 understand the backlog has crept back up by one-third of its
134 normal level, but I look forward to seeing what actions you
135 take including the use of new user fees to help EPA operate
136 its new chemicals review process more expeditiously.

137 Finally, I am glad to hear that the regulatory process
138 you are running is not looking to short-circuit public
139 comment. Past administrations have issued enforceable
140 guidelines or employed other tricks to get their way on
141 policy when many Americans and their representatives in
142 Congress may have disagreed.

143 Now as public servants our jobs are not based solely on
144 the things we do or the things we have done, but also the way
145 we conduct our business. It is no secret that there have
146 been many stories in the press about the management and
147 operation to the Agency and your dealings with potentially
148 regulated sectors. I consider much of this narrative to be a
149 distraction, but one this committee cannot ignore.

150 I look forward to hearing your side of the story on the
151 rumors and allegations you are facing. Before yielding back
152 my time I want to make a couple of environmental budget and
153 policy observations. First, even though federal law requires
154 the President to propose a budget, the U.S. Constitution

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155 vests the actual budget and spending authority with the
156 Congress, particularly the House of Representatives. Second,
157 the President's budget was released on February 12th, 2018
158 without full knowledge what Congress would do in the
159 Consolidated Appropriations Act that became law 6 weeks
160 later. Had the Administrator joined us in February or March,
161 he would not have had to face this dynamic. But regardless
162 of what members think of the administration's budget
163 proposal, I hope today they will remember our own role in the
164 budget and spending debate.

165 Finally, I want to say something about administrative
166 efforts regarding transportation fuels. Recently, the White
167 House is engaged with the EPA and Department of Agriculture
168 to consider administrative changes to the Renewable Fuel
169 Standard. I take these efforts quite seriously, not only as
170 subcommittee chairman but also as a representative of a corn
171 and soybean growing district in southern Illinois that also
172 happens to have two oil refineries.

173 I believe that no matter how well intentioned any
174 regulatory effort may be, the only way to get a lasting
175 solution, especially one that will not spend more time in
176 court than on the books, is by having Congress settle this

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177 issue by statute. I urge you, Mr. Administrator, and the
178 other members of the executive branch to patiently work with
179 us in good faith on a legislative solution to the Renewable
180 Fuel Standard.

181 With that I have 50 seconds left. Seeing no one wishing
182 that time, I yield back the balance of my time and recognize
183 the ranking member of the subcommittee, the gentleman from
184 New York, Mr. Tonko, for 5 minutes.

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

186

187 *****INSERT 1*****

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188 Mr. Tonko. Thank you, Mr. Chair. We are here today to
189 discuss EPA's budget for fiscal year 2019. The President has
190 called for a nearly 30 percent cut at EPA which would
191 severely impair the Agency's ability to fulfill its mission,
192 to safeguard public health, and our environment. We know all
193 too well the costs of failing that mission, of the pain of
194 communities, of children and families who suffer illness
195 resulting from pollution in their air and water. So yes, I
196 am concerned that EPA is increasingly allowing polluters to
197 set the agenda and threaten public health with minimal
198 accountability.

199 Under Administrator Pruitt, common-sense public health
200 and environmental protections are being slated for
201 elimination with no regard for scientific evidence and little
202 justification beyond the wishes of regulated entities. These
203 actions include reopening clean car standards without any
204 mention of health or pollution, continuing to repeal the
205 Clean Power Plan and dismissing the science of climate
206 change, implementing TSCA reform that ignores bipartisan
207 congressional intent, and a number of attempts to undermine
208 the Clean Air Act.

209 I expect the courts will agree that many, if not all, of

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210 these actions are unjustified. In addition, I am troubled by
211 the dismissal of science by the Agency's political
212 leadership. Hundreds of scientists have left EPA with no
213 apparent plan to replace them. Expertise on the science
214 advisory boards has been eroded and the recently proposed
215 rule to undermine the use of science in rulemakings will
216 severely limit the Agency's ability to safeguard public
217 health.

218 I know many career employees at EPA simply want to work
219 hard to ensure the air we breathe is clean and the water we
220 drink is safe. To them I say thank you. But the Agency's
221 political leadership is pursuing a different agenda and the
222 mounting evidence of serious ethics violations, incredible
223 investigations at the highest level cannot go unscrutinized.

224 Mr. Chair, I value this subcommittee's bipartisan
225 record. There are times that we disagree, but we have worked
226 through tough issues together and are often able to find
227 bipartisan balance. I know there are those in the majority
228 who support rollbacks of EPA rules, but all of us should be
229 troubled by the numerous reports of misuse of taxpayer
230 dollars and apparent conflicts of interest that have made the
231 Administrator a frequent subject of investigation.

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232 I am of course referring to the Administrator's pattern
233 of wasteful spending on luxury travel, personal security and
234 yes, office upgrades. To say nothing of his well-documented
235 sweetheart rental from a lobbyist with business before EPA
236 and huge unapproved raises for top political staff, amongst
237 others. Perhaps most concerning have been the reports of
238 retaliation against employees both career and political that
239 have dared to question Administrator Pruitt's most troubling
240 abuses and expenditures. And in almost all cases, the more
241 we have learned the worse they get.

242 At this point we must ask if the Inspector General will
243 have the resources needed to investigate the Administrator's
244 seemingly endless misconduct. At the heart of all these
245 issues is an apparent pattern of an administrator refusing
246 accountability and putting personal and special interests
247 ahead of the American people. I would ask my colleagues on
248 the other side of the aisle to imagine, if a Democrat acted
249 in this manner would you stand for it? I think the answer is
250 clear you would not. My colleagues and I may disagree about
251 many of the policy decisions coming out of this EPA, but one
252 thing I hope we can agree on is that we cannot afford to turn
253 a blind eye to the reports of this Administrator's fiscal

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254 mismanagement and abuse of his position.

255 Mr. Administrator, the evidence is clear. You have
256 failed as a steward of American taxpayer dollars and our
257 environment. You claim to believe in the mission of the EPA,
258 but your actions including your mistreatment of EPA's
259 dedicated career staff tell a very different story. Evidence
260 from your time in state government should have made this
261 obvious, but only in recent weeks have we come to fully
262 understand the extent of your political ambitions, your
263 tendency to abuse your position of personal gain, and to
264 advance the agendas of your political benefactors and what
265 appears to be a propensity for graft.

266 But, most importantly, your conduct as Administrator has
267 demonstrated a lack of respect for American taxpayers and the
268 Agency you were appointed to lead and has affirmed the
269 regrettable but inevitable conclusion that you were never fit
270 for this job and your refusal to provide any serious
271 transparency, accept any accountability, or show even the
272 slightest contrition is inexcusable.

273 Mr. Chair, no one is above the law. Congress must hold
274 this Administrator accountable on behalf of the American
275 people, and I hope our committee can continue to investigate

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276 and bring the truth of these important issues to light in a
277 bipartisan manner. With that I yield back.

278 Mr. Shimkus. The chair thanks the gentleman. The chair
279 now recognizes the Chairman of the full committee, Greg
280 Walden from Oregon, for 5 minutes.

281 The Chairman. Thank you, Mr. Chairman.

282 Mr. Pruitt, welcome back to the House Energy and
283 Commerce Committee. As you know, we scheduled this hearing
284 to focus on the EPA's policy and budget priorities some time
285 ago, but you surely understand that members on both sides of
286 the aisle have some serious questions about the management
287 and operations of the Agency. We expect you to answer these
288 questions fully and truthfully.

289 I am concerned that the good progress being made on
290 policy front is being undercut by allegations about your
291 management of the Agency and use of its resources. These
292 issues are too persistent to ignore and I know many members
293 are looking forward to hear more clarity from you today. You
294 will have ample opportunity to help provide us with any
295 information that can help answer these questions.
296 Additionally, there are numerous ongoing investigations into
297 these issues and I want you to commit to the committee that

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298 you will provide us with all the same information you provide
299 to the EPA Inspector General and other congressional
300 committees.

301 Having said that, let me also say that I appreciate your
302 good work to focus EPA on the mission Congress has tasked it
303 with in statute, that being clean air for Americans to
304 breathe, safe water for our citizens to drink, and soils free
305 from pollution. As an example, I want to commend your
306 efforts to reinvigorate the Superfund program and
307 specifically to accelerate the cleanup of the Willamette
308 River at the Portland Harbor. This has gone on long enough
309 and you stepped in and made a difference to the satisfaction
310 of the people of Portland, Oregon. And even some of your
311 most liberal detractors applaud your efforts on this critical
312 cleanup and I thank you for taking the lead.

313 I also appreciate your desire to rebalance the power
314 between Washington, D.C. and the states making our efforts
315 more efficient and helping deliver tangible results to
316 communities across the country. To truly succeed we need
317 stronger local, state, federal, and private partnerships
318 where we can team up and leverage all available resources to
319 accomplish the goals of cleaner water, cleaner air, and

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320 cleaner soils. Importantly, I appreciate your stated
321 commitment to administer the law as Congress intended and to
322 have the Agency concentrate on its statutory obligations
323 under environmental and public health laws as well as the
324 Administrative Procedures Act.

325 Bringing new transparency to your public processes,
326 especially when it comes to the data and science that
327 underpins policies, is truly a welcome change from past EPAs.
328 Mr. Administrator, too many of your predecessors believed a
329 clean environment was also incompatible with a healthy
330 economy. I share your view that we can and must have both in
331 America. We need common sense regulation that protects the
332 public, actually cleans up the environment, and does so in a
333 way that does not unnecessarily suffocate the economy. I
334 believe the EPA should focus on innovative problem solving
335 and partnership with states, the private sector, and other
336 stakeholders that leverage their resources and expertise.
337 I look forward to our discussion today about the Agency's
338 budget and the EPA's direction now and in the future.

339 As with our hearing with you 5 months ago, I remain
340 interested in the goals you are establishing for the programs
341 at EPA and the metrics you intend to use to measure their

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342 progress. Particularly, I noticed objective number 5 in the
343 proposed budget discusses staffing and internal management
344 issues. It is important that EPA not be bloated, but it is
345 essential that EPA have the staff with proper expertise,
346 implementing and enforcing programs that correlate with their
347 experience; finding that critical staffing balance is one of
348 the most important roles of anyone given the enormous task of
349 managing a large, taxpayer-funded enterprise.

350 Finally, I want to applaud those objectives in the
351 Agency's budget that reduce red tape result in the regulated
352 community better knowing what is expected of them and
353 promoting prompt, even, and fair enforcement of the law. I
354 look forward to learning more about all of that today. So I
355 thank you for joining us again before the Energy and Commerce
356 Committee and I look forward to your testimony.

357 With that Mr. Chairman I yield back the balance of my
358 time.

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

360

361 *****INSERT 2*****

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362 Mr. Shimkus. The gentleman yields back the balance of
363 his time. The chair now recognizes the ranking member of the
364 full committee, Congressman Pallone from New Jersey, for 5
365 minutes.

366 Mr. Pallone. Thank you, Mr. Chairman.

367 Administrator Pruitt has brought secrecy, conflicts of
368 interest, and scandal to the EPA. In any other
369 administration, Republican or Democrat, you would be long
370 gone by now. So far, 140 House Democrats have signed on to a
371 resolution introduced by Ms. Castor expressing no confidence
372 in you, Mr. Pruitt. Additionally, four Republican House
373 members have also called on you to step down.

374 And the voices are growing. Just look at the critiques
375 from former Bush EPA Administrator and New Jersey Governor
376 Christine Todd Whitman who called Administrator Pruitt's
377 tenure, and I quote, a slap in the face to fiscal
378 responsibility and responsible governance, and said also that
379 evidence is abundant of the dangerous political turn of an
380 agency that is supposed to be guided by science. Another
381 former Republican EPA Administrator William Reilly called
382 Administrator Pruitt, and I quote, a third-rate ideologue.

383 Past administrators of both parties believed in the

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384 EPA's mission and understood that they had been given a
385 sacred trust by the people of our country. Unfortunately,
386 this is not the case with you, Mr. Pruitt. Clearly, you do
387 not believe in EPA's mission and appear to have forgotten
388 that you are here to serve all the American people, not
389 merely a select few or just yourself. And the fact is,
390 Administrator Pruitt has used this office as nothing more
391 than an opportunity to either enrich himself or his corporate
392 friends and President Trump seems to be perfectly fine with
393 all these actions. So much for draining the swamp.

394 When we met in December, you pledged to be more
395 transparent. You promised to do a better job providing
396 technical assistance, sending witnesses to hearings, and
397 responding to congressional requests. But you have followed
398 through on none of these promises. What you have done is
399 generate scandal after scandal. When confronted about them
400 you have repeatedly failed to take responsibility for your
401 actions and instead you have blamed your staff, your security
402 detail, your critics, pretty much anyone but yourself, and
403 you are accountable for your agency and all of these
404 scandals, in my opinion. The buck stops at your desk.

405 There are so many outstanding questions that we need

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406 truthful answers to today but because so far we have only
407 gotten half-truths, misleading answers, or outright
408 falsehoods. For instance, you rented a condo at well below
409 market value and then emphatically claimed on Fox News that
410 your landlord's lobbyist husband had no business before the
411 EPA, a statement that was proven to be untrue. And it is
412 that kind of conduct that prompted Ranking Members Tonko,
413 DeGette, and vice Ranking Member Castor and I, to request
414 that you be placed under oath for this hearing and that it be
415 expanded to include the Oversight and Investigations
416 Subcommittee.

417 The Chairman did not agree to that request, but I would
418 remind you what Chairman Walden said to the press when he
419 declined our request. He said, lying to Congress is a crime
420 regardless of whether or not you are sworn in. So now
421 committee Republicans have conveniently told the press that
422 they are investigating you for some of your outrageous
423 ethical abuses, yet I have seen no evidence from committee
424 Republicans that that is really happening.

425 Fortunately, committee Democrats have been demanding
426 answers and five independent federal investigations are now
427 being done into your conduct at our request. Yesterday, I

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428 joined with Ranking Member Cummings of the Oversight and
429 Government Reform Committee to request an additional
430 investigation by the Office of Special Counsel into your
431 troubling pattern of apparently retaliating against EPA
432 employees who question your extravagant spending and I am
433 confident that these investigations will affirm what I have
434 come to believe is true that you are unfit to hold public
435 office and undeserving of the public trust.

436 And I don't say those words, you know, because I
437 particularly dislike you or, you know, hold you in ill
438 repute. I just think that every indication we have is that
439 you really should resign and you are undeserving of the
440 public trust. And I yield back, Mr. Chairman. Thank you.

441 Mr. Shimkus. The gentleman yields back his time. We
442 now conclude with members' opening statements. The chair
443 would like to remind members that pursuant to committee
444 rules, all members' opening statements will be made part of
445 the record.

446 We would also now like to thank and welcome our
447 distinguished witness, U.S. EPA Administrator Scott Pruitt,
448 for being here today. You will have an opportunity to give
449 an opening statement followed by a round of questions by

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450 members. You are joined by the Honorable Holly Greaves,
451 Chief Financial Officer. Welcome to you also, we appreciate
452 you being here.

453 And, Mr. Administrator, we now recognize you for 5
454 minutes for your opening statement.

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455 STATEMENT OF THE HONORABLE E. SCOTT PRUITT, ADMINISTRATOR,
456 U.S. ENVIRONMENTAL PROTECTION AGENCY

457

458 Mr. Pruitt. Well, good morning to you, Mr. Chairman,
459 Ranking Member Pallone, members of the committee, it is good
460 to be with you today and I appreciate the opportunity to
461 discuss these matters that you have raised.

462 There is consequential and important work being done at
463 the EPA since the beginning of the Trump administration both
464 in terms of improved environmental outcomes as well as
465 substantial regulatory reform. We are stripping burdensome
466 costs from the American economy at an unprecedented pace and
467 we are doing this while inspiring confidence in the American
468 people that it is government going to work with them as
469 opposed to against them, to achieve harmony between jobs and
470 growth and environmental stewardship.

471 In the short time of the Trump administration we have
472 made enormous progress as far as improved environmental
473 outcomes. These are just a few: We have removed over three
474 times the number of polluted sites in contaminated
475 communities across the country as compared to the previous
476 administration for 2017, and for 2018 we are on pace to

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477 remove as many as ten times the number of polluted sites. We
478 are working cooperatively with the states to improve air
479 quality through the approval of 350 state improvement plans.
480 And with regard to water we are leading a multiagency
481 approach that has set a goal of eradicating lead from our
482 drinking water within 10 years, largely through the
483 utilization of a tool that you provided, WIFIA. It is my
484 goal to prioritize applications for critical water
485 infrastructure over the 10 years to hopefully see four
486 billion a year dedicated to the replacement of lead service
487 lines in order to reduce lead in our drinking water.

488 President Trump has set an ambitious goal for the EPA
489 under his administration and our measurable achievements are
490 a testament to the effectiveness which a results-driven EPA
491 can achieve. President Trump did not only task us with
492 accomplishing the core mission of the EPA acting more
493 efficiently and more effectively than ever before, he also
494 demanded comprehensive regulatory reform. That
495 transformational change is happening. In just 1 year, the
496 Trump administration has saved the American people almost \$8
497 billion in regulatory savings. And the EPA alone is
498 responsible for nearly two dozen regulatory actions, saving

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499 Americans one billion of that eight billion in regulatory
500 cost.

501 These actions are providing America's job creators with
502 the regulatory clarity they deserve. By repealing and
503 replacing the so-called Clean Power Plan we are ending a one-
504 size-fits-all regulation on energy providers and restoring
505 rule of law. By rescinding and rewriting the 2015 Waters of
506 the United States rule we are ending Washington's power grab
507 over land use decisions across the country. It is
508 indisputable that we have made enormous progress in advancing
509 President Trump's reform agenda and pruning back decades of
510 regulatory overreach that was unnecessary, burdensome, and
511 ultimately harmful to hardworking Americans across the
512 country.

513 When the President nominated me to this position I
514 believed the work was going to be impactful and it has been
515 and tremendous progress has been made. But I did not expect
516 the work to be easy and I knew there would be meaningful
517 opposition. However, as I sit before you today, I recognize
518 there have been very troubling media reports over the past
519 few weeks. I promise you that I, more than anyone, want to
520 establish the hard facts and provide answers to questions

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521 surrounding these reports.

522 Let me very clear. I have nothing to hide as it relates
523 to how I have run the Agency for the past 16 months. I am
524 not afraid to admit that there has been a learning process
525 and when Congress or independent bodies of oversight find
526 fault in our decision-making I want to correct that and
527 ensure that it does not happen again. Ultimately, as the
528 Administrator of the EPA, the responsibility for identifying
529 and making changes necessary rests with me and no one else.
530 With that being said, facts are facts and fiction is fiction
531 and a lie doesn't become truth just because it appears on the
532 front page of a newspaper. Much of what has been targeted
533 towards me and my team has been half-truths or at best
534 stories that have been so twisted they do not resemble
535 reality. And I am here and I welcome the chance to be here
536 to set the record straight in these areas.

537 But let's have no illusions about what is really going
538 on here. Those who have attacked the EPA and attacked me are
539 doing so because they want to attack and derail the
540 President's agenda and undermine this administration's
541 priorities. I am simply not going to let that happen. I
542 look forward to your questions today and thank you, Mr.

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543 Chairman.

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

545

546 *****INSERT 3*****

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547 Mr. Shimkus. The gentleman yields back his time. The
548 chair thanks the Administrator. I will start the series of
549 questioning and I will recognize myself for 5 minutes for the
550 first round.

551 We have obviously a lot of media presence here. I have
552 been asked the last couple days what am I going to do, what
553 am I going to say, and I said, well, I am going to talk
554 policy and stewardship. So half my 5 minutes is going to be
555 on a policy issue, and hopefully that will save some time for
556 us to talk about some stewardship issues.

557 Since you last testified before the subcommittee, the
558 White House has hosted a number of meetings, some of which
559 have included you and other Cabinet officials, senators, and
560 various stakeholders, to discuss changes in the Renewable
561 Fuel Standard. As I alluded to in my opening statement,
562 those potential administrative actions hang like the sword of
563 Damocles over efforts on Capitol Hill to reach an enduring,
564 legislative solution to the problems of that program.

565 Are any of these administrative changes imminent, or
566 will you commit to allowing Congress time to work on a
567 legislative solution?

568 Mr. Pruitt. Well, Mr. Chairman, I think both are

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569 important and I do think there are some regulatory options
570 that we can pursue. Many have talked about transparency as
571 an example with respect to the trading platform and the RFS
572 trading platform, how long you can hold a RIN as an example,
573 who can buy, who can sell RINs. There are those kinds of, I
574 think, evaluations that we can engage from a regulatory
575 perspective. And as you know there is also consideration
576 about the RVP waiver and the E15 being allowed year around.

577 I think that is something, it is a legal determination.
578 It is not a policy determination. And we have been earnest
579 the last several months evaluating that in hopes that we can
580 get to a conclusion on our ability to take those kinds of
581 actions. But I really believe that Congress's role in this
582 is terribly important because as you look at the issues that
583 we are facing with respect to the Renewable Fuel Standard and
584 the viability of the RINs platform we need both Congress and
585 our regulatory responses to be working together.

586 Mr. Shimkus. Well, let me just tell you from my
587 perspective what happens as we are trying to get our
588 disparate groups together is that every time someone gets
589 hauled down to the White House the other side goes crazy.
590 And then, you probably get to see the same thing, the other

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591 side gets hauled down and the other side goes crazy. And we
592 are trying to get everybody in the room and that is the
593 perspective that I come from.

594 The follow-up on this is what actions, if any, are you
595 taking now to prepare for the Renewable Fuel Standard post
596 2022?

597 Mr. Pruitt. Well, as you know under the statute we have
598 an ability to reset those volume obligations and we are
599 evaluating that. There is a cap of 15 billion for
600 conventional presently. But another area Mr. Chairman that I
601 know you have been interested in is high octane. And with
602 respect to it was mentioned in some other comments about the
603 CAFÉ standards, there needs to be a serious consideration of
604 use pursuing as a country fuel choices and options to meet
605 those CAFÉ standards and provide high octane as an option to
606 the American people. I think there is a potential that will
607 serve both the ag sector as well at the auto sector and
608 consumers across this country that we could pursue together.

609 Mr. Shimkus. Well, thank you. Now I want to move to
610 the administrative portion of my two questions. Obviously
611 you have already alluded to and some of my colleagues have
612 alluded to all the recent stories and issues and your

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613 willingness to set the record straight. So in my minute and
614 45 seconds left I want to give you the time to address those
615 as you will.

616 Mr. Pruitt. Well, I think, Mr. Chairman, as I indicated
617 in my opening comment, I want to address each of these
618 respective issues and provide information and we will work
619 with Congress both with Oversight as well as this committee
620 to provide any and all information that helps answer those
621 questions. Those have been a distraction to our agenda, I
622 think the congressman mentioned that earlier, and that
623 troubles me. Ultimately, as Administrator of the EPA, I have
624 to take responsibility to make changes internal to the Agency
625 to get accountability in our processes to ensure that in each
626 of these areas we get better results and that we show the
627 American people that we are committed to being good stewards
628 of taxpayer resources, staying true to our mission at the
629 Agency, which I believe that we are and have, and I am
630 committed to doing that. That is why I am here to talk to
631 you about it today.

632 Mr. Shimkus. I thank the Administrator and I yield back
633 my time and now turn to the ranking member of the
634 subcommittee, Mr. Tonko, for 5 minutes.

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635 Mr. Tonko. Thank you, Mr. Chair. Recently it came out
636 that two EPA employees who came with you to Washington from
637 Oklahoma were given significant raises over the White House's
638 objection. When you were interviewed by Ed Henry on Fox News
639 you claimed to have been unaware of those raises. At the
640 time, Ed Henry asked you whether you intentionally went
641 around the White House or whether you simply had no idea what
642 your staff was up to.

643 The EPA Inspector General is looking into those raises
644 and last week the IG released preliminary information showing
645 that the forms to grant the raises were signed by your chief
646 of staff, Mr. Ryan Jackson, who wrote that he was signing on
647 your behalf. This is your opportunity to set the record
648 straight. Did you, Administrator, authorize Mr. Jackson to
649 sign those documents for you?

650 Mr. Pruitt. Congressman, those were delegated to Mr.
651 Jackson and the Inspector General did reference that in his
652 management alert and he recognized the authority.

653 Mr. Tonko. So you did authorize him then to sign them?

654 Mr. Pruitt. Those decisions, that decision was made by
655 my chief of staff.

656 Mr. Tonko. Yes or no, did you authorize him?

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657 Mr. Pruitt. There are delegations giving him that
658 authority.

659 Mr. Tonko. So that is a yes.

660 Mr. Pruitt. The Inspector General recognized that,
661 Congressman.

662 Mr. Tonko. So you authorized Mr. Jackson to sign those
663 documents for you. In internal emails, Sarah Greenwalt, one
664 of the aides who received a substantial raise, stated that
665 you were aware of and supported the raises. Was that true?

666 Mr. Pruitt. I think with respect to the raises what is
667 important --

668 Mr. Tonko. Was that true?

669 Mr. Pruitt. Congressman.

670 Mr. Tonko. I have 5 minutes so I have to move along.

671 Mr. Pruitt. I was not aware of the amount nor was I
672 made aware --

673 Mr. Tonko. Not the amount, were you aware of the
674 raises?

675 Mr. Pruitt. I was not aware of the amount nor was I
676 aware of the bypassing or the PPO process not being
677 respected.

678 Mr. Tonko. Well, then I am concerned that you have no

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679 idea of what is going on in your name at your agency
680 especially on an issue already under IG investigation. You
681 have spent this week claiming to champion transparency, but
682 on Tuesday you blocked the press from attending an event
683 where you announced a new proposal that will severely limit
684 the Agency's use of public health studies in policymaking.

685 When internal emails came out about this new policy last
686 week, they revealed that it had been developed entirely by
687 political staff, seemingly without a robust outside
688 stakeholder process, and once the press started covering
689 those emails they were removed from the Agency's public FOIA
690 portal. I do not know if you were personally involved in the
691 decision to remove those emails, but it certainly was not
692 transparent.

693 Mr. Administrator, you like to claim that you support
694 the rule of law and acknowledge the limits of EPA's
695 authority. Many of our environmental statutes are clear.
696 EPA must use the best available science as a foundation of
697 policymaking. This proposal would prevent that. Are you
698 aware, yes or no, that Nancy Beck raised concerns that such a
699 policy could also impact data that would be important to
700 industry such as confidential business information? Yes or

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701 no.

702 Mr. Pruitt. This effort --

703 Mr. Tonko. Yes or no.

704 Mr. Pruitt. This effort, Congressman, was about
705 ensuring that --

706 Mr. Tonko. Were you aware that --

707 Mr. Pruitt. -- at the Agency --

708 Mr. Tonko. Were you aware that Nancy Beck raised the
709 concern? Were you aware?

710 Mr. Pruitt. As I indicated, Congressman, this effort is
711 actually a reflection of Congress's commitment to
712 transparency at the Agency.

713 Mr. Tonko. Sir, I need to move on. I take that as a
714 yes. To mitigate that concern it appears that the proposal
715 has been crafted so that you, the Administrator, has the
716 discretion to grant exemptions as you see fit without any
717 transparency or accountability for your decisions. For
718 example, if EPA was assessing the safety of a chemical, you
719 alone would have the power to selectively block public health
720 studies that do not support your political priorities and
721 allow ones that favor your friends in industry. Not only
722 does this open the door to special treatment for industry

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723 over the public health, but you could also pit winners and
724 losers amongst the industry types.

725 Do you think it would be hypocritical to exempt industry
726 data containing confidential business information from
727 disclosure but not personal health information from public
728 health researchers? Yes or no? Would it be hypocritical?

729 Mr. Pruitt. I think that is a misstatement.

730 Congressman, I believe that what needs to be clear is that
731 what actions we took this week were to ensure that data and
732 methodology were also available to those that they are
733 concerned about our rulemaking.

734 Mr. Tonko. You know, I believe it is hypocritical. So
735 moving on, given your track record how can the public trust
736 your discretion to make fair decisions when it comes to those
737 biases?

738 Mr. Pruitt. You know, Congressman, this was an effort
739 to ensure transparency. Because as we do rulemaking at the
740 Agency what is important --

741 Mr. Tonko. Based on your record should the public trust
742 your decision-making here with the hypocrisies that would
743 exist in the system you defined?

744 Mr. Pruitt. This is actually a support of transparency

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745 for all rulemaking at the Agency. This is not an individual
746 decision that is made by the Administrator. This is
747 programmatic offices making decisions on rules --

748 Mr. Tonko. Sir.

749 Mr. Pruitt. -- that are based upon transparent --

750 Mr. Tonko. Sir, I think this boils down to an issue of
751 trust and you have developed a system where you are picking
752 winners and losers. We pit the public against the industry
753 or you are picking favorites within the industry and I think
754 there is a hypocritical outcome to it all.

755 And with that Mr. Chair, I yield back.

756 Mr. Shimkus. I thank my colleague for staying within
757 time. And the chair recognizes the Chairman of the full
758 committee, Congressman Walden, for 5 minutes.

759 The Chairman. Thank you, Mr. Chairman. As I mentioned
760 in my opening statement there are many reviews currently
761 going on at the EPA, in the Inspector General's Office,
762 Government Accountability Office, and other congressional
763 committees, about some of these concerns you are hearing
764 about today, Mr. Administrator, and that have been raised in
765 the media. So my question is pretty easy. Will you commit
766 the EPA will provide this committee with all the documents

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767 and information EPA produces for those inquiries?

768 Mr. Pruitt. Absolutely.

769 The Chairman. Thank you. As I told you the last time
770 you were here, this committee is charged by the House of
771 Representatives with legislative and oversight responsibility
772 for the bulk of the statutes that the EPA implements and we
773 decide where the Agency's money can best be spent. Can you
774 help me understand your guiding principles for determining
775 legitimate uses of federal money by the EPA including whether
776 you are using any kind of previous spending guidance to make
777 these decisions?

778 Mr. Pruitt. Congressman, I believe that as we are
779 making decisions we have policy and guidelines at the Agency
780 that drive those decisions. Some of them are attributable to
781 programmatic offices, some of them are attributable to, you
782 know, the science part of our office. But yes, those
783 guidelines govern our decisions each and every day.

784 The Chairman. And are they similar to the guidelines
785 that governed your predecessor's decisions?

786 Mr. Pruitt. Yes.

787 The Chairman. In what ways?

788 Mr. Pruitt. Well, these are policies that predated our

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789 time there at the Agency and so they have governed our, you
790 know, from travel to internal decision-making on allocation
791 of dollars to serve programmatic offices. So these are
792 predated policies that govern our actions every single day.

793 The Chairman. Let me ask you about the issue of science
794 and transparency. I have had a lot of constituents over the
795 years who have been very concerned about decisions in various
796 agencies that get made by administrators or the bureaucracy
797 and in some cases they can't get access to the underlying
798 data that underpins the decisions. The proposal that you put
799 forward this last week or so, how does that address that
800 issue, are we going to get science that everybody gets a
801 chance to see that can be replicated that maybe is peer-
802 reviewed so we, all working off facts?

803 Mr. Pruitt. And actually this has been an interest of
804 Congress. As you know there has been proposed legislation to
805 address this very issue.

806 The Chairman. Yes, it has been.

807 Mr. Pruitt. And this was a regulatory action that was
808 taken this week, a proposed rule that actually goes to the
809 heart of transparency as I was trying to share earlier.
810 Because it requires that -- and when we do rulemaking at the

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811 Agency we can't just simply publish the conclusions, the
812 summaries of studies, because what has happened historically
813 is third parties have provided studies or summaries, we have
814 taken those conclusions, used those as a basis of rulemaking
815 but not published the data, not published the methodology
816 that actually supported the conclusion. And so, those that
817 are commenting on rules were ill-equipped to be able to
818 understand whether the conclusions were rightly concluded or
819 not.

820 So this is an effort on our part to ensure that as we do
821 science at the Agency whether it is internal at the EPA or
822 whether we use third parties as far as their findings, data,
823 methodology, and conclusion should all be a part of the
824 package.

825 The Chairman. So is what you are trying to do is make
826 more information available or less information available?

827 Mr. Pruitt. Yes, absolutely more information available.

828 The Chairman. To the public. So you are going to
829 require that every one of these decisions or whatever they
830 are based on, the data and the methodology as well as the
831 conclusions are transparent and available to the public. Is
832 that going to be on your website? How are we going to know

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833 this?

834 Mr. Pruitt. Well, it is actually a proposed rule,
835 Congressman. It is actually something that we are taking
836 comment on and I am sure there will be a wide array of
837 comment on that very proposal. But the objective once again
838 is to ensure transparency, reproducibility, with respect to
839 the science that we rely upon in making our decisions in
840 rulemaking.

841 The Chairman. As you know, Mr. Administrator, last
842 year, and then I think we actually passed it into law this
843 year, this committee unanimously, I believe, here and in the
844 House, rewrote America's Brownfields Legislation and we are
845 working together to rewrite the Safe Drinking Water, clean
846 Drinking Water Act as well and make additional grants
847 available. What are you doing to help clean up these
848 brownfields sites that litter our neighborhoods and our
849 country?

850 Mr. Pruitt. You know, we just issued a series of grants
851 across the country this week with respect to the Brownfields
852 Program, and you are right. It has been a tremendous success
853 reclaiming polluted areas across this country to allow
854 communities to once again enjoy those areas. And so with the

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855 partnership of Congress, the increased omnibus, you know,
856 provided additional monies there for us to enhance that
857 program, we are administering those grants and seeking to
858 partner with communities all over the country to ensure that
859 these areas are cleaned up and re-purposed and able to be
860 enjoyed again by those communities.

861 The Chairman. And I just have a few seconds left. I
862 want to follow up on what the chairman of the subcommittee
863 talked about regarding the RFS and new fuel standards. I
864 want you to know that Mr. Flores and Mr. Shimkus and others
865 on this committee have put a lot of time in because it is a
866 priority of mine and theirs to figure out going forward how
867 we have a standard that works for those who grow corn, those
868 who refine fuels, the auto industry, and the environment.

869 And I would hope this administration would look to our
870 leadership in this effort as well as any independent actions
871 or the fact that we are actually a co-equal branch and the
872 House has some authority in this area as well as the Senate.
873 Will you commit to that?

874 Mr. Pruitt. I think it is essential, as I shared with
875 the chairman earlier, because at the end of the day certainty
876 is very important in this area. And I think you see

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877 tremendous investment over the last --

878 Mr. Shimkus. The gentleman's time is expired. We will
879 make sure -- and I apologize. I just want to make sure that
880 -- we have a lot of people lined up. We will have more time
881 to talk about that.

882 The Chairman. Thank you, Mr. Chairman.

883 Mr. Shimkus. The chair thanks the Chairman and the
884 chair now recognizes the ranking member of the subcommittee,
885 Mr. Pallone, for 5 minutes.

886 Mr. Pallone. Thank you, Mr. Chairman.

887 You know, I listened, Mr. Administrator, to your reasons
888 why you haven't resigned and basically you said that you are
889 staying because only you can carry out the President's
890 mission. And I strongly disagree with that. I think your
891 actions are an embarrassment to President Trump and distract
892 from the EPA's ability to effectively carry out the
893 President's mission and if I were the President I wouldn't
894 want your help, I would just get rid of you. But I am not
895 the President so let me move on.

896 It has been reported that you have even gone so far as
897 to retaliate against EPA's employees, punishing those who
898 questioned your spending and management, and sidelining those

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899 who attempted to advance important public health protections.
900 So I wanted to ask again, yes or no, because we don't have a
901 lot of time, it has been reported that at least five EPA
902 employees were recently reassigned, demoted, or otherwise
903 retaliated against after they raised concerns about your
904 spending. Is that correct, yes or no?

905 Mr. Pruitt. I don't ever recall a conversation to that
906 end.

907 Mr. Pallone. Well, I will take that as a yes. I was
908 further alarmed --

909 Mr. Pruitt. It shouldn't be taken as a yes.

910 Mr. Pallone. -- that you removed the head of the EPA
911 office that found that you did not face direct death threats.
912 Has it always been your practice to fire people who disagree
913 with you?

914 Mr. Pruitt. I mean, Congressman, the Inspector General
915 himself has noted that the threats against me are
916 unprecedented --

917 Mr. Pallone. Well, you are not answering yes or no. So
918 again --

919 Mr. Pruitt. -- with respect to the quantity and the
920 type of threats and is on the record saying so.

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921 Mr. Pallone. Okay. Look, six staffers is a pattern, I
922 think you need to start taking responsibility. But you say
923 you are going to take responsibility but you don't. I am
924 very concerned by this troubling pattern of retaliation which
925 is not only potentially illegal but is also creating a
926 hostile environment that is expediting the exodus of valuable
927 expertise from the EPA. In place of those dedicated public
928 servants you are installing industry lobbyists.

929 Let's look at the case of Wendy Cleland-Hamnett, an
930 expert who fought to finalize a ban on methylene chloride, a
931 deadly chemical used in paint strippers. The New York Times
932 and other media have reported that her efforts were opposed
933 by Nancy Beck, the chemical industry lobbyist you put in
934 charge of regulating chemicals. Just last year, Nancy Beck
935 was being paid by the chemical industry to lobby against
936 chemical regulations. Now that she is retired, Nancy Beck is
937 running the chemical program and the proposal to ban
938 methylene chloride has been abandoned.

939 Yes or no, were you involved in the decision to abandon
940 that rulemaking or was that decision made by Nancy Beck?

941 Mr. Pruitt. The rulemaking has not been abandoned.
942 Actually there is a proposed rule --

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943 Mr. Pallone. Well, you say that but that is not
944 accurate. Do you know that manufacturers of methylene
945 chloride paint strippers have been aware of deaths linked to
946 this use for more than 28 years but continue to produce it?
947 Yes or no.

948 Mr. Pruitt. That is actually a solvent that we are
949 considering under the --

950 Mr. Pallone. Okay. Obviously you don't want to admit
951 what it does. Despite all your scandals, the White House
952 says you have the President's support because you are
953 implementing his deregulatory agenda, but I think that agenda
954 has real costs. In October 2017, right before EPA abandoned
955 the rulemaking, Drew Wynne, a 31 year old small business
956 owner in South Carolina, died while using methylene chloride.
957 Drew's brother is here today and I want to thank him for
958 traveling here from South Carolina and continuing to advocate
959 for a ban of this deadly chemical.

960 Were you or others at EPA aware of Drew Wynne's death
961 when the Agency abandoned the ban of this deadly chemical?
962 Yes or no, were you aware of his death?

963 Mr. Pruitt. I think it is important, Congressman, to
964 know that we have a proposed ban in place that is being

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965 considered and we are taking comments on and we haven't
966 finished that process.

967 Mr. Pallone. Well, obviously you are not going to admit
968 whether you know about Drew's death. Unfortunately, in
969 February another 31 year old man, Joshua Atkins, died using a
970 methylene chloride paint stripper to refinish his bike. I
971 learned about Joshua from his mother Lauren who sent me a
972 deeply touching letter.

973 And I would ask unanimous consent, Mr. Chairman, to put
974 that letter into the record, in which she states her hope
975 that her son will be the last to die from this chemical.

976 Mr. Shimkus. Can we make sure we see the letter?

977 Mr. Pallone. Yes. I will give it to you right now, Mr.
978 Chairman.

979 Again, Mr. Pruitt, your deregulatory agenda costs lives,
980 real people with names, with brothers, with mothers. You
981 have the power to finalize the ban of methylene chloride now
982 and prevent more deaths but you haven't done it. Do you have
983 anything to say to these families at this point?

984 Mr. Pruitt. Congressman, as I was trying to indicate
985 earlier there is a proposed ban in place that we took comment
986 on that we are reviewing presently. There has been no

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987 decision at this time to not --

988 Mr. Pallone. All right. Well, obviously you have
989 nothing to say to these families. Look, you say you are
990 going to do something but these chemicals are still on the
991 shelves and they make a mockery of Lautenberg's TSCA reform
992 legislation that this committee worked so hard on, including
993 our chairman Mr. Shimkus, and it makes a mockery of the EPA.
994 You have the power immediately to get this chemical off the
995 shelves and you are not doing it and you should do it.

996 And again, Mr. Shimkus, I appreciate your help with
997 TSCA, but he is not implementing TSCA so I am wondering if
998 our efforts were totally in vain. Thank you, Mr. Chairman.

999 Mr. Shimkus. The gentleman yields back his time. The
1000 chair thanks the gentleman. The chair now recognizes
1001 Chairman Emeritus Congressman Barton from Texas for 5
1002 minutes.

1003 Mr. Barton. Thank you, Mr. Chairman, and I am honored
1004 to have the EPA Administrator back before the committee.

1005 Mr. Administrator, you are not the first person to be
1006 the victim of, for lack of a better term, Washington
1007 politics. You got picked to be the EPA Administrator because
1008 of the service you provided for the great state of Oklahoma

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1009 in fighting some of the Obama administration radical clean
1010 air policies. You recommended and I support the
1011 recommendation that you made to the President that we
1012 withdraw from the Paris climate change agreement. That is a
1013 decision that most of the stakeholders at EPA violently
1014 oppose.

1015 If you can't debate the policies in Washington, you
1016 attack the personality and that is what is happening to you.
1017 Republicans do it when it is a Democratic President. The
1018 Democrats do it when it is a Republican President. And in my
1019 opinion, and it is just my opinion, that is what is happening
1020 to you.

1021 On your housing costs, were those approved, the
1022 contract, before it was signed? Didn't you get an ethics
1023 review and didn't that individual say it was acceptable?

1024 Mr. Pruitt. There have been two ethics reviews,
1025 Congressman.

1026 Mr. Barton. I need quick answers because I want to ask
1027 you --

1028 Mr. Pruitt. There have been two ethics reviews speaking
1029 to the lease itself saying that it met market rates.

1030 Mr. Barton. Okay. You have been attacked for flying

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1031 first class. Is that illegal?

1032 Mr. Pruitt. Congressman, that was approved by the
1033 travel office and the security team at the EPA. I have since
1034 made changes to that. But that was --

1035 Mr. Barton. But it is not illegal.

1036 Mr. Pruitt. It is not.

1037 Mr. Barton. It may look bad but it is not illegal.

1038 There was an Energy secretary named Hazel O'Leary under the
1039 Clinton administration. She leased party jets that were used
1040 by rock stars. Party jets, not one time but several times.
1041 Have you ever rented a party jet?

1042 Mr. Pruitt. No, Congressman.

1043 Mr. Barton. You have not rented a party jet. Okay,
1044 that is good. Let's talk about this transparency issue. As
1045 I understand it, your transparency proposal is that if they
1046 are going to use the science to make a recommendation on an
1047 EPA regulation they have to actually report what the science
1048 is. They have to release the documents and the data sets and
1049 all of that. Is that correct?

1050 Mr. Pruitt. That is exactly right, Congressman.

1051 Mr. Barton. Is there anything wrong with that?

1052 Mr. Pruitt. I think it enhances transparency and the

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1053 confidence of the American people as we do rulemaking.

1054 Mr. Barton. I think it is an excellent idea and it is
1055 long overdue. In your budget --

1056 Mr. Shimkus. Will the gentleman suspend for a minute?

1057 We have guests in the gallery. You are our guests. I
1058 have some magic words that will then cause you to have to
1059 leave. I do not want to say that. So if you would respect -
1060 - we were asked for decorum. That is not being decorous,
1061 whatever the word is. So let's just continue on with the
1062 testimony and we will move forward.

1063 The chair recognizes the Chairman Emeritus.

1064 Mr. Barton. Okay, thank you. On your transparency
1065 proposal if it is actually accepted, we will actually get to
1066 see what the science is behind the support for the
1067 regulation. Is that not correct?

1068 Mr. Pruitt. It is. And I think what has been of note
1069 to me as I have been serving at the Agency is that there is a
1070 reliance at the Agency on many third-party studies. And as
1071 those studies are the support of our rulemaking, it is
1072 important to make sure that the methodology and data
1073 accompany those conclusions so that the American people can
1074 make informed decision about the rules and whether they

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1075 actually are based upon sound science.

1076 Mr. Barton. This is to get a little bit to the budget
1077 we are actually here to discuss, there is a program in your
1078 agency called Leaking Underground Storage Tanks, short in
1079 acronym is LUST. The money that goes into that fund is
1080 supposed to be used to clean up or prevent leaks from
1081 underground storage tanks. To your knowledge, is there
1082 anything under current law that prevents a state from using
1083 it for other purposes? In other words, the money is supposed
1084 to be used to clean up these underground storage tanks, but
1085 my understanding is very few states use it for that purpose.

1086 Mr. Pruitt. You know, Congressman, I am not aware of
1087 that happening but it is something that we would investigate
1088 and look into if you have some information about that
1089 happening in your state and elsewhere.

1090 Mr. Barton. Would you do that and --

1091 Mr. Shimkus. The gentleman's time is expired. The
1092 chair recognizes the gentleman from California, Dr. Ruiz, for
1093 5 minutes.

1094 Mr. Barton. Thank you for your service.

1095 Mr. Ruiz. Thank you, Mr. Chairman.

1096 Administrator Pruitt's ethical violations as the head of

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1097 an agency with a mission to protect the public's health
1098 demonstrate a concerning lack of integrity and a pattern of
1099 the rich and powerful putting their rich and powerful friends
1100 and their own self-interest above the interest of the
1101 public's health and at the expense of the common good. Clean
1102 air to breathe and safe water to drink is not a privilege
1103 only for the rich and powerful but a right for everyone, and
1104 the role of a public servant is to serve and protect the
1105 public, in particular the public's health.

1106 However, the gross elimination of many public health
1107 protections are kickbacks to the rich lobbyists and
1108 corporation friends that have a real impact and I want to
1109 highlight one example. This week the EPA announced that it
1110 intends to limit the kind of scientific studies it will use
1111 in issuing new protections to only studies that make public
1112 the private, personal, confidential information of the people
1113 who participate in those studies.

1114 Revealing that info is a clear ethical violation of any
1115 reputable research institutional review board in the United
1116 States. The type of studies you want to exclude are the same
1117 kind of scientific studies that were used to prove that lead
1118 in pipes and paints harm children and that secondhand smoke

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1119 is a dangerous carcinogen. We are talking about landmark
1120 studies such as the Harvard School of Public Health's six-
1121 city study which proved a connection between air pollution
1122 and early death back in 1993. That just by living in a city
1123 with poor air quality your average life expectancy was lower
1124 than those who didn't. This study later became the basis of
1125 fine particulate matter regulations in the Clean Air Act.

1126 When you were here in December, you and I spoke about
1127 fine particle matter which, thanks to studies based on
1128 confidential patient health information, we now know is
1129 associated with premature death, asthma attacks, chronic
1130 bronchitis, decreased lung function, and respiratory
1131 diseases. You acknowledge these risks and agree that there
1132 is no safe level of fine particle pollution, but your new
1133 policy would block EPA from considering the studies that have
1134 shown these dangerous health implications.

1135 So do you deny now that fine particle pollution has
1136 these health impacts and will these new regulations cause
1137 your agency to disregard these sentinel studies?

1138 Mr. Pruitt. If they provide the data and methodology to
1139 the Agency and the findings it will be used.

1140 Mr. Ruiz. Well, that is a clear violation of ethical

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1141 rules protecting patient confidentiality.

1142 Mr. Pruitt. Those can be redacted, Congressman.

1143 Mr. Ruiz. Who is protecting the subjects in those
1144 studies? So you have promised us a replacement rule for the
1145 Clean Power Plan. Will that replacement rule acknowledge the
1146 health impacts of fine particle pollution?

1147 Mr. Pruitt. We actually have been as you know a
1148 proposed rule in the marketplace on just that issue.

1149 Mr. Ruiz. Well, you know, I mentioned the risks of lead
1150 in drinking water. So with this new rule -- those risks were
1151 shown by epidemiological studies that protected the patient
1152 confidentiality and all the other intricacies of confidential
1153 information. Now your rule would lead to the idea that if it
1154 doesn't suit the manufacturers' intent that now those studies
1155 could be disregarded.

1156 So do you believe that mesothelioma can, or that
1157 asbestos causes mesothelioma?

1158 Mr. Pruitt. I do. But the confidential business
1159 information to which you refer along with personal
1160 information can be redacted.

1161 Mr. Ruiz. So that information -- so you have been in
1162 office, you know, you have dismantled protections for the

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1163 public's health and there is, and protections for children
1164 who suffer asthma, seniors with respiratory illnesses, and
1165 you demonstrated a disregard for true scientific study, the
1166 scientific process, and the confidentiality of people who
1167 want to participate and help further our collective knowledge
1168 to protect the public good.

1169 You have done this to allow your rich and powerful
1170 corporate friends to create more pollution in order to
1171 increase profit at the expense of the common good. Again if
1172 children with asthma and seniors with COPD -- and I am an
1173 emergency physician. I participated in IRB boards. I know
1174 the importance of protecting the information in order to get
1175 more participants, and I have also treated children with
1176 asthma gasping for air or seniors at their last wits' end.
1177 When you remove these protections under the guise of a false
1178 transparency notion, then you are making life more difficult
1179 for everyday American families and this is disgraceful and
1180 the American people deserve better.

1181 Mr. Shimkus. The gentleman's time is expired. The
1182 chair recognizes the gentleman from West Virginia for 5
1183 minutes.

1184 Mr. McKinley. Thank you, Mr. Chairman. And thank you,

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1185 Administrator, for coming before us. I think that was the
1186 first policy question you got from the other side of the
1187 aisle, observation.

1188 And to the public, I think this has been a lot of a
1189 classic display of innuendo and McCarthyism that we are
1190 seeing too often here in Washington that unfortunately I
1191 think works against civility and respect for people in public
1192 office. I am hoping we would be able to stay on policy today
1193 as much as we could, but I can see some just can't resist the
1194 limelight, the opportunity to grandstand.

1195 So having said all that I thank you for what you have
1196 done. You have been able to stay disciplined on these
1197 policies. I know in West Virginia the impact that it has had
1198 on Brownfields Legislation of what you are doing on that I
1199 see the rollback of some of the regulatory reform that there
1200 is hope now. A lot of the people in the fossil fuel industry
1201 that they could see that deterioration in the past 8 years
1202 prior to that. There is some hope. We are seeing the
1203 economy start to rebound thanks to you and the administration
1204 of taking this fight on.

1205 So I know that if I could, I know just as an example,
1206 here was an example that despite what has been said to the

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1207 achievements that you have made that the EPA just awarded
1208 \$1.9 million to research in drinking water having to do with
1209 Flint, that research in Flint. People are ignoring the
1210 progress that we are making and they are trying to make this
1211 another attack on President Trump, and unfortunately there
1212 are a lot of people that are going to go along with that.

1213 So if we could, if I could get back to one of the things
1214 that has disturbed me some with some of the events over the
1215 last numbers of years was we had a good friend in Leslie
1216 Lampton who passed away last week. Lampton has Ergon
1217 Refinery located in Mississippi but they have the only
1218 refinery in West Virginia. It is a small, kind of a boutique
1219 operation at 23,000 barrels. I know the definition of a
1220 small refinery is 75,000 barrels, so they are a third of the
1221 size. But yet, so they are struggling meeting all of the
1222 qualifications, all the requirements of a major refinery.

1223 Is there something that we could work together or
1224 something to help out these small refineries so that they can
1225 compete? Because they can't handle the RINs, they don't have
1226 a market for that with them. So is there something that we
1227 could be doing to help out these boutique refineries?

1228 Mr. Pruitt. Congress has been very helpful in providing

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1229 a small refinery exemption under the statute. It is
1230 objectively determined. It is 75,000 barrels, as you
1231 indicated, production and we have received I think 24
1232 applications in 2017, a little bit over 30 in 2018. And I
1233 would say to you that the volatility of the RIN trading
1234 platform is creating instability across the entire RFS
1235 discussion.

1236 So it is really in everyone's best interest to get more
1237 clarity and confidence in how this RIN trading platform and
1238 relief needs to occur. It is going to benefit the ethanol
1239 industry, benefit the ag sector, and I think benefit those
1240 that are suffering with the RIN obligations. And so it is
1241 our hope that we can chart a path forward with Congress to
1242 achieve those kinds of outcomes.

1243 Mr. McKinley. Okay. Mr. Administrator, for numbers of
1244 years we were working to try to get resolved something for it
1245 was sitting out here for 30 to 40 years was the coal ash
1246 issue and we got that taken care of 2 years ago. But my
1247 question then back to you as the Administrator is are there
1248 states that have opted not to put together their own program
1249 and turn it over to the EPA, or can you help us, like give me
1250 an update on where we are with some of the state

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1251 implementation?

1252 Mr. Pruitt. We have provided guidance to the states
1253 with respect to developing their own programs and very few
1254 states have actually done that to your question. And we are
1255 working with those state partners to equip and educate them
1256 on the option by providing the guidance. I think it is
1257 important that they pursue it and I think it is important
1258 they pursue it in a timely way, and it hasn't taken place
1259 yet.

1260 Mr. McKinley. Have any states chosen not to put
1261 together their own program?

1262 Mr. Pruitt. I just think it is early. It is nascent in
1263 the process and I think it is just very few early adopter
1264 states so far and that is the reason we are working hard to
1265 educate and inform those states.

1266 Mr. McKinley. Mr. Administrator, thank you for handling
1267 all these issues and I hope that we can stay on policy and
1268 talk about some of the progress that has been made because I
1269 think it has been good for the environment. Thank you. I
1270 yield back.

1271 Mr. Pruitt. Thank you.

1272 Mr. Shimkus. The gentleman yields back his time. The

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1273 chair recognizes the gentleman from California, Mr. Peters,
1274 for 5 minutes.

1275 Mr. Peters. Thank you, Mr. Chairman. I do want to ask
1276 a couple questions about the Superfund program, particularly
1277 about your friend Mr. Albert Kelly who you put in charge of
1278 the program despite his past. He was scheduled to appear
1279 before the committee in January but he backed out at the last
1280 minute citing travel obligations. I know my colleagues on
1281 both sides of the aisle were disappointed in that, but Mr.
1282 Kelly sent a letter for the record that he would be willing
1283 to answer any and all of our questions regarding his lifetime
1284 ban from the banking industry and the illegal activities that
1285 led up to that.

1286 It is now more than 3 months later, we have gotten no
1287 information from Mr. Kelly. We are told that political
1288 leadership has been preventing him from speaking with us and
1289 if that is true that is certainly disappointing. 2 weeks ago
1290 you were interviewed on Fox News by Ed Henry and he asked you
1291 several questions about Mr. Kelly. In the interview you said
1292 that the details of the settlement with the FDIC were private
1293 and that none of us really know what happened.

1294 So my question is, if Mr. Kelly is happy to share the

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1295 details of his lifetime banking ban as a matter of
1296 transparency is he not telling us the truth or are you
1297 stopping him from doing that?

1298 Mr. Pruitt. I think Mr. Kelly if he is willing to share
1299 that with you he should do that.

1300 Mr. Peters. Terrific.

1301 Mr. Pruitt. And I would encourage him to do so.

1302 Mr. Peters. And because we do think that it is an
1303 important issue of transparency I am glad to hear that.

1304 The FDIC ban is not the only concern about Mr. Kelly.
1305 It has been widely reported that his family abuts a Superfund
1306 National Priorities List site. He is the head of the
1307 Superfund program, creating at least a perception of a
1308 conflict of interest in that he might be favoring the site
1309 that is next to his property. You have mentioned that one of
1310 your goals, one of your values is that you are committed to
1311 good stewardship of taxpayer resources.

1312 Has this financial conflict been reviewed by EPA ethics
1313 officials and, if so, were they provided with all the
1314 necessary information to conduct that review?

1315 Mr. Pruitt. I don't have knowledge about that,
1316 Congressman, if that has happened or not.

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1317 Mr. Peters. All right. I certainly would ask that that
1318 be done. When you came to testify before this subcommittee
1319 in December you claimed that you had to remove scientists
1320 from EPA's Science Advisory Board because of, quote, the
1321 appearance of a lack of independence. John Konkus, your
1322 deputy associate administrator for the Office of Public
1323 Affairs who is tasked with reviewing millions of dollars of
1324 grants for EPA, was approved to provide media consulting
1325 advice to unnamed clients, likely including his prior clients
1326 from his Republican-affiliated consulting firm. Were you
1327 aware that Mr. Konkus was continuing to work as a media
1328 consultant for outside clients?

1329 Mr. Pruitt. I am aware that the ethics officials at the
1330 Agency approved that. That is what I am aware of.

1331 Mr. Peters. Don't you think this creates an appearance
1332 of a lack of independence?

1333 Mr. Pruitt. The ethics officials didn't believe that.

1334 Mr. Peters. Do you have an opinion personally about
1335 that?

1336 Mr. Pruitt. I don't know anything about the contract.
1337 I just know that the ethics officials approved that
1338 transaction.

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1339 Mr. Peters. It just seems to me that if he is working
1340 for people outside the Agency with his fingers inside the
1341 Agency that that could be a lack of independence, and I will
1342 just offer that as my own observation then.

1343 You brought in Jeff Sands directly from Syngenta which
1344 was facing a very large fine from EPA for failing to protect
1345 its workers from a dangerous pesticide, chlorpyrifos. During
1346 his brief tenure at EPA this fine was reduced from \$4.9
1347 million to \$400,000. Were you personally involved in this
1348 decision to reduce this fine?

1349 Mr. Pruitt. It is my understanding that Mr. Sands'
1350 involvement at the Agency occurred after the decision in
1351 March of last year with respect to chlorpyrifos --

1352 Mr. Peters. Okay. Without respect to the timing then,
1353 were you personally involved then in the decision to reduce
1354 this fine?

1355 Mr. Pruitt. I was not.

1356 Mr. Peters. And I guess, I think I would suggest it
1357 also creates at least the appearance of bias and
1358 independence.

1359 And now it has come out that your head of security, who
1360 was promoted to that role after you fired his predecessor for

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1361 questioning your security spending, did outside investigative
1362 work during the 2016 presidential election for America Media
1363 Incorporated, the publisher of National Enquirer. That
1364 includes the period when AMI purchased and killed a story
1365 about President Trump having an affair with a Playboy
1366 playmate. Do you think that that outside work at least
1367 creates the appearance of a lack of bias?

1368 Mr. Pruitt. It is my understanding that is being
1369 reviewed. And I was not aware of that outside contract and
1370 it is being reviewed.

1371 Mr. Peters. Okay. I guess again I would say you are
1372 not answering the question, I think it creates at least the
1373 appearance of bias and we would like to see attention to
1374 that.

1375 Finally, I guess, just to follow up on the first
1376 question, are you willing to produce Mr. Kelly to answer the
1377 questions before this committee?

1378 Mr. Pruitt. I am not standing in the way of Mr. Kelly
1379 providing information to this committee or any other
1380 committee and that is a decision that he can make and provide
1381 that information.

1382 Mr. Peters. In the interest of transparency would you

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1383 be willing to direct him to come and answer those questions?

1384 Mr. Pruitt. I don't think I have that authority. I
1385 would encourage him to do so.

1386 Mr. Peters. If you have that authority would you be
1387 willing to exercise it?

1388 Mr. Pruitt. I would encourage him to do so.

1389 Mr. Peters. I will take that as a no.

1390 I will yield back.

1391 Mr. Shimkus. The gentleman yields back his time. The
1392 chair now recognizes the gentlelady from Tennessee for 5
1393 minutes, Congresswoman Blackburn.

1394 Mrs. Blackburn. Thank you, Mr. Chairman.

1395 And Mr. Administrator, thank you for being here. We do
1396 have questions about the budget. And we are always
1397 interested in ways that we can stop federal overreach and
1398 that is something that is so important to my constituents in
1399 Tennessee and something that we hear about a good bit and
1400 they want the EPA to kind of get off their back many times
1401 when they are manufacturers and when they are farmers.

1402 And as a matter of fact, talking with some of my farmers
1403 at Mule Day in Columbia, Tennessee, they were talking about
1404 the WOTUS rule and I want to ask you about that because they

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1405 say that they have to move heaven before they can move earth
1406 and so they want to get the EPA off their farms. And they
1407 are very grateful that we have had the delay in the WOTUS
1408 rule and it is important to them, it is important to
1409 manufacturers. They feel like they can move forward and do
1410 something and they are not fighting with this rule.

1411 So I want you to talk a little bit quickly because I
1412 have one other question for you about where we are with the
1413 repeal and the rewrite on WOTUS and then the cost of
1414 implementing that rule and what you all have ascertained
1415 through your cost-benefit analysis of what the cost of
1416 compliance of that rule would have been.

1417 Mr. Pruitt. Well, I will address a couple things,
1418 Congresswoman, in response to your question. First, the
1419 decision on repeal as well as the replacement to the 2015
1420 rule will all occur in 2018. We will be done with that
1421 process this year. As you know and you made reference to
1422 that, the compliance dates have been extended but we actually
1423 have two other rules in the marketplace. One is to rescind
1424 the 2015 rule and then a proposal will be coming out next
1425 month with respect to the replacement that will be inspired
1426 by Justice Scalia and I believe the intent of the Clean Water

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1427 Act with respect to the definition of the Water of the United
1428 States.

1429 Mrs. Blackburn. Okay, thank you. Let's talk about fuel
1430 economy standards. We have auto manufacturers in Tennessee
1431 and in Franklin and we have Nissan, the plants over in
1432 Smyrna. We have GM, which is in my district down in Spring
1433 Hill, you have Volkswagen over in Chattanooga. One of the
1434 things they talk a lot about are the fuel economy standards
1435 and the cost per car that trying to go to these new economy
1436 standards would do, and you have talked about adjusting the
1437 standards.

1438 So there again I want you to talk a little bit about
1439 where we are when it comes to adjusting those standards and
1440 then what you see as the cost of implementing and then the
1441 cost of compliance.

1442 Mr. Pruitt. Well, Congresswoman, as you indicate we
1443 recently issued a midterm evaluation that occurred in April
1444 of this year and we determined that the standards that have
1445 been set were too ambitious and didn't meet the facts and
1446 data that we currently have at present. So we started or
1447 will be starting very soon a rulemaking process along with
1448 DOT to reevaluate those standards.

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1449 I think what is important about the CAFÉ standards is we
1450 ought to endeavor as a country to set standards for lower
1451 emissions on cars that people actually want to buy, you know,
1452 and I think what has happened for a number of years is that
1453 we have created these arbitrary levels that has put a certain
1454 sector of the cars in the marketplace that no one is
1455 purchasing which means they stay in older vehicles which
1456 actually defeats the purpose of the very act.

1457 So we are working with DOT in collaboration interagency
1458 to address that and that proposed rule will be coming out
1459 very, very soon with DOT.

1460 Mrs. Blackburn. Okay. That sounds great. I think you
1461 are exactly right on that. And we hear that not only from
1462 manufacturers but from the dealers that the economy standards
1463 have pushed forward vehicles that people don't want to
1464 purchase many times and so they are staying in the car longer
1465 or they buy a bigger car that is heavier that they feel like
1466 is going to be a safer vehicle for them.

1467 So I appreciate you being here today and I will yield
1468 back my 30 seconds.

1469 Mr. Shimkus. The chairman thanks the gentlelady. The
1470 chair now recognizes the gentleman from Texas, Mr. Green, for

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1471 5 minutes.

1472 Mr. Green. Thank you, Mr. Chairman.

1473 And I want to, Mr. Administrator, I want to thank the
1474 EPA for a recent announcement of an agreement was brokered
1475 between International Paper and the McGinnis Industrial
1476 Maintenance Corporation which are the responsible parties for
1477 the site cleanup at San Jacinto docks and waste pits in East
1478 Harris County in Texas. Over the past 10 years, Congressman
1479 Poe and I have shared that area, although now it is in
1480 Congressman Babin's district. Our district lines change
1481 pretty often in Texas, anytime a federal court decides it.

1482 So we have been working on it for 10 years and I want to
1483 thank you for that. The reporting on the agreement stated
1484 that right now the remediation process is expected to take
1485 about 29 months. Do you know or can you say how certain is
1486 that timeline? Because having watched other Superfund
1487 cleanup sites, once you get into it you always find other
1488 problems. So.

1489 Mr. Pruitt. Well, I feel very confident at the timing
1490 on that, Congressman. Region 6 there in Texas and
1491 headquarters, the partnership that existed there working with
1492 the local community is exactly how this should work. There

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1493 was a temporary solution that had been put in place at San
1494 Jacinto and it threatened the health of citizens in that area
1495 and this is a permanent solution that will be provided within
1496 the time period you described and at a cost of \$115 million.

1497 Mr. Green. Well, and I know that is expensive. But
1498 again this area is developing and for years we have had signs
1499 up at the San Jacinto River and the Upper Galveston Bay about
1500 expectant mothers and children shouldn't eat the crabs or the
1501 fish, but when I go out there I don't see anybody that is not
1502 crabbing or fishing. So it is really important to get it
1503 completely cleaned up so it can be restored.

1504 It is also an area where we park a lot of our barges in
1505 the Houston Ship Channel and recently those barges break
1506 loose when there is a storm or a flood and they will break
1507 that cap, that temporary cap that they have. And EPA has
1508 been really good on the job, the regional office in Dallas,
1509 to make sure they, you know, they keep that pollution at the
1510 docks and from continuing to come out.

1511 Let me go to our --

1512 Mr. Pruitt. If I may, Congressman, I think with the
1513 hurricanes that came through last year there was significant
1514 concern about those temporary measures being displaced which

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1515 was really what hastened a solution with respect to a
1516 permanent solution.

1517 Mr. Green. Yes. Hurricane Ike actually broke the
1518 temporary dike but that was coming from the Gulf. Our
1519 problem last year was the flooding coming downstream that
1520 hurt that and also, like I said, barges came loose from their
1521 mooring and ran into it.

1522 Let me talk about the Renewable Fuel Standard, because
1523 if you know the area that I represent at one time I had five
1524 refineries, now I only have three of them. But the American
1525 Petroleum Institute and ethanol industry agree on -- there is
1526 not much they agree on. A number of waivers the Agency has
1527 granted under the small refinery exemption under your watch
1528 has managed to get everyone's attention. API wrote you a
1529 letter in February and stated their belief that EPA should
1530 not grant small refineries exemptions.

1531 The law provides flexibility when it comes to small
1532 refineries, however, the press reports that EPA has been
1533 given as many as 25 waivers including some that refineries
1534 are not experiencing hardship and some may not be that small.
1535 The smallest I have in my area is a hundred thousand barrels
1536 a day. The other ones have two quarter of a million every

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1537 day. There is lack of transparency in the small refinery
1538 waiver process and we understand and respect confidential
1539 business information, but the EPA is a federal government
1540 agency and secrecy is not something that I think the EPA
1541 ought to be worried about and it gives appearance of
1542 partiality and unfairness.

1543 Do you know how many applications for waivers did the
1544 Agency receive in 2016 and '17 compliance years for these
1545 waivers?

1546 Mr. Pruitt. Well, it runs about a year behind,
1547 Congressman. The applications we got in '17 relate to the
1548 2016 obligations and as I recall they were somewhere in the
1549 mid-20s that we received. We received more than that this
1550 year for the 2017. But what is really driving this in a lot
1551 of respects, I mentioned this earlier, is just the RIN
1552 prices, you know, dropping to 40 cents, up to 85 cents, and
1553 the rest. And so you just see a lot of pressure on those
1554 small refineries particularly because of these escalating RIN
1555 prices and the instability of the market.

1556 Mr. Green. Well, I have said it many times in this
1557 committee over the last 10 years, the chair and I have a
1558 difference from southern Illinois to East Houston on the RIN

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1559 issue. Has the Agency granted any waivers to facilities that
1560 output exceeds 75,000 barrels a day?

1561 Mr. Pruitt. We look at it on a facility by facility
1562 basis and the statute says that it is 75,000 barrels or less.
1563 So it is objectively determined in that regard.

1564 Mr. Shimkus. The gentleman's time is expired. The
1565 chair now recognizes the gentleman from Texas again, another
1566 one, for 5 minutes, Mr. Olson.

1567 Mr. Olson. I thank the chairman and Mr. Pruitt,
1568 welcome. I wish your second appearance before this committee
1569 was under much different circumstances. As you know there
1570 has been many press reports about problems at the EPA under
1571 your watch. These problems can't be solved by Congress and
1572 this committee. That is not our role. The solution is
1573 between you and President Donald Trump. You work at his
1574 pleasure and that is pure and simple.

1575 But today, right now, you are America's EPA
1576 Administrator and my home district of Texas 22 needs you to
1577 work hard for our district. We are still trying to recover
1578 from Hurricane Harvey. We also have a Clean Air Act that
1579 actually works with local officials, local governments, to
1580 make our air cleaner instead of pursuing goals that can be

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1581 never be achieved with technology that doesn't exist.

1582 On Harvey I have to publicly thank you for two things.
1583 First of all, your EPA helped my home county of Fort Bend
1584 break through this whole log jam of regulations to allow us
1585 to start dredging our flooded bayous, our flooded waterways,
1586 quickly, and get that stuff taken care of. You did that sir.
1587 Thank you so much for letting my home county get moving
1588 forward.

1589 Also, I want to echo my comments from Senator Green, and
1590 by the way this may be the only bipartisan thing you hear in
1591 this committee today, but it is true. I want to thank you
1592 for all the hard work you did to fast track efforts to use
1593 the Superfund to clean up the San Jacinto Waste Pits. As you
1594 know, Hurricane Harvey displaced the protective caps. We
1595 don't know how much dioxin, cancer-causing dioxin exploded
1596 out of there. You stepped up like that with a plan to fix
1597 that and that will be fixed sometime as you mentioned within
1598 the next year or so at the latest. So thank you, thank you,
1599 thank you for that.

1600 My first question is about ozone and air quality. This
1601 committee has heard over and over about how the impacts of
1602 ozone and pollution some of this happens outside of our

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1603 control, yet for some reason we have to regulate that. This
1604 ozone comes from as far away as China or maybe as close in
1605 Texas as forest fires in Bastrop County a couple years ago.
1606 These uncontrolled sources, which EPA calls them, can create
1607 chaos for compliance with their rules by local governments.
1608 They are just frustrated, frustrated, frustrated.

1609 Our President recently asked you to respond faster to
1610 states' petitions for relief under exceptional events and
1611 international emissions provisions of the Clean Air Act. For
1612 8 years those were never used before. Now you have a great
1613 weapon to help us out. How do you comply with this new
1614 request from the President? Can you give this committee
1615 progress through efforts to make sure that actually
1616 exceptional events and international emissions are complied
1617 with and taken into account with the Clean Air Act issues?

1618 Mr. Pruitt. Congressman, thanks for the question. It
1619 is a very important question. And I think with exceptional
1620 events I think there is probably more latitude we have, but
1621 you mentioned something else that I think is extremely
1622 important and that is the international transport, air
1623 transport of pollution and ozone. We have nonattainment
1624 areas all over this country that are being caused by what is

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1625 occurring in Asia. There has been much effort, much work
1626 done by industry and states and citizens across the country
1627 to lower emissions with ozone and we have made tremendous
1628 success.

1629 But some of the problems we have are caused by others as
1630 you have indicated, particularly in the international arena.
1631 So we need to find answers there. It may be something we
1632 need to come back to Congress and ask for your assistance to
1633 address on that particular front. Exceptional events, I
1634 think, are a little bit different. I think it is more
1635 factually driven than the other issue, but nonetheless it is
1636 a very important issue that we need to address.

1637 Mr. Olson. One final question, very briefly. We have
1638 heard over and over about burdens placed on states from
1639 regulation after regulation after regulation. Last
1640 administration would save the same life three times with
1641 three different laws, different regulations. That puts a
1642 huge bite into some local governments and local people trying
1643 to comply with the federal laws.

1644 Do you have the resources you need in the Office of Air
1645 and Radiation to issue guidance to make sure working with
1646 states that we count one life and make these things actually

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1647 viable?

1648 Mr. Pruitt. Well, I mean as we came in to this, as I
1649 came in to this position we had 700 state implementation
1650 plans, SIPs, where states have invested money and resources
1651 to actually provide a plan on how to improve air quality and
1652 they were sitting on a shelf. We have moved on 350 of those.
1653 I mentioned that in my opening statement. But we need to
1654 focus on those priorities partnering with states and the
1655 first place to start is to work with them on those state
1656 implementation plans.

1657 Mr. Shimkus. The gentleman's time is expired. The
1658 chair recognizes the gentlelady from Colorado, Ms. DeGette,
1659 for 5 minutes.

1660 Ms. DeGette. Thank you, Mr. Chairman.

1661 Administrator Pruitt, when you were in front of this
1662 committee in December we discussed the installation of a
1663 soundproof privacy booth in the Administrator's office, or
1664 the SCIF, at a cost of over \$40,000. At that time you told
1665 me that your view was that the expenditure was appropriate
1666 despite the fact there were two other SCIFs at the EPA. Is
1667 that correct?

1668 Mr. Pruitt. This is actually not a SCIF.

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1669 Ms. DeGette. Okay. Well, whatever it is, the
1670 soundproof booth, you expressed your view that it was
1671 appropriate, correct? Yes or no.

1672 Mr. Pruitt. I didn't express that \$43,000 was
1673 appropriate.

1674 Ms. DeGette. Yes or no. Okay, you are not going to
1675 answer my question. Did you know at that time that this
1676 expenditure violated Section 710 of the Financial Services
1677 and General Government Appropriations Act and the
1678 Antideficiency Act? Yes or no, sir.

1679 Mr. Pruitt. It is actually the opinion of the Office of
1680 General Counsel at the Agency that that is not the case.

1681 Ms. DeGette. So you are not going to answer that
1682 question either. Do you know whether any one of your staff
1683 knew that that expenditure violated these two laws? Yes or
1684 no, sir.

1685 Mr. Pruitt. The OGC again has indicated that their
1686 opinion is it is not a violation.

1687 Ms. DeGette. So you are not going to answer that
1688 question.

1689 If we can, please give the witness a copy of the April
1690 16th, 2018 letter. Are you familiar with that letter from

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1691 the GAO, Mr. Administrator? Yes or no.

1692 Mr. Pruitt. I am familiar with the GAO's decision, yes.

1693 Ms. DeGette. Thank you. And in that decision --

1694 Mr. Shimkus. Will the gentlelady suspend for a minute?

1695 Can we see a copy of that?

1696 Ms. DeGette. Certainly. I would be happy to present

1697 what is asked unanimous consent that it be placed in the

1698 record.

1699 Mr. Shimkus. After we look at it we probably will. And

1700 while we are waiting we are going to -- I think we are ready

1701 to accept that other letter that you asked to be submitted.

1702 Without objection, so ordered.

1703 [The information follows:]

1704

1705 *****COMMITTEE INSERT 4*****

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1706 Mr. Shimkus. The gentlelady may continue.

1707 Ms. DeGette. Thank you very much, Mr. Chairman.

1708 Now the conclusion of this was that these two laws were
1709 violated. Is that correct?

1710 Mr. Pruitt. Their conclusion is that those statutory
1711 requirements were not followed by the Agency.

1712 Ms. DeGette. Yes. Now did you know about that at the
1713 time?

1714 Mr. Pruitt. I did not.

1715 Ms. DeGette. Did your staff know about that at the
1716 time?

1717 Mr. Pruitt. About what, Congresswoman?

1718 Ms. DeGette. About these two laws that were supposed to
1719 be complied with before the expenditure happened, yes or no.

1720 Mr. Pruitt. As I indicated, the Office of General
1721 Counsel, career individuals at the Agency advised --

1722 Ms. DeGette. No, I am sorry. You can't filibuster,
1723 sir. Did you know or did your staff know?

1724 Mr. Pruitt. I am not filibustering, Congresswoman. I
1725 am trying to answer your question.

1726 Ms. DeGette. Okay. Well, let me ask you this. The EPA
1727 has the ability to impose penalties for this illegal

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1728 activity. Will you or your staff be subject to these
1729 penalties, yes or no?

1730 Mr. Pruitt. We are investigating this internally with
1731 appropriate individuals both here as well as the Inspector
1732 General.

1733 Ms. DeGette. Well, you don't know. All right, my next
1734 question, sir, is would you agree that public officials
1735 should be held to the highest standards of ethical conduct?

1736 Mr. Pruitt. I believe that, yes.

1737 Ms. DeGette. Yes. Now in that vein I want to ask you
1738 about two troubling financial housing transactions that you
1739 have been involved with as a state then a federal elected
1740 official. In 2003, you were an Oklahoma state senator with a
1741 state salary of \$38,400, correct?

1742 Mr. Pruitt. And also an attorney with a law practice.

1743 Ms. DeGette. Yes, correct?

1744 Mr. Pruitt. And also an attorney with a law practice.

1745 Ms. DeGette. Okay. Now you lived in a second home near
1746 the state capital purchased by a shell company, Capital House
1747 LLC, from a lobbyist, Marsha Lindsey, correct?

1748 Mr. Pruitt. It was not a shell company.

1749 Ms. DeGette. Okay. But it was an LLC, Capital House,

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1750 correct?

1751 Mr. Pruitt. Which is normally how you buy real estate
1752 in Oklahoma.

1753 Ms. DeGette. You know, yes or no would work.

1754 Mr. Pruitt. I am seeking to answer your question,
1755 Congresswoman.

1756 Ms. DeGette. Okay. Now what was your financial
1757 investment in Capital House, LLC?

1758 Mr. Pruitt. It was one-sixth of the purchase price as I
1759 recall.

1760 Ms. DeGette. And so what, do you remember the amount?

1761 Mr. Pruitt. I do not. I did not negotiate the purchase
1762 price.

1763 Ms. DeGette. So you actually put that amount into the
1764 LLC. Is that right?

1765 Mr. Pruitt. That was the portion that I was responsible
1766 for, yes.

1767 Ms. DeGette. And did you actually pay that amount into
1768 the LLC?

1769 Mr. Pruitt. I did. I did.

1770 Ms. DeGette. Thank you. Now it has been reported that
1771 another lawmaker rented a room in that home and paid rent to

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1772 you although you never listed your share in the shell company
1773 or that rent on your financial disclosures; is that correct?

1774 Mr. Pruitt. I don't ever recall that. No.

1775 Ms. DeGette. Okay. Was that rental income distributed
1776 among the owners of the shell company in the proportion that
1777 you contributed to the company?

1778 Mr. Pruitt. K1s were issued to each of the individual
1779 members. Those were reported as income through our tax
1780 filings and so all income was reported.

1781 Ms. DeGette. Did you pay taxes on that income?

1782 Mr. Pruitt. We did.

1783 Ms. DeGette. Can we get that information, sir?

1784 Mr. Pruitt. I can provide you K1 --

1785 Ms. DeGette. Did you personally pay taxes on your
1786 income from that rental?

1787 Mr. Pruitt. I can provide you the K1.

1788 Ms. DeGette. That would be great. Did you pay taxes on
1789 that income?

1790 Mr. Pruitt. As I indicated, I received a K1 --

1791 Ms. DeGette. I know you received a K1. Did you pay
1792 taxes on that income?

1793 Mr. Pruitt. That was provided to my accountant in our

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1794 filing.

1795 Ms. DeGette. So you are not going to answer that
1796 question either.

1797 Mr. Pruitt. I am answering the question, Congresswoman.

1798 Ms. DeGette. Yes, okay. Did you pay taxes on the
1799 income that you got for your share?

1800 Mr. Pruitt. Congresswoman, as you know, you provide
1801 information to your accountant, they determine what you pay.

1802 Ms. DeGette. So you are not going to answer that
1803 question. Now I have some other questions about your D.C.
1804 condo but I am out of time. And I just want to say to my
1805 colleagues on the other side of the aisle and also to you, I
1806 am not doing this to hassle you. I am doing this because as
1807 elected officials and appointed officials we have the public
1808 trust. Everything we do has to be to the highest ethical
1809 standard as you just agreed with me. And when we have these
1810 transactions it brings disrespect on us as public officials -
1811 -

1812 Mr. Shimkus. The gentlelady's time --

1813 Ms. DeGette. -- and as the job we do.

1814 Mr. Shimkus. -- has expired.

1815 Ms. DeGette. So I am just going to continue this and I

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1816 would hope you would be forthcoming with this committee.

1817 Thank you.

1818 Mr. Shimkus. The gentlelady's time has expired. Your
1819 unanimous consent request will be respected and we will put
1820 your letter, the GAO letter, into the record.

1821 [The information follows:]

1822

1823 *****COMMITTEE INSERT 5*****

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1824 Mr. Shimkus. The chair now recognizes the gentleman
1825 from Ohio, Mr. Johnson, for 5 minutes.

1826 Mr. Johnson. Mr. Chairman, you know, I served for 26-
1827 1/2 years in the United States Air Force, and I do believe
1828 that public officials have a standard of conduct that should
1829 be beyond reproach, but so should Members of Congress. And,
1830 you know, I think it is shameful today that this hearing has
1831 turned into a personal attack hearing and a shameful attempt
1832 to denigrate the work that is being done at the EPA and with
1833 this administration and make this a personal attack rather
1834 than focus on what we are here to talk about which is the
1835 budget and the functioning and the policy work being done at
1836 the EPA.

1837 So I am going to redirect my questioning to you, Mr.
1838 Pruitt. Under the provision, under the previous
1839 administration the EPA put severe squeezes on job
1840 opportunities and businesses in Eastern and Southeastern Ohio
1841 which, by the way, we didn't make personal attacks when that
1842 happened, we talked about policy at the time. And this has
1843 had, you know, our district has an abundance of fossil energy
1844 resources and energy opportunities.

1845 Today we have an EPA that recognizes the importance of

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1846 those jobs and is willing to work with the states like Ohio
1847 to provide a healthy balance between jobs and environmental
1848 regulations. That approach has made a real difference in my
1849 state and in my district and I applaud those efforts at
1850 restoring sensibility. Along those lines I would like to
1851 talk a bit about New Source Review and the Agency's work to
1852 date on some of the issues surrounding New Source Review.

1853 In February, this committee held a hearing exploring the
1854 challenges that New Source Review standards pose for our
1855 energy and infrastructure investments and opportunities. We
1856 learned that many companies avoid carrying out projects to
1857 improve existing facilities because they are afraid of being
1858 targeted by an EPA enforcement action for having incorrectly
1859 interpreted New Source Review requirements. I have been
1860 encouraged to see the EPA's recently released guidance memos
1861 clarifying certain NSR program requirements and policy.

1862 So, Mr. Pruitt, from your perspective what is the goal
1863 of these NSR guidance memos and what impact are they having?

1864 Mr. Pruitt. Well, it is one of the greatest issues that
1865 I think we are dealing with at the Agency to address that
1866 which companies want to do across the country which is
1867 invest, invest in capital infrastructure to improve the

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1868 reduction of emissions. And so what we want to do is provide
1869 clarity. You mentioned a couple of memo guidances we
1870 provided. One is a once in, always in approach that we took
1871 to this issue along with the project netting approach that
1872 was a second step.

1873 So we are engaged in those kinds of initial steps, but
1874 overall we are looking at a comprehensive rule that will
1875 address New Source Review in order to provide certainty and
1876 clarity to those across the country that as they make
1877 investments to improve outcomes as far as emission reductions
1878 that they are not going to face new permitting requirements
1879 under the Clean Air Act.

1880 Mr. Johnson. Yes. Do you think the NSR program can be
1881 further reformed so that we continue to protect air quality
1882 while removing unnecessary burdens placed on industry?

1883 Mr. Pruitt. I mean I do. I think, you know, the Clean
1884 Air Act was last amended in 1990, 28 years ago, and so I
1885 think there are provisions of the Clean Air Act that should
1886 be looked at and that is one.

1887 Mr. Johnson. In regards to the Clean Air Act, how is
1888 the EPA striving to provide more flexibility and deference to
1889 state agencies?

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1890 Mr. Pruitt. Well, as mentioned earlier, we are
1891 providing guidance in certain and many programs encouraging
1892 states to be active partners there. But one of the things
1893 that I think is most essential with respect to air quality is
1894 just the utilization of state improvement plans and us being
1895 responsive, responding to those Departments of Environmental
1896 Quality, Departments of Natural Resources, whatever the
1897 agency may be, to really work with them in close partnership
1898 to adopt those plans and approve those plans in a timely way.
1899 It really sends a bad message when states take those steps,
1900 invest, and then don't get a response from the agency for
1901 years and air quality suffers as well.

1902 Mr. Johnson. Well, I have some other questions, but I
1903 am running out of time.

1904 Lastly, I know that EPA has expressed interest in
1905 finding a resolution to some of the concerns regarding EPA's
1906 current brick MACT rule which was issued in 2015. Would you
1907 commit to working with me and this committee in providing
1908 further information on this work and any potential
1909 possibilities? Compliance dates are right around the corner
1910 and it is important to provide this industry with some
1911 common-sense regulatory certainty.

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1912 Mr. Pruitt. Yes, Congressman, absolutely.

1913 Mr. Johnson. Okay, thank you.

1914 And Mr. Chairman, I yield back.

1915 Mr. Shimkus. The gentleman's time is expired. The
1916 chair now recognizes the gentleman from California, Mr.
1917 McNerney, for 5 minutes.

1918 Mr. McNerney. I thank the chairman.

1919 Administrator Pruitt, since becoming EPA Administrator
1920 your public calendar is filled with meetings with oil and gas
1921 companies, trade associations and lobbyists, but not with
1922 environmental groups or public health groups. It seems that
1923 deep pockets are a prerequisite to getting a spot on your
1924 calendar. Mr. Pruitt, isn't it true that you and your
1925 affiliated political organizations received nearly \$4 million
1926 in campaign contributions from fossil fuel interests?

1927 Mr. Pruitt. Congressman, I haven't looked at those
1928 numbers in some time, so I am not sure.

1929 Mr. McNerney. Well, I can assure you that it is. And
1930 as an example of pay-to-play, on June 5th, 2017, you
1931 announced that the EPA halted implementation of the methane
1932 rule. This was an attempt to retroactively delay the rule's
1933 requirements on oil and gas industry for 90 days. A few

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1934 weeks prior to that on May 24th, 2017, you spoke to the
1935 American Exploration and Production Council.

1936 Mr. Pruitt, was your June 5th actions made in response
1937 to a request by the American Exploration and Production
1938 Council or any of its individual members?

1939 Mr. Pruitt. Methane is something that we take very
1940 seriously and will regulate. In fact, we have proposals that
1941 we are considering now to regulate methane going forward as
1942 part of the VOC approach. And so methane is --

1943 Mr. McNerney. So you aren't answering my question. You
1944 had a meeting --

1945 Mr. Pruitt. The actions that were taken then were
1946 unrelated to any meetings or events. It was actions to
1947 provide certainty to those in the marketplace with respect to
1948 how we were going to approach methane.

1949 Mr. McNerney. Okay. Well, I ask this because Concho
1950 Resources, an oil and gas exploration and production company
1951 is a member of the American Exploration and Production
1952 Council. Concho Resources also happens to be represented by
1953 the Washington, D.C. lobbying firm Williams & Jensen. You
1954 made these decisions on the methane rule that would directly
1955 benefit Williams & Jensen's client while living in a Capitol

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1956 Hill condo owned by the wife of a then Williams & Jensen
1957 lobbyist with a rent of \$50 a night.

1958 I wonder what the owners got or tried to get in return
1959 for their generosity. This is another example of pay-to-
1960 play. Arbitrarily delaying a rule is illegal and the DC
1961 Circuit Court found your actions to be in excess of statutory
1962 authority.

1963 Mr. Chairman, I have a statement from the American
1964 Association for the Advancement of Science on the EPA
1965 Administrator's plan to disallow the use of scientific
1966 evidence in decision-making, and I would like to submit this
1967 for the record.

1968 Mr. Shimkus. If the gentleman would pass it over to the
1969 chair so I can look at it.

1970 Mr. McNerney. Mr. Administrator, do you have confidence
1971 in the AAAS and the Union of Concerned Scientists in deciding
1972 what would be best practices for transparency and good
1973 science?

1974 Mr. Pruitt. I am sure their opinion is credible.

1975 Mr. McNerney. Thank you. Then how can you justify the
1976 proposed rule disallowing science that was supported by these
1977 agencies?

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1978 Mr. Pruitt. Well, the actions that we take at the
1979 Agency are different than their responsibilities. We
1980 actually issue rules of general applicability that apply to
1981 people all over the country and we need to ensure that the
1982 science that we use that underpins those rules actually show
1983 methodology, data, and conclusions.

1984 Mr. McNerney. Science which disagrees with professional
1985 scientists that are practicing professional scientists.

1986 Mr. Pruitt, by reducing the CAFÉ standards you will both
1987 allow more pollution on American streets and make U.S. cars
1988 less competitive with overseas manufacturers. Yes or no, did
1989 the \$4 million that you received from the oil and gas
1990 industry influence your decision?

1991 Mr. Pruitt. The decision we made on midterm evaluation
1992 was a decision based upon the record.

1993 Mr. McNerney. Administrator Pruitt, I find it very
1994 disturbing that you appear to personally benefit from many of
1995 your decisions and actions that will ultimately harm the
1996 people of this country, especially people who have little or
1997 no ability to defend themselves.

1998 Mr. Chairman, I yield back.

1999 Mr. Shimkus. The gentleman yields back his time. The

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2000 chair recognizes the gentleman from Texas, Mr. Flores -- we
2001 got a lot of Texans here -- for 5 minutes.

2002 Mr. Flores. That is right.

2003 Administrator Pruitt, thank you for joining us today.

2004 Let me start by echoing Chairman Shimkus' comments regarding
2005 the Renewable Fuel Standard. While I am pleased that the
2006 Agency is beginning to look at its authorities after 2022, I
2007 would like to respectfully remind the EPA that administrative
2008 actions prior to that time are limited by statute.

2009 Accordingly, I request that the Agency work with Congress,
2010 particularly Chairman Shimkus, Mr. Welch, and me as we try to
2011 develop interim and long-term solutions, fuel solutions that
2012 are good for the environment and good for auto mileage, good
2013 for the American consumers, good for the agricultural and
2014 ethanol interest, and really good for all impacted
2015 stakeholders.

2016 A few minutes ago, Mr. Ruiz was trying to defend the
2017 EPA's practice under the prior administration of using hidden
2018 science to develop policy solutions and you weren't given a
2019 chance in regard to your efforts to open that process up and
2020 become more transparent with scientific studies. Can you
2021 spend about 30 seconds describing what you are trying to do

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2022 to make science inside the EPA more transparent, especially
2023 because it is paid for by the American taxpayer?

2024 Mr. Pruitt. It seems to me that it is common sense that
2025 as we do rulemaking at the Agency, when we base it upon a
2026 record, scientific conclusions that we should be able to see
2027 the data and methodology that actually caused those
2028 conclusions. That just makes common sense to me. That is
2029 the only change we are making. So any third-party study, and
2030 third-party study we are agnostic about who actually adopts
2031 the study, we are just simply saying to all third-party
2032 science they need to have methodology, data, and findings
2033 packaged together so that we can make an informed decision
2034 about the efficacy of their scientific findings.

2035 Mr. Flores. Okay. So I think you and I both agree that
2036 the American people deserve to see that science. It
2037 shouldn't be hidden as it was hidden in the prior
2038 administration. So I thank you for your efforts to make that
2039 science more transparent.

2040 Now to my questions, as the American people are well
2041 aware the EPA under the Obama administration abused
2042 environmental regulatory process by ignoring congressional
2043 statutes and by circumventing the U.S. Constitution.

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2044 Fortunately, the federal court system stepped in to protect
2045 American families from this abuse of the rule of law. In
2046 this regard I have the following questions, one, I will go
2047 through the questions first and you all can respond
2048 supplementally if you would like to.

2049 Can you provide this committee with a list of those
2050 overreaching and overturned regulations that were overturned
2051 by the court systems? Can you provide this committee with
2052 the economic cost of those overturned regulations, and can
2053 you also inform the committee about EPA's actions, if any, to
2054 modify those regulations so those overreaching regulations to
2055 conform with the rule of law?

2056 Mr. Pruitt. Yes, on all fronts.

2057 Mr. Flores. Okay. And I would ask you to do that
2058 supplementally in the interest of time.

2059 Thank you, Mr. Chairman. I yield back the balance of my
2060 time.

2061 Mr. Shimkus. The gentleman yields back his time. The
2062 chair now recognizes the gentlelady from Michigan, Mrs.
2063 Dingell, for 5 minutes.

2064 Mrs. Dingell. Thank you, Mr. Chairman.

2065 Administrator Pruitt, yesterday I sent you a letter on

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2066 EPA's January 25th, 2018 guidance to reverse the longstanding
2067 once in, always in policy for major sources of hazardous air
2068 pollutants. This document rolls back one of the bedrock
2069 safeguards to limit toxic air pollution from factories and
2070 industrial operations. The Clean Air Act requires EPA to
2071 control hazardous air pollutants to protect public health.
2072 These pollutants are the worst of the worst and they include
2073 many that cause cancer in children like mercury, arsenic, and
2074 lead. The law focuses on limiting these pollutions from
2075 industrial sources by requiring them to control their
2076 emissions using the maximum achievable control technology, or
2077 MACT.

2078 The once in, always in policy ensured that polluters
2079 continued to clean up their act and didn't backslide on their
2080 progress, but in the January 25th guidance you punched a huge
2081 giant loophole in these critical public health protections
2082 essentially allowing sources to increase their toxic air
2083 emissions with no consequences. At a Senate hearing in
2084 January, you were asked about the new once in, always in
2085 guidance and indicated that, quote, it was a decision made
2086 outside of the Air Program office. It was a policy office
2087 decision, unquote.

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2088 At the time, you didn't seem aware of the details and
2089 that happens when things are, you have a lot of stuff, but I
2090 am hoping now that you have had more time to familiarize
2091 yourself and I would like to ask you some questions. It is
2092 not clear whether EPA has any idea how many sources might
2093 increase their emissions of hazardous air pollutants as a
2094 result of this policy change and I would like to ask you some
2095 yes or no questions.

2096 Yes or no, did EPA determine which sources and how many
2097 would be covered by this policy change before releasing the
2098 January 25th guidance?

2099 Mr. Pruitt. Yes. There was a review of those issues,
2100 Congresswoman.

2101 Mrs. Dingell. Yes or no, thank you.

2102 Mr. Pruitt. And I would say to you that this was an
2103 incentive to companies to actually invest in emissions.

2104 Mrs. Dingell. Okay, did you, yes or no, did EPA
2105 determine the location of these sources?

2106 Mr. Pruitt. That is something that I would have to -- I
2107 don't know about the locations.

2108 Mrs. Dingell. Please, for the record -- yes or no, did
2109 EPA -- provide that. Yes or no, did EPA assess the magnitude

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2110 of hazardous air pollution that could increase as a result of
2111 the January 25th guidance?

2112 Mr. Pruitt. It is actually a benefit with respect to
2113 providing incentive as I indicated to those major emitters to
2114 get into another category.

2115 Mrs. Dingell. Yes or no. So --

2116 Mr. Pruitt. I understand that they looked at that, yes.

2117 Mrs. Dingell. Has EPA initiated or completed any of the
2118 previously mentioned analyses since the release of January
2119 25th guidance?

2120 Mr. Pruitt. The work that was done was in support of
2121 the guidance that was issued.

2122 Mrs. Dingell. It is also not clear whether EPA has
2123 looked at the potential health effects of this decision. Yes
2124 or no, did EPA conduct an analysis of the health effects
2125 including the potential increased risk of cancer of this
2126 decision before releasing the January 25th guidance memo?

2127 Mr. Pruitt. That is something we will have to provide
2128 and verify.

2129 Mrs. Dingell. Yes or no, did EPA conduct an analysis of
2130 the potential health effects of this policy on children,
2131 babies, or pregnant women before releasing the January 25th?

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2132 Mr. Pruitt. That is something we will have to assess
2133 and provide.

2134 Mrs. Dingell. Yes or no, did EPA conduct an analysis of
2135 the potential health effects of this policy on older
2136 Americans for those with chronic health problems before
2137 releasing the January 25th guidance?

2138 Mr. Pruitt. I hate to be redundant, but that is
2139 something we will have to assess and provide.

2140 Mrs. Dingell. Yes or no, did EPA conduct an analysis of
2141 the potential health effects of this policy on minority and
2142 low-income communities before releasing the January 25th?

2143 Mr. Pruitt. I would answer the same way.

2144 Mrs. Dingell. In the absence of information from EPA, a
2145 number of independent groups have taken it upon themselves to
2146 analyze the potential toxic impacts this policy would have on
2147 communities near and downwind from major sources. They found
2148 that the chemical industry stands to benefit substantially
2149 from this loophole. Have you met with any industry
2150 representatives who requested the repeal of this once in,
2151 always in policy?

2152 Mr. Pruitt. Again this was a decision to provide
2153 incentive to companies to invest to lower emissions.

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2154 Mrs. Dingell. There is no incentives for pollution. I
2155 am going to conclude with one different subject because this
2156 is very important to me. You recently concluded the midterm
2157 evaluation of fuel economy standards for model years 2022 to
2158 '25. It is my deep belief that the auto companies, their
2159 workers, and the consumer have benefited from having one
2160 national program for fuel economy and that it is critical to
2161 preserve that moving forward. The importance of these
2162 standards besides saving energy, reducing emissions, is the
2163 certainty that businesses need. I am deeply worried about
2164 reports that California doesn't matter to you.

2165 Mr. Shimkus. The gentlelady's time is expiring.

2166 Mrs. Dingell. All right. I just want to say it is my
2167 hope that we can have one national program moving forward.
2168 If you do, we work on it together, everybody wins.

2169 Mr. Shimkus. The gentlelady's time is expired.

2170 We are going to accept for submission into the record
2171 the statement from the American Association for Advancement
2172 of Sciences.

2173 [The information follows:]

2174 *****COMMITTEE INSERT 6*****

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2175 Mr. Shimkus. Just for our colleagues' note, the chief
2176 executive officer is a guy named Rush Holt who you will all
2177 remember.

2178 The chair now recognizes the gentleman from North
2179 Carolina, Mr. Hudson, for 5 minutes.

2180 Mr. Hudson. Thank you, Mr. Chairman, and thank you, Mr.
2181 Pruitt, for being here today. I have two areas of questions
2182 I want to jump into with you. The first relates to the
2183 chemical GenX and the Cape Fear River back home in North
2184 Carolina. In your testimony you highlighted the importance
2185 of safe drinking water and the EPA's efforts to proactively
2186 protect source water as well as address contamination
2187 concerns. As I am sure you are aware, my state of North
2188 Carolina is facing growing concerns over the emerging
2189 contaminant GenX. I have been engaged with you on this issue
2190 several times in the past.

2191 My concern is that we have a chemical that is spreading
2192 that we simply do not know enough about. I am worried that
2193 on the EPA's website you state that a management plan for
2194 PFOS, the related family of chemicals, won't be developed
2195 until the fall of 2018. 2 days ago I received a letter from
2196 the Office of Water addressing some but not all of our

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2197 questions that I have asked about GenX. I understand the EPA
2198 has posted comprehensive scientific literature related to
2199 GenX on its website, but EPA is also developing human health
2200 toxicity information on GenX to aid states and localities in
2201 setting or refining public health goals.

2202 I would just ask, sir, what information is EPA seeking
2203 that the literature has, does not already provide, and when
2204 will the results of the EPA's information development be
2205 available to the public?

2206 Mr. Pruitt. Yes, a very important issue and I have
2207 talked to the Governor there in North Carolina and it is
2208 something that I am aware of the issues in North Carolina.
2209 We will have a toxicity review by the summer.

2210 Mr. Hudson. By the summer.

2211 Mr. Pruitt. With respect to GenX. And as you know this
2212 is an iteration beyond PFOA and PFOS. GenX was a successive,
2213 you know, chemical. I am very concerned about its impact and
2214 we are accelerating that tox review and then we will look at
2215 further steps in the fall. But we have been in
2216 communications with North Carolina and the Governor
2217 particularly about that.

2218 Mr. Hudson. Great. Well, I appreciate the attention

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2219 you put on this. What were the updates to EPA's risk
2220 management of GenX based upon independent laboratory analysis
2221 of compounds found in the Cape Fear River water samples and
2222 what about those findings can you discuss now?

2223 Mr. Pruitt. With respect to the toxicity review or
2224 other studies, Congressman?

2225 Mr. Hudson. Well, there were independent laboratory
2226 analyses of the compounds that was done.

2227 Mr. Pruitt. Yes. That is part of the work that is
2228 being done to support the tox review that will occur this
2229 summer and then there will be additional standards set in the
2230 future. But what we are trying to do is work with those
2231 states like North Carolina that have an imminent concern and
2232 trying to provide them guidance as they adopt state responses
2233 as well.

2234 Mr. Hudson. Okay. Well, then I don't know if you are
2235 able to make a conclusion yet, but was GenX used in a manner
2236 that was incompatible with the consent agreement under the
2237 Toxic Substances Control Act or are you in a position to
2238 determine that?

2239 Mr. Pruitt. That is something I am not able to speak to
2240 at this point, but we can get you the information,

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2241 Congressman.

2242 Mr. Hudson. Great. Well, I appreciate the seriousness
2243 with which you have taken this and the work you are doing
2244 with our governor and also on this. So thank you for that.

2245 Mr. Pruitt. Governor Cooper has been very, very
2246 concerned about it and very focused upon it and it is
2247 important that we address it with him and the state.

2248 Mr. Hudson. Great, thank you. I would like to pivot
2249 now and discuss another area that you have highlighted as a
2250 priority for the Agency which is clean air. In the 47 years
2251 since the enactment of the Clean Air Act, the EPA has never
2252 taken an enforcement action against amateur racers who make
2253 modifications to vehicles used exclusively on tracks for
2254 racing. Do you support this policy?

2255 Mr. Pruitt. The policy of taking no enforcement?

2256 Mr. Hudson. Yes, sir.

2257 Mr. Pruitt. I think it is wise, yes.

2258 Mr. Hudson. I appreciate that. In 2015 under the
2259 previous administration, the EPA slipped a few sentences into
2260 a 600-page unrelated rule that proposed to repeal this
2261 policy. And after a public outcry and a number of us raised
2262 concerns they backed off, but they sort of left some

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2263 ambiguity there about the legality of this. Would you
2264 support legislation clarifying that vehicles can be modified
2265 for racing and that doing so does not violate the anti-
2266 tampering provisions in the Clean Air Act as long as those
2267 vehicles are not used on public roads or used exclusively for
2268 competition?

2269 Mr. Pruitt. It is always helpful to us to get
2270 congressional clarity on these issues, so absolutely.

2271 Mr. Hudson. Great. Well, I appreciate that. I
2272 appreciate the time you have given us here today and thank
2273 you for your focus on clean air and clean water, goals we all
2274 share.

2275 Mr. Pruitt. Thank you.

2276 Mr. Hudson. Thank you.

2277 With that, Mr. Chairman, I will yield back.

2278 Mr. Shimkus. The gentleman yields back his time. The
2279 chair now recognizes the gentlelady from California, Ms.
2280 Matsui, for 5 minutes.

2281 Ms. Matsui. Thank you, Mr. Chairman.

2282 Administrator Pruitt, it is widely reported at this
2283 point that most of your patrons and supporters are from the
2284 oil, gas, and coal industries. The regulations you have

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2285 withdrawn, delayed, or weakened, rules on coal ash disposal,
2286 water pollution from coal-fired utilities, methane gas
2287 emissions from oil and gas operations, air pollution from
2288 glider trucks, formaldehyde emission standards, all translate
2289 into additional profits for those industries but negatively
2290 impact public health.

2291 So it doesn't come much as a surprise that you have
2292 determined in the midterm evaluation that the stronger
2293 vehicle fuel efficiency standards are too stringent. I
2294 strongly disagree with this determination. There is a very
2295 robust record to support the need for stronger standards and
2296 the availability of technology to achieve them highlighted by
2297 the 1,200-page Technical Assessment Report issued by the EPA.

2298 Administrator Pruitt, you have stated many times that
2299 you intended to operate at the EPA on the basis of
2300 cooperative federalism and the rule of law. But when it
2301 comes to California and vehicle emission standards all of a
2302 sudden neither of these concepts seem to apply. You have
2303 made it clear that you do not favor California's waiver under
2304 which the state sets greenhouse gas emission standards for
2305 vehicles and you have stated that California should not have,
2306 quote, an outsized influence on vehicle standards. But this

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2307 position is inconsistent with your preference for states'
2308 rights, and more importantly it is inconsistent with the law.

2309 California's special status with respect to vehicle
2310 emission regulation has been enshrined in federal law for
2311 over 50 years. Section 209(b) of the Clean Air Act states
2312 the Administrator shall, not may, shall grant a waiver to any
2313 state if the state, not the Agency, determines the state
2314 standards will be at least as protective of public health and
2315 welfare as the federal standards.

2316 The auto manufacturers have repeatedly said that they do
2317 not want the protracted legal fight that would inevitably
2318 occur if EPA moved to revoke California's waiver. But many
2319 of your public statements allude to the Agency moving in that
2320 direction. So I would ask you, does the Agency intend to
2321 initiate proceedings to revoke California's waiver, yes or
2322 no?

2323 Mr. Pruitt. Not at present. In fact, we work very
2324 closely with California officials on that issue. I have sent
2325 EPA representatives to California --

2326 Ms. Matsui. So that is a no?

2327 Mr. Pruitt. -- to meet with CARB and Ms. Nichols. It
2328 is important that we work together to achieve, as was

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2329 indicated earlier, a national standard.

2330 Ms. Matsui. Okay. So it is really not a yes or no. It
2331 is a --

2332 Mr. Pruitt. Congresswoman, we are working very
2333 diligently and diplomatically with California --

2334 Ms. Matsui. All right, okay. Okay.

2335 Mr. Pruitt. -- to find answers on this issue.

2336 Ms. Matsui. Okay. Okay. Well, I believe the answer
2337 should be a no because you said you have said you want a
2338 national program and you won't get this without California's
2339 agreement. The law requires you to set standards that
2340 protect public health and welfare. California standards'
2341 does just that. California agreed to a national program to
2342 enter into an agreement to accomplish that goal. If you
2343 challenge the waiver or significantly weaken the standards
2344 you are not following the rule of law.

2345 If you are, in fact, doing what you were appointed to
2346 do, what you said you were going to do, you must uphold the
2347 law and set protective standards. So far you have
2348 demonstrated little intention to do that. That is why the
2349 entire country needs California waiver to ensure that public
2350 health and the environment are protected even in the face of

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2351 an Administrator who cares maybe more about repaying special
2352 interests than about safeguarding the public's interests.

2353 Now, Administrator Pruitt, I believe, to a question that
2354 you answered from Mrs. Blackburn earlier, you said the EPA
2355 has data supporting your decision to revise emission
2356 standards for light duty vehicles. Will you commit to
2357 providing that data to both sides of the committee by the end
2358 of the day? And that is a yes or no.

2359 Mr. Pruitt. We actually have two responsibilities under
2360 this process. One is a midterm evaluation and then proposed
2361 rulemaking that will occur. And so we will provide the data
2362 to you that gave rise to the midterm evaluation.

2363 Ms. Matsui. Will you provide it at the end of the day,
2364 the day that you have --

2365 Mr. Pruitt. I will instruct our team to get that
2366 together and get that to you as soon as possible.

2367 Ms. Matsui. End of the day, yes.

2368 Mr. Pruitt. I will instruct my team to get that and get
2369 that to you as soon as possible.

2370 Ms. Matsui. As soon as possible, hopefully within a
2371 week then?

2372 Mr. Pruitt. Well, we will get it to you as soon as

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2373 possible, Congresswoman.

2374 Ms. Matsui. Okay. I will hold you to that, okay.

2375 Mr. Pruitt. It is my intent to do so, yes.

2376 Ms. Matsui. I will hold you to that. Okay, thank you,
2377 and I yield back.

2378 Mr. Pruitt. Thank you.

2379 Mr. Shimkus. The gentlelady yields back her time. The
2380 chair now recognizes the gentleman from North Dakota, Mr.
2381 Cramer, for 5 minutes.

2382 Mr. Cramer. Thank you, Mr. Chairman. And thank you,
2383 Mr. Administrator, for lots of things, first of all, for
2384 being here.

2385 And once again I never cease to be impressed with the
2386 incredible depth of knowledge you have on the details of so
2387 many things. It seems to me, however, the more details you
2388 know, the more some people demand and they expect you to know
2389 everything. And I have to say in my years both on this
2390 committee and on previous committees I have never had a
2391 Cabinet official that knew as much about the policies that
2392 your Agency is implementing as you have with yours. So thank
2393 you for that.

2394 I also want to thank you for your incredible, not just

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2395 an understanding of, but commitment to, cooperative
2396 federalism. It is something that has been lost in previous
2397 administrations, including by some of your critics that were
2398 predecessors to you, and the restoration of it is no small
2399 matter. And I want you to know on behalf of the people of
2400 North Dakota how very much we appreciate your approval of our
2401 state's application for primacy over class IV wells, which is
2402 our CO2 wells, so I think it was a clear demonstration of the
2403 policy.

2404 I am also, I have to say I am somewhat struck by some of
2405 the accusations that have come at you today. For example,
2406 you were accused of picking winners and losers with your
2407 policies. And I just have to ask, isn't the Clean Power Plan
2408 at its very core the picking of winners and losers by trying
2409 to regulate electric generation outside of the fence line? I
2410 mean isn't that a picking of winners and losers?

2411 Mr. Pruitt. Well, I mean the Agency, in response to
2412 that, Congressman, actually defined a best system of emission
2413 reduction under the statute as being able to coerce decisions
2414 being made at the local level on how you generate
2415 electricity. So I think by definition that was almost
2416 picking winners and losers.

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2417 Mr. Cramer. You have also been accused of hypocrisy.
2418 You have been accused of the lack of transparency by people
2419 who in the same breath are defending secret science as a
2420 means of carrying out their political philosophy, all the
2421 while accusing you of being the ideologue in the room. The
2422 irony is rich beyond rich with me.

2423 Mr. Pruitt. And I think what, if I may for a second.

2424 Mr. Cramer. Please.

2425 Mr. Pruitt. I think what is important with respect to
2426 the scientific transparency it doesn't apply to only certain
2427 studies. It applies to all third-party studies of every
2428 type. I mean many members on this committee, I am sure,
2429 would be very concerned that if API went out and did a study,
2430 didn't provide the methodology, didn't provide the data,
2431 provided conclusions to the EPA and then the EPA acted on
2432 rulemaking with respect to methane or other issues, there
2433 would be tremendous concerns about that.

2434 So it applies to all third-party science irrespective of
2435 the source. It just simply says data, methodology,
2436 conclusions matter and the American people need to be able to
2437 consume that.

2438 Mr. Cramer. Well, it seems to me and I appreciated the

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2439 inquiry earlier and maybe you could elaborate a little bit on
2440 how personal data can be protected and is protected. Nobody
2441 is asking for the names of every victim of every, you know,
2442 of every pollution source that has ever happened in the world
2443 or that has been sourced in any study. They are not asking
2444 for personal data, we are asking simply for the science to be
2445 revealed. I mean you can protect the personal data, right?

2446 Mr. Pruitt. Both the personal data, Congressman, as
2447 well as confidential business information, both CBI and
2448 personal information can be redacted and can be addressed and
2449 still serve the purposes of the proposed rule.

2450 Mr. Cramer. I have to say I think though of all of the
2451 accusations today, it was interesting after about 4 minutes
2452 of defending the swamp one of their leaders said so much for
2453 draining the swamp.

2454 Mr. Administrator, I think the greatest sin that you
2455 have committed, if any, is that you have actually done what
2456 President Trump ran on, what he won on, and what he has
2457 commissioned you to do in finding some balance in both
2458 carrying out the mission of environmental protection while at
2459 the same time looking out for the economy and jobs creation.
2460 And I just again for the people in North Dakota I appreciate

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2461 that so much.

2462 In my remaining minute if you would take some time to
2463 just elaborate even a little bit more on the New Source
2464 Review issue, because, you know, in North Dakota we have a
2465 number of existing plants that are finding it very difficult
2466 to even meet the spirit of the intent, if you will, of New
2467 Source Review and I think it just seems to be working against
2468 itself.

2469 Mr. Pruitt. I mean I think for the American people as
2470 we talk about, I mean what New Source Review is, is when you
2471 have a company that wants to invest sometimes hundreds and
2472 millions of dollars in their facilities to reduce pollution
2473 they refuse to do so because if they invest too much it is
2474 considered a major modification to the facility which then
2475 requires what, additional permitting responsibilities which
2476 they may not get. So dealing with New Source Review is
2477 something that is very, very important to actually
2478 incentivize companies and reward companies who want to invest
2479 in better outcomes.

2480 It was talked about earlier with respect to once in,
2481 always in. That effectively is what that is because under
2482 the category of major emitters and minor emitters in what we

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2483 said is that as you are a major emitter and you invest and
2484 you actually reduce your pollution down to minor levels you
2485 can actually be rewarded for that and actually, I think,
2486 incentivized to do that.

2487 Mr. Shimkus. The gentleman's time has expired. The
2488 chair recognizes the gentleman from California, Mr. Cardenas,
2489 for 5 minutes.

2490 Mr. Cardenas. Thank you very much, Mr. Chairman, for
2491 calling this hearing and also I marked your words that you
2492 said that today hopefully we are going to be talking about
2493 policy and stewardship. So I hope that we can get that on
2494 the record as well on both of those fronts.

2495 Mr. Pruitt, welcome to the people's House. The list of
2496 your failures is long and your wasteful spending is an
2497 embarrassment to government and very offensive to the
2498 taxpayers who pay all of our salaries. This administration
2499 is so packed with unethical behavior, but yet at the same
2500 time you have to understand that your power directly impacts
2501 health and well-being of vulnerable populations in this
2502 country -- seniors, our sick, and our disabled.

2503 It is tempting to ask why you spent nearly 68,000 on
2504 hotels and travel from August through February, just in 5

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2505 months, and 50,000 on modifications to your office including
2506 a privacy booth that cost over \$43,000, and an oversized desk
2507 with ornate woodworking that cost over \$2,000, but we already
2508 know that some of these purchases were made in violation of
2509 federal laws.

2510 When you appeared before the subcommittee in December,
2511 this subcommittee, you said that your phone booth is used for
2512 classified conversations and sensitive conversations with the
2513 White House. Has this \$43,000 phone booth, has it been
2514 certified as a SCIF, and also so are you using it for
2515 classified conversations, is that appropriate?

2516 Mr. Pruitt. It has not been certified as a SCIF and it
2517 does provide protection on confidential communications. And
2518 I think it is important, Congressman, to know where this
2519 originated. I did have a phone call that came in of a
2520 sensitive nature and I did not have access to secure
2521 communications. I gave direction to my staff to address that
2522 and out of that came a \$43,000 expenditure that I did not
2523 approve. That is something that should not occur in the
2524 future.

2525 Mr. Cardenas. Okay, so you are not taking
2526 responsibility for the \$43,000 that was spent in your office,

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2527 you are saying that staff did it without your knowledge?

2528 Mr. Pruitt. Career individuals at the Agency took that
2529 process through and signed off on it all the way through.

2530 Mr. Cardenas. Okay. So you were not involved in that
2531 is what you are saying?

2532 Mr. Pruitt. I was not in involved in the approval of
2533 the \$43,000 and if I had known about it, Congressman, I would
2534 have refused it.

2535 Mr. Cardenas. Okay. That seems a bit odd. If
2536 something happens in my office, especially to the degree of
2537 \$43,000, I know about it before, during, and after. But
2538 anyway let me get on to my next points. I am sure you can
2539 see the irony of this \$43,000 expenditure even though you are
2540 saying before the public that you are not taking
2541 responsibility for it.

2542 EPA's budget is far from unlimited. When you commandeer
2543 public resources for your personal use other lifesaving
2544 agency activities do suffer. In another troubling example,
2545 Millan Hupp, an EPA appointee who came with you from Oklahoma
2546 and was recently awarded with a large raise over the White
2547 House's objections, reportedly went out to open houses in
2548 search for a condo for you. Mr. Pruitt, I hope you

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2549 understand that using public employees for your private
2550 business is illegal. Turning now to your highly questionable
2551 condo lease from Vicki Hart, I find it highly concerning that
2552 you apparently never had an EPA ethics attorney review the
2553 lease before you signed it. Did you have an EPA ethics
2554 attorney look at that lease before you signed it?

2555 Mr. Pruitt. On the other issue, Congressman, I want to
2556 address that I am not aware of any government time being used
2557 by Millan Hupp. She is a friend of both my wife and myself
2558 and has been for a number of years and she is a friend. And
2559 the activities --

2560 Mr. Cardenas. Okay. You stated for the record that you
2561 are not aware that she used her official time. Thank you
2562 very much. But did any of the attorneys at the EPA look at
2563 your lease before you signed it?

2564 Mr. Pruitt. The review that took place took place
2565 afterwards.

2566 Mr. Cardenas. Afterwards, okay. And what did they say
2567 about that lease afterwards when they reviewed it?

2568 Mr. Pruitt. They said that the rate paid was comparable
2569 to other, what I leased actually was comparable to other
2570 arrangements.

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2571 Mr. Cardenas. Did they state that in writing or
2572 verbally?

2573 Mr. Pruitt. Actually in writing, in writing twice.

2574 Mr. Cardenas. In writing, okay, can you get a copy of
2575 that to the committee?

2576 Mr. Pruitt. I can get the ethics opinions to you, yes.

2577 Mr. Cardenas. Okay, thank you. It was also recently
2578 reported that as Attorney General of Oklahoma you reassigned
2579 an investigative staff of the office to be your personal
2580 driver and security team. Are those reports accurate?

2581 Mr. Pruitt. I am not aware of what you are referring
2582 to, Congressman.

2583 Mr. Cardenas. Okay. All right, to my next question, in
2584 an apparent attempt to rebut reports, your Agency published
2585 data in February claiming a large increase in penalties
2586 against polluters, but that data included the penalties
2587 assessed by the Obama administration. In fact, 90 percent of
2588 those numbers that you reported were actually assessed by the
2589 previous administration. Did you intentionally claim credit
2590 for the enforcement actions taken by the Obama administration
2591 to obscure your weak record on enforcement, yes or no?

2592 Mr. Pruitt. In fact, the Obama administration cut into

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2593 agents at that office. We have increased the number of
2594 agents in that office.

2595 Mr. Cardenas. Thank you. On my time --

2596 Mr. Shimkus. The gentleman's time is expired.

2597 Mr. Cardenas. I just want to show you a picture of the

2598 -- Mr. Shimkus. The chair recognizes the gentleman from
2599 Michigan. The gentleman --

2600 Mr. Cardenas. -- that I grew up in and that is the new
2601 picture here.

2602 Mr. Shimkus. The gentleman will suspend. His time is
2603 expired. The chair will recognize the gentleman from
2604 Michigan for 5 minutes.

2605 Mr. Walberg. I thank the chairman.

2606 Mr. Cardenas. I yield.

2607 Mr. Walberg. And I would thank the Administrator for
2608 being here. I appreciate you taking the time to do
2609 this. It is important for us as we work in our relationship,
2610 the constitutional relationship that we have time with you.
2611 So thank you for being here and thank you for your policy
2612 efforts as you perform your functions.

2613 Administrator Pruitt, the last time you were before this
2614 committee you told me then, I quote, the Great Lakes

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2615 Restoration Initiative is something that we should work
2616 together to make sure is achieving good outcomes and I think
2617 it has and we will continue that discussion as we head into
2618 2018. I appreciate those words, but we have seen a lack of
2619 support for the GLRI.

2620 Again in this fiscal year 2019 budget request, the GLRI
2621 was funded at 30 million by this administration. Obviously I
2622 was and am not okay with that level of funding and worked
2623 with my colleagues on both sides of the aisle in the Great
2624 Lakes Caucus in an effort to restore full funding, which we
2625 did, for that. And I certainly would love to stand on the
2626 banks of one of the Great Lakes in my district, Lake Erie,
2627 with you, and just have an opportunity to discuss further
2628 what is so important about 20 percent of the world's fresh
2629 water resources being there in the Great Lakes and what a job
2630 we have attempted to do as Great Lakes states to make that
2631 work for us.

2632 Do you believe that 30 million is adequate funding for
2633 such a critical program?

2634 Mr. Pruitt. Well, I commend what Congress has done to
2635 address that. I think Congress restored that level to 300
2636 million, I think, in the omnibus.

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2637 Mr. Walberg. 300 million.

2638 Mr. Pruitt. And I remain personally and as
2639 Administrator of the EPA committed to you to work --

2640 Mr. Walberg. Will you make a request to the
2641 administration to work with us on that?

2642 Mr. Pruitt. I will continue to do that Congressman.

2643 Mr. Walberg. I would appreciate that because it is
2644 important and I think again it is something that we want to
2645 in the Great Lakes Region take care of that resource as good
2646 stewards and I believe you do as well.

2647 Mr. Pruitt. Well, the challenges there, the invasive
2648 species we know is an issue. We want to do all that we can.
2649 I was actually in Region 5 earlier this week and obviously
2650 they are very focused on those efforts as well. I am hopeful
2651 that we can find better outcomes as we go forward on the
2652 funding levels.

2653 Mr. Walberg. Well, with that, with invasive species and
2654 with algae bloom, which has been significant, touching my
2655 district, across the line in Ohio as well, when we discussed
2656 last time you mentioned that there would be an interest --
2657 and let me find -- you said it is something that we ought to
2658 do going forward and ensure that there is a partnership like

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2659 that and specifically referring to Agriculture and Interior.

2660 Have you had an opportunity to talk with Sonny Perdue or
2661 Ryan Zinke about this issue of algae bloom and how to address
2662 it in the Great Lakes?

2663 Mr. Pruitt. The Secretary, Secretary Perdue and I have
2664 actually talked about issues with respect to geographical
2665 focal areas, but Ryan and I have not. And I think it is
2666 important, you know, as I indicated, for states like the
2667 Great Lakes Initiative you have states that have joined
2668 together partnering and collaborating with the federal
2669 government to achieve better outcomes and I think that is an
2670 example of true federalism.

2671 Mr. Walberg. Is there anything I can do to assist in
2672 bringing that coalition together? I would be delighted to
2673 stand on the banks of Lake Erie with you and Secretary Zinke.

2674 Mr. Pruitt. Well, yes. We ought to do that together
2675 with the other two individuals as well.

2676 Mr. Walberg. Okay, next topic is the constant threat of
2677 invasive species. I believe we have an administration right
2678 now that isn't committed to some of the shipping interests in
2679 Illinois and Indiana that there were before and I don't
2680 discredit that. But we have a water resource that could be

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2681 impacted in many different ways recreationally, commercially
2682 as well, if Asian carp, one of those species were to get into
2683 the Great Lakes.

2684 Can you please provide an update on what your efforts
2685 have been with the Army Corps of Engineers that have been
2686 dragging their oars in the water for too long on this issue?
2687 Have you had any significant contact with them in moving this
2688 issue forward?

2689 Mr. Pruitt. I have had contact with Secretary Esper as
2690 well as R.D. James there at the Corps on a multitude of
2691 issues. I don't recall speaking about this particular issue,
2692 but I appreciate you making me aware of it and we will talk
2693 to them about their involvement.

2694 Mr. Walberg. Yes, if you could get on that. That is
2695 just so significant. And it is amazing right now though we
2696 have seen DNA that have come from carp in the Great Lakes,
2697 thus far we are not seeing the impact of the fish themselves.
2698 We can't have that happen. If it happens there is no turning
2699 back, and this is an environmental protection issue. And so
2700 I hope that you will check into that further, and I certainly
2701 would like to check with your office.

2702 Mr. Shimkus. The gentleman's time is expired. The

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2703 chair recognizes the gentleman from Georgia for 5 minutes.

2704 Mr. Carter. Thank you, Mr. Chairman.

2705 Thank you, Mr. Pruitt for being here. As you know, I
2706 have the honor and privilege of representing the 1st
2707 congressional district of Georgia which includes the entire
2708 coast of Georgia and it also includes the Savannah Harbor.
2709 The Savannah Harbor Expansion Project is a billion dollar
2710 project, arguably the most important economic development
2711 project in our state's history next to the Interstate System.
2712 It supports the infrastructure and economic principles that
2713 were laid out by President Trump. It is exactly that.
2714 This is what he has been talking about when he has been
2715 talking investing in the infrastructure in our country. It
2716 is one of the most studied projects in the history of
2717 mankind.

2718 We started this project in the late 1990s. Since that
2719 time, three ports in China have been started and completed,
2720 yet this is not completed yet. Back when you were here in
2721 December, I brought to your attention the Tier 4 emission
2722 standards that are being required for the harbor pilots and
2723 for their boats and the problem that it was causing us then.
2724 You understand that unless we can get those ships in and out

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2725 of port, it does us no good to invest a billion dollars into
2726 this project. We have to have those harbor pilots and their
2727 vessels in order to get these ships in and out of port.

2728 Now the Tier 4 emission standards, I spoke to you in
2729 December about those. This was after months of my staff and
2730 your staff going back and forth to discuss this. Since that
2731 time almost 5 months ago, I have had the harbor pilots come
2732 up to Washington at their own expense and their own time to
2733 meet with your staff. Your staff was completely unprepared.
2734 It was complete waste of time for the harbor pilots to be
2735 here. You gave me a commitment back in December that you
2736 would look into this. I need to know where we are at with
2737 this. This is extremely important for us.

2738 Can you give me an idea of where we are at with this?

2739 Mr. Pruitt. First, Congressman, my apologies to you and
2740 your constituents if we weren't responsive. And that is the
2741 first I have heard of that and I will check on that very
2742 issue and my apologies there.

2743 Secondly, as I shared with you recently, we are actually
2744 sending representatives, I think, to California to meet with
2745 the architect on the construction of the vessels to determine
2746 whether there is a way to modify --

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2747 Mr. Carter. When will they be going to California?

2748 Mr. Pruitt. I think this month. I think it is actually
2749 this month.

2750 Mr. Carter. This month, April?

2751 Mr. Pruitt. May, I am sorry. It is happening in May.

2752 Mr. Carter. May, so next month.

2753 Mr. Pruitt. Yes.

2754 Mr. Carter. Can I have the commitment that we are going
2755 to get this fixed? Are you personally involved in this? Are
2756 you personally looking into this?

2757 Mr. Pruitt. I am now.

2758 Mr. Carter. You are now as of today.

2759 Mr. Pruitt. Yes.

2760 Mr. Carter. But you told me you were in December.

2761 Mr. Pruitt. Yes. My communication --

2762 Mr. Carter. Now you are telling me today. I want to
2763 believe you.

2764 Mr. Pruitt. Yes. So my communications to the team in
2765 December were to take steps and apparently that has not been
2766 done.

2767 Mr. Carter. That has not been done.

2768 Mr. Pruitt. Yes. So I will be personally engaged on

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2769 this going forward.

2770 Mr. Carter. I certainly hope so, because look, I want
2771 to help you, okay, because I want you to help me. This is
2772 extremely important. This is, as I said before, the largest
2773 economic development project in the state of Georgia since
2774 the Interstate System. We have got to have this done. If we
2775 don't have the bar policy, they don't have the vessels and
2776 the manufacturer is telling us that they cannot meet the Tier
2777 4 emission standards and build these vessels that they need.

2778 Mr. Pruitt. I think it is also a competitive situation
2779 with other regulations outside of our agency that are causing
2780 a certain type of vessel along with the engine. So there is
2781 work to be done.

2782 Mr. Carter. I just need a commitment. Can I have a
2783 commitment from you that this will be resolved in 30 days?

2784 Mr. Pruitt. You have the commitment from me to get
2785 engaged on this issue with our Air Office to find answers.
2786 We will have answers --

2787 Mr. Carter. Can I have a commitment from you that you
2788 will get this resolved as soon as you can?

2789 Mr. Pruitt. I will find answers to this within 30 days.

2790 Mr. Carter. Okay. I can't stress to you how important

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2791 this is. Also, the Tier 4 emission standards are causing
2792 problems with generators. They are not able to build the
2793 large one megawatt generators. And keep in mind now I said I
2794 was representing the entire coast of Georgia. We have
2795 hurricanes in Georgia, therefore we need generators. In
2796 fact, in one 11-month period we had two hurricanes. They
2797 cannot make these. Will you commit to reviewing the Tier 4
2798 standards to see if they are practical and if they are
2799 rational?

2800 Mr. Pruitt. Yes. I will engage in conversations around
2801 this issue with our Air Office to see what the options are.

2802 Mr. Carter. The last thing I want to ask you about is
2803 biobutanol. It is my understanding that you have --

2804 Mr. Pruitt. About what, I am sorry?

2805 Mr. Carter. I am sorry?

2806 Mr. Pruitt. About what, I am sorry?

2807 Mr. Carter. Biobutanol.

2808 Mr. Pruitt. Okay.

2809 Mr. Carter. This is one of the biofuels that is an
2810 alternative fuel and it is my understanding that you have a
2811 comment period that is about to end at the end of April; is
2812 that correct?

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2813 Mr. Pruitt. I can verify that.

2814 Mr. Carter. Okay. Well, please verify that because as
2815 you know the ethanol additives cause a lot of deterioration
2816 to marine engines. Biobutanol as I understand it is much
2817 better, much more compatible for marine engines and we need
2818 that to come to market. When this comment period is up I
2819 hope that you will act on it.

2820 Mr. Shimkus. The gentleman's time is --

2821 Mr. Pruitt. Pathway for advanced categories under the
2822 RFS, is that what you are referring to?

2823 Mr. Carter. Yes.

2824 Mr. Pruitt. Okay.

2825 Mr. Shimkus. The gentleman's time is expired.

2826 Mr. Carter. Thank you, Mr. Chair.

2827 Mr. Shimkus. The chair recognizes the gentleman from
2828 Mississippi for 5 minutes, Mr. Harper.

2829 Mr. Harper. Thank you, Mr. Chairman.

2830 Administrator Pruitt, welcome. It appears that it has
2831 become a political blood sport to try to destroy anybody
2832 associated with the Trump administration, and I want to say
2833 thank you for what your Agency has done and the attention
2834 that they have given to the New Source Performance Standards

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2835 for residential wood heaters. That was very helpful to some,
2836 you know, employers that were in real danger of not being
2837 able to meet a particular deadline and I appreciate the work
2838 that your Agency has done on that.

2839 And I also want to ask you a few questions and I need to
2840 ask you about a series of media reports that I found
2841 particularly concerning. According to these reports at least
2842 five EPA officials have been reassigned, demoted, or
2843 requested to switch jobs because they raised concerns about
2844 your spending and management of the Agency. You know, you
2845 have already testified this morning that these actions were
2846 based on other reasons, but even the implication of
2847 retaliation can have an impact on the morale of EPA
2848 employees. Will you explain these allegations and tell us
2849 what steps EPA takes to investigate allegations brought
2850 forward by EPA employees?

2851 Mr. Pruitt. First, there is no truth to the assertion
2852 that decisions have been made about reassignment or otherwise
2853 as far as employment status based upon the things that you
2854 reference. I am not aware of that ever happening and it is
2855 something I want to make very, very clear. The individuals,
2856 I don't know to whom you reference across the board, but the

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2857 folks that I am aware of two of those individuals are SES
2858 individuals that are serving in other capacities. They are
2859 actually still employees of the Agency.

2860 So I think that is important to note, but I just want to
2861 emphasize very, very clearly to you that there is no actions
2862 that we have taken that I am aware of related in any way to
2863 the issues you raise as far as reassignment or employment
2864 action based upon that.

2865 Mr. Harper. Can you assure me and the employees of EPA
2866 that all whistleblower complaints are taken seriously at EPA
2867 and that you will make your best efforts to ensure that
2868 whistleblowers are protected from any kind of retaliation?

2869 Mr. Pruitt. Absolutely, and I think that is how we get
2870 better. I think that is how we improve outcomes and
2871 processes. And this is not one of those situations,
2872 Congressman, in this situation, but absolutely, prospectively
2873 that is something that I can commit to you and will commit to
2874 you.

2875 Mr. Harper. You know, I have had some of my
2876 constituents raise an issue regarding oil spill response
2877 training and I am told that the funding for certain training
2878 courses for federal and local responders involved in inland

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2879 oil spill prevention and cleanup have been eliminated and
2880 that the EPA Environmental Response Team is no longer able to
2881 consistently make these courses available. With an increase
2882 in oil production across the country there remains a need for
2883 oil spill response training for local, state, and federal
2884 responders.

2885 Would you be willing to commit to looking into whether
2886 funding can and will be made available for what we believe is
2887 a very important training?

2888 Mr. Pruitt. Yes. Yes, Congressman, I agree with that.

2889 Mr. Harper. Over the last 6 years, EPA has used its
2890 discretion to reduce and perhaps eliminate the effectiveness
2891 of the on-site technical assistance appropriated by Congress
2892 to small and rural communities in my home state of
2893 Mississippi including terminating funding for my state's two
2894 full-time EPA funded circuit rider positions. My rural and
2895 small communities have told me numerous times, however, that
2896 this is the best and most helpful assistance with EPA water
2897 standards and unfunded mandates.

2898 So to address this problem in 2015, Congress passed and
2899 the President signed a version of my bill, the Grassroots
2900 Rural and Small Community Water Systems Assistance Act,

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2901 solely to stop this problem that was caused by EPA and still
2902 continues today. So this bill requires EPA to give
2903 preference to the technical assistance that small and rural
2904 communities find the most beneficial and effective.

2905 So on April 11th of 2018, EPA announced the award of
2906 technical assistance grants. It was my hope that this
2907 announcement would have returned the two full-time circuit
2908 rider positions funded by EPA to Mississippi and the other
2909 states, yet I am told that there is less help with EPA
2910 mandates to small and rural communities. So did EPA conduct
2911 a review of what small communities find is the most
2912 beneficial and will you look into this for possible necessary
2913 correction?

2914 Mr. Pruitt. Yes. So those TAG grants are so important.
2915 And when you reference small and rural communities, some of
2916 our water infrastructure we think about the dense markets as
2917 far as the age in infrastructure across the country but those
2918 rural communities also need tremendous assistance. So those
2919 TAG grants are something that should be a focus in that area
2920 that you raised and I will look into the status of that for
2921 you.

2922 Mr. Harper. Thank you very much for what you are doing

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2923 for the country.

2924 Mr. Shimkus. The gentleman's time is expired. The
2925 chair recognizes the gentleman from Illinois, Mr. Rush, for 5
2926 minutes.

2927 Mr. Rush. Administrator Pruitt, I must say unlike my
2928 colleagues, no, thank you, no, thank you, to the policies of
2929 the Environmental Protection Agency under your tenure. But
2930 in my home city of Chicago we are in the middle of a dire
2931 situation as reported in a recent Tribune article entitled,
2932 "Brain-damaging lead found in tap water in hundreds of homes
2933 tested across Chicago, results show," and this article is
2934 written on April the 12th, 2018. The article went on to
2935 state that in the nearly 2,800 homes tested between 2015 and
2936 to 2017, close to 70 percent were found to contain elevated
2937 levels of lead. Additionally, three of every ten homes
2938 tested contained lead concentration higher than 5 parts per
2939 million, the maximum amount allowed in bottled water by the
2940 FDA.

2941 I understand that EPA is currently considering revisions
2942 to the lead and copper rule. This rule was supposed to have
2943 been issued last year, but the Agency under your leadership
2944 has repeatedly delayed any action on this. You have also

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2945 delayed action on the lead renovation, repair, and painting
2946 rule for commercial buildings. And your recent proposal on
2947 scientific data could block the EPA from considering landmark
2948 studies, what you misleadingly have termed, quote, secret
2949 science, end of quote. These important studies are critical
2950 in identifying potential risks to public health including
2951 those related to lead contamination, cancer as it related to
2952 smoking, as well as the health impacts associated with other
2953 dangerous contaminants.

2954 And I would like to hear from you on how the Agency will
2955 move to phase out lead in drinking water such as require
2956 replacements of lead service lines as well as your
2957 justification for your attacks on established scientific
2958 data. I have also been concerned by some of your public
2959 statements expressing a belief that there might be a safe
2960 level of lead and suggesting that lead contamination of
2961 drinking water is caused by Superfund sites as opposed to
2962 lead piping.

2963 Mr. Administrator, as you well know, even your own
2964 Agency has declared that there are no safe levels of lead for
2965 consumption. According to the Center for Disease Control and
2966 Prevention, even consuming tiny amounts of lead can

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2967 permanently damage the developing brain of children and
2968 contribute to kidney failure, heart disease, and other severe
2969 health problems. I also understand that this issue of
2970 replacing lead piping will require billions of dollars to
2971 remediate this problem on a national level. So I am curious
2972 to hear from you on ways that the EPA might provide financing
2973 and other mechanisms to help address this issue.

2974 As you know, the administration's fiscal year 2019
2975 budget proposed \$863 million on Drinking Water State
2976 Revolving Funds which is an \$81.2 million decrease from the
2977 fiscal year 2017 enacted levels. However, the most recent
2978 EPA Needs Survey estimates that it will cost over some \$472
2979 billion for capital improvements between the years 2015 and
2980 2034. I will be meeting, Mr. Administrator, with senior
2981 state officials in the near future to discuss these and other
2982 issues, but I would like to hear from you on what steps the
2983 EPA will be intending to address these critical issues which
2984 have of course --

2985 Mr. Shimkus. The gentleman's time has expired.

2986 Mr. Pruitt. If I may, Mr. Chairman?

2987 Mr. Shimkus. Just for a short minute.

2988 Mr. Pruitt. There is no safe level of lead in our

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2989 drinking water. It is something we need to act aggressively
2990 upon as an Agency and as a country. We have estimated it is
2991 about \$45 billion to replace the lead service lines across
2992 the country, and with WIFIA and the authority this Congress
2993 has given the EPA, I really believe that we can prioritize
2994 funding in the WIFIA program up to four billion a year in
2995 over a 10-year process, or thereabouts, achieve tremendous
2996 results.

2997 Mr. Shimkus. Okay, the gentleman's time is expired.
2998 The chair now recognizes the gentleman from Virginia, Mr.
2999 Griffith, for 5 minutes.

3000 Mr. Griffith. Thank you very much, Mr. Chairman.
3001 Continuing along these lines, thank you, Administrator
3002 Pruitt. And, Mr. Chairman, if we could submit for the record
3003 the article from the Roanoke Times from today, the article
3004 came out yesterday but it is in today's electronic clips,
3005 "Virginia Tech team gets EPA grant to engineer citizen-
3006 science water quality project."

3007 As you will recall, in the previous administration there
3008 was a regional EPA administrator who looked the other way.
3009 The Flint, Michigan problem became a problem but it was
3010 exposed by Marc Edwards, the professor at Virginia Tech,

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3011 because he went out there on his own dime with his own monies
3012 and started doing the studies that needed to be done. Now
3013 your EPA has granted his group \$1.9 million to have folks
3014 test their water and send it in so we can find out exactly
3015 where the hot spots are whether they be in Mr. Rush's
3016 district of Chicago or elsewhere.

3017 And Professor Edwards says he calls this the largest
3018 engineering citizen-science project in American history. The
3019 3-year grant will support his team and some other
3020 universities that are involved and he said that all the work
3021 we did with consumers over the years and the students at the
3022 Virginia Tech, this bottom-up, organic science phenomena it
3023 created a tidal wave of understanding that couldn't be
3024 ignored. This is how science is supposed to work to me, Marc
3025 Edwards, Virginia Tech. If we could have that article put in
3026 the record by unanimous consent?

3027 Mr. Shimkus. The Democrats have looked at it and they
3028 have approved. Without objection, it is submitted for the
3029 record.

3030 [The information follows:]

3031

3032 *****COMMITTEE INSERT 7*****

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3033 Mr. Griffith. Thank you very much. Now I am going to
3034 switch gears, but I couldn't help but think Mr. Rush's
3035 comments were so timely for that.

3036 All right, I am going to switch now to the final rule
3037 for Greenhouse Gas Emissions and Fuel Efficiency Standards
3038 for Medium and Heavy Duty Engines and Vehicles - Phase 2 that
3039 was approved in the prior administration. You all are taking
3040 some action in regard to one part of that which I want to
3041 talk about in a minute, but I first want to talk about
3042 trailers. And I asked these questions of the prior folks at
3043 the EPA and I don't know how they have authority to regulate
3044 trailers when the Clean Air Act clearly says that the term
3045 "motor vehicle" means any self-propelled motor vehicle
3046 designed for transporting persons or property on a street or
3047 a highway and a trailer is not self-propelled, nor is it a
3048 motor vehicle, nor does it have an engine. It might have a
3049 compressor if it is a refrigerator truck.

3050 You would agree with me that this needs attention and
3051 that we need to make sure that trailers are not being
3052 declared by the EPA to be self-propelled motor vehicles, yes
3053 or no?

3054 Mr. Pruitt. Yes. We are in process --

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3055 Mr. Griffith. Thank you. I have to move on to the next
3056 one because I have a more complicated one. You are also in
3057 the process of looking at the situation in that same
3058 regulation related to gliders and to big trucks. And I have
3059 a problem because my district has the Volvo North America
3060 truck manufacturing site, thousands of jobs, billions of
3061 dollars were spent to meet the new requirements. Now I would
3062 agree with you in that, that the law does not say the EPA can
3063 do what they did because they went after gliders and they
3064 didn't, they went after it and just said you basically can't
3065 do it, which they don't have authority to do because it is
3066 not a new motor vehicle engine which is defined in the code
3067 in similar sections to what I just read on the trailers,
3068 utility trailers in my district as well.

3069 And, but what is interesting is, I do believe that there
3070 ought to be something because, you know, Volvo and other
3071 truck manufacturers spent billions upgrading. And what the
3072 code says is, is that you really don't have any authority
3073 over used motor vehicles during the useful life of that motor
3074 vehicle, but that is 11 years and 120,000 miles. So what is
3075 happening is in some cases the gliders are not being used
3076 just on wrecked trucks or other trucks that might be, you

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3077 know, within that time frame, but they are being used on
3078 trucks outside of their useful life.

3079 Don't you think that it would be appropriate to take a
3080 look at -- and all that is in the law, you have that
3081 authority. Take a look at it and see what can be worked out
3082 so that we don't have trucks that are just being overhauled
3083 by the glider companies that are decades old and nowhere near
3084 meeting the emission standards of the United States, but at
3085 the same recognizing they have a right to do that if the
3086 truck has not used up its useful life as defined already as
3087 11 years and 120,000 miles.

3088 Mr. Pruitt. So that alternative is something that we
3089 haven't reviewed yet, but I appreciate you bringing it to my
3090 attention. We have been focused upon the statutory analysis
3091 both for gliders and trailers, but this is something we need
3092 to add to the evaluation.

3093 Mr. Griffith. And I just have to say what is
3094 interesting is, is I think about 80 to 85 percent of what the
3095 previous administration wanted to accomplish could have been
3096 accomplished if they hadn't done sloppy legal work. I yield
3097 back.

3098 Mr. Shimkus. The gentleman yields back his time. The

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3099 chair recognizes the gentleman from South Carolina, Mr.

3100 Duncan, for 5 minutes.

3101 Mr. Duncan. Thank you, Mr. Chairman.

3102 Administrator Pruitt, thank you for being here today and
3103 I apologize for the abrasiveness of some of my colleagues who
3104 would rather tarnish your character than really try to delve
3105 into the issues facing this great nation.

3106 I would like to spend a few minutes discussing the Obama
3107 administration's Waters of the U.S. rule, otherwise known as
3108 WOTUS. And I know Congresswoman Blackburn brought it up
3109 earlier, but I want to go into a little more detail. As you
3110 know, this flawed regulation sought to expand federal control
3111 over 60 percent of our country's streams, millions of acres
3112 of wetlands that were previously non-jurisdictional. It has
3113 allowed the EPA and the Army Corps to regulate almost every
3114 water from manmade conveyances to large rivers.

3115 The rule has created an unnecessary confusion and
3116 suffering for farmers, ranchers, job creators, and private
3117 property owners, and in reality the regulations have done
3118 very little to benefit environmental stewardship. WOTUS is
3119 by far the largest issue for agriculture in South Carolina,
3120 and I know on your multistate action tour this past summer

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3121 hosted by, I think, Super-Sod there in Anderson, you saw the
3122 real negative impact that WOTUS regulations had on farmers
3123 and local businesses.

3124 These regulations are emblematic of the aggressive and
3125 unconstitutional overreach by the federal government under
3126 the Obama administration and the habitual undermining of
3127 state and local authority regarding environmental matters.
3128 It is our responsibility in Congress to use our lawmaking
3129 power to enact legislative and permanent fix.

3130 Mr. Administrator, I appreciate your attention and
3131 efforts to curtail the WOTUS rules. We talked about that the
3132 last time you were in front of this committee about the
3133 President's executive order, and I just want to ask this
3134 question. I saw earlier this month that you issued a memo
3135 taking control of decision-making from the EPA's regional
3136 administrators on important matters to streams and wetland
3137 jurisdictions. Can you elaborate on the intentions of this
3138 document and why you issued that memo?

3139 Mr. Pruitt. Yes. There has been many decisions made at
3140 the regional level through delegation, as I was talking about
3141 earlier, utilizing that definition historically, you know,
3142 that 2015 decision and then even prior to that in 1986 and

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3143 the 2008 guidance. And so we had inconsistency across the
3144 country with respect to what jurisdiction we had, and this
3145 was an effort to draw that back to make sure we had
3146 uniformity and how we review our responsibility on the Clean
3147 Water Act and make sure that every region is implementing
3148 that the way that they should.

3149 Mr. Duncan. So why is this important to Waters of the
3150 U.S.?

3151 Mr. Pruitt. Well, certainty is, certainty and clarity
3152 around the Waters of the United States rule is terribly
3153 important because, you know, if you have landowners across
3154 this country guessing about whether the EPA or the Corps of
3155 Engineers or any other agency at the federal government has
3156 jurisdiction over their decision, meaning that they have to
3157 seek a permit, then they don't want to find out years later
3158 that they should have got that permit and then face fines
3159 each day for those number of years. So clarity and certainty
3160 around where federal jurisdiction begins and ends really is
3161 at the heart of our efforts this year with respect to the
3162 Waters of the United States rule.

3163 Mr. Duncan. All right. Is there any effort by the
3164 Agency to go back and look at these maps that were drawn?

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3165 Because when I look at the Waters of the U.S. ruling and I
3166 look at streams or doggone ditches in my district that were
3167 falling under the jurisdiction, these are ditches that only
3168 hold water in an increment rain event that aren't navigable
3169 waterways in anybody's opinion. And if you came out there
3170 and looked at some of these areas you would go, why in the
3171 world is that covered? Is there any attempt by the Agency to
3172 go back and review these maps and really pull some of those
3173 designated areas back in?

3174 Mr. Pruitt. Well, that is part of our objective and
3175 effort with the rewrite of the Waters of the United States
3176 rule. It is not just that there was rescission, repeal in
3177 the marketplace. It is also what is coming next? Where is
3178 the clarity? Where does jurisdiction begin and end? Because
3179 these jurisdictional determinations you are referring to, you
3180 are right, they have been so inconsistent, so different in
3181 certain parts of the country that ephemeral drainage ditches,
3182 dry creek beds, puddles, prairie potholes in North Dakota,
3183 you know, considered Waters of the United States, which I
3184 believe looking at the text of the Clean Water Act clearly
3185 was not within the intent of Congress.

3186 So that is something that we are going through that

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3187 process, providing that clarity, and then those
3188 jurisdictional determinations will take effect or maybe
3189 change after that.

3190 Mr. Duncan. Just the last question, during my time as a
3191 state legislator we had instances where areas were considered
3192 isolated wetlands and these were areas where logging loading
3193 decks were loaded, were situated, and they sat there for a
3194 while. Water settled, no wetland, no streams, but bulrushes
3195 popped up because water settled in there from where the
3196 equipment had set and all of a sudden this area was
3197 designated an isolated wetland and wasn't able to be
3198 replanted, wasn't able to be developed.

3199 Is there anything the EPA is doing to look at those
3200 isolated wetland issues like that?

3201 Mr. Pruitt. Yes, and also prior converted crop lands.
3202 I mean there are similar issues around that issue, so
3203 absolutely we are.

3204 Mr. Duncan. Okay, thank you.

3205 Mr. Chairman, I yield back.

3206 Mr. Shimkus. The gentleman yields back his time. The
3207 chair recognizes the gentlelady from California, Ms. Eshoo,
3208 for 5 minutes.

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3209 Ms. Eshoo. I thank the chairman for holding today's
3210 hearing and for extending the legislative courtesy for me to
3211 participate at your subcommittee which I am not a member of.
3212 I am very glad to be here.

3213 Administrator Pruitt, public officials and public office
3214 have a public trust to live up to. We are called to hold
3215 ourselves to the highest ethical standards so that the people
3216 that we serve have the confidence that we work for them. Not
3217 for ourselves, not for special interests, but for them. In
3218 front of your title Administrator, is U.S. EPA, an agency
3219 that Richard Nixon founded. And I think if a public official
3220 loses the trust of people and his or her ability is then
3221 becomes crippled because of the trust factor.

3222 Now you have a solid record of breaking ethics rules
3223 from the state level right up to the federal government. It
3224 is a long list and it includes wasteful spending. I think it
3225 is an embarrassment to our country and I think it is
3226 offensive to constituents. My constituents raise a lot of
3227 questions about and say how can he be doing this? So the
3228 question that I want to ask you might be a little unusual
3229 one, do you have any remorse for the excessive spending on
3230 behalf of yourself, the expensive air tickets, stopping in

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3231 Paris, the amounts of dollars that you have expended at the
3232 Agency for an expensive telephone booth? I know you said it
3233 is for a SCIF, but there is a SCIF at the EPA. Do you have
3234 any remorse about this? Do you --

3235 Mr. Pruitt. Let me say to you, Congresswoman.

3236 Ms. Eshoo. Well, you can answer it yes or no. Do you
3237 have any remorse?

3238 Mr. Pruitt. I echo your comments. I think that what
3239 you said is absolutely true about the importance of public
3240 trust --

3241 Ms. Eshoo. No, I want you to answer me. I have -- sir,
3242 I have 2 minutes and 38 seconds.

3243 Mr. Pruitt. -- and I endeavor to achieve to live in a
3244 way that respects that.

3245 Ms. Eshoo. Do you have any remorse?

3246 Mr. Pruitt. I think there are changes I have made
3247 already, the change from first class to coach travel. That
3248 is a change I have made. I learned about the pay raises.

3249 Ms. Eshoo. All right. Well, sir, you are not going to
3250 out-talk me. You are not going to out-talk me. You claim
3251 that Steven Hart, the lobbyist who owned the condominium
3252 where you paid below-market rent, never lobbied you.

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3253 However, we now know this isn't true. Mr. Hart's firm
3254 disclosed that he met with you regarding cleanup of the
3255 Chesapeake Bay. Did you have any other official meetings
3256 with Mr. Hart, yes or no?

3257 Mr. Pruitt. The meeting that you referred to was not a
3258 meeting --

3259 Ms. Eshoo. Did you have any other meetings with him?

3260 Mr. Pruitt. -- it was with respect to an individual --

3261 Ms. Eshoo. All right, I am moving on. Did you ever
3262 discuss Mr. Hart's clients or EPA business with him outside
3263 of official settings?

3264 Mr. Pruitt. There was no other meeting with Mr. Hart
3265 except for nonprofit.

3266 Ms. Eshoo. Do you have any other lobbyists or
3267 representatives of industries with business before the EPA
3268 provided you with similar personal favors that you haven't
3269 previously disclosed?

3270 Mr. Pruitt. Congresswoman, as I have indicated with
3271 respect to this situation with Mr. Hart and Mrs. Hart, the
3272 only event that took place was a meeting with a nonprofit
3273 Chesapeake Bay --

3274 Ms. Eshoo. Are there any other instances in which you

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3275 granted --

3276 Mr. Pruitt. -- and I am not aware of any other
3277 instances.

3278 Ms. Eshoo. Are there any other instances in which you
3279 granted access to donors or lobbyists to whom you owed
3280 personal favors?

3281 Mr. Pruitt. I am not aware of any instances.

3282 Ms. Eshoo. Your travel including regular upgrades to
3283 first class at the taxpayers' expense has cost over \$200,000
3284 since you became Administrator. Are you reimbursing the
3285 taxpayer for any of that?

3286 Mr. Pruitt. We can provide you the analysis that
3287 occurred in June of last year with respect to what caused the
3288 change to first class.

3289 Ms. Eshoo. I don't need any analysis. I know what
3290 airline tickets cost. I fly across the country every week.

3291 Mr. Pruitt. And I have changed that recently.

3292 Ms. Eshoo. No, so what are you going to -- you didn't
3293 answer my question. I asked you if you were going to
3294 reimburse the taxpayers for the overage and this includes ten
3295 trips to Oklahoma as well. So are you going to reimburse or
3296 what are you going to do about it?

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3297 Mr. Pruitt. The travel office and the security team
3298 determine where I sit on a plane and all trips that I have
3299 taken with respect to EPA dollars have been for official
3300 trips.

3301 Ms. Eshoo. Well, you know what. With all due respect I
3302 may be elected, but I am not a fool. That is really a lousy
3303 answer from someone that has a high position in the federal
3304 government. I mean this is not a dodge-question day. We ask
3305 these questions on behalf of our constituents and I don't
3306 really find you forthcoming.

3307 So the last few questions that I would like to ask with
3308 5 seconds left is when you traveled to your home state --

3309 Mr. Shimkus. The gentlelady's time has expired.

3310 Ms. Eshoo. -- did you attend political fundraisers
3311 during any of these visits?

3312 Mr. Shimkus. The gentlelady's time is expired.

3313 Ms. Eshoo. I would like an answer.

3314 Mr. Shimkus. The chair recognizes the gentleman from
3315 Pennsylvania. The gentleman from Pennsylvania?

3316 Mr. Costello. Thank you, Mr. Chair.

3317 Mr. Pruitt, I have, I think the opprobrium that you
3318 generated on some of these spending decisions is actually

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3319 warranted and I have reviewed your answers and I find some of
3320 them lacking or insufficient. And I believe you have
3321 demonstrated, or you have not demonstrated the requisite
3322 degree of good judgment required of an appointed executive
3323 branch official on some of these spending items and I would
3324 like to follow up on a couple of specific instances.

3325 It has been reported that EPA officials who have
3326 challenged your spending decisions and who have been
3327 reassigned or demoted were not reassigned or demoted over the
3328 challenging of your spending decisions but they all had
3329 performance issues. Have in each of those instances, those
3330 performance issues, been documented prior to them being
3331 reassigned or demoted?

3332 Mr. Pruitt. I am not sure to what you are referring as
3333 far as a conclusion that they had been performance related.
3334 I talked about this earlier. I am aware of two individuals
3335 being reassigned because they were in the SES category and
3336 that routinely happens in that category. I know of no
3337 instance where there were decisions made at the Agency based
3338 upon counts or otherwise on spending with respect to
3339 employment related decisions. I said that earlier and I say
3340 it again to you.

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3341 Mr. Costello. Are there instances where current EPA
3342 officials have objected to spending decisions that you have
3343 made who still remain in their present positions?

3344 Mr. Pruitt. I am not aware of any employment action
3345 taken with respect to anyone and spending related counsel.
3346 These individuals to whom you refer, I had limited
3347 interaction with them. They did not spend meaningful time
3348 with me with respect to spending and recommendations around
3349 spending. One of the individuals was the head of Advance.
3350 The most of the time I spent with him was in the field and
3351 not at headquarters. So there is really no factual
3352 connection whatsoever in employment status with those
3353 individuals and any counsel regarding spending.

3354 Mr. Costello. Now the issues of the two close aides who
3355 used to work for you in Oklahoma and their pay raises, are
3356 you saying that you were not aware that those pay raises were
3357 provided to them until after the fact?

3358 Mr. Pruitt. I was not aware of one of those individuals
3359 even seeking a pay raise. I was aware of another person
3360 going through the process, but I was not aware of the amount
3361 that was provided or the process that was utilized to
3362 evaluate that. And that is what I have spoken to

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3363 historically.

3364 Mr. Costello. The other issue that has received a lot
3365 of attention is the \$43,000 phone booth. And you are saying
3366 that at no time from the point between when you learned that
3367 it was \$13,000 to the time that it became \$43,000, you were
3368 never apprised of the additional cost related to that?

3369 Mr. Pruitt. I was not aware if it, 13,000, 8,000, or
3370 43,000. I gave a simple instruction to my leadership team to
3371 address secure communications in the office and then a
3372 process began and we have documentation we can provide you on
3373 that, Congressman. Career individuals were involved in that
3374 process from beginning to end and made the decision that you
3375 see in that with the \$43,000 allocation.

3376 Mr. Costello. Now I tend to be very conscientious of
3377 those who have personal security related concerns. And I
3378 don't know who has said what to you or when, but I do think
3379 that there is a lot more to that than some people may realize
3380 in the general public.

3381 Having said that, it has been reported that, I believe
3382 the IG has indicated or at least someone in the IG's Office
3383 has not found some of the personal security concerns that you
3384 have proffered in relation to the enhanced security that you

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3385 have received to be either warranted or credible. Would you
3386 kindly provide a little bit more detail on why you think you
3387 need -- and I am just going to be very honest with you. When
3388 folks read about trips to Disneyland, professional basketball
3389 games, Rose Bowl, and the additional security detail related
3390 to that, that doesn't sit well with a lot of people.

3391 Mr. Pruitt. So I can, Congressman, I can read directly
3392 from an Inspector General threat investigation and I can
3393 provide this to you. There are several on here listed with
3394 respect to threats and I will just read you two. "The
3395 threats were directed toward her father. The threat stated,
3396 I hope your father dies soon, suffering as your mother
3397 watches in horror for hours on end."

3398 There is another entry, correspondence between the
3399 subject and individuals. "Pruitt, I am going to find you and
3400 put a bullet between your eyes. Don't think I am joking. I
3401 am planning this."

3402 Mr. Shimkus. The gentleman's time has expired.

3403 Mr. Pruitt. So these are threats that the IG has
3404 documented. We can provide this to you. The IG has said
3405 that the threats against me as Administrator --

3406 Mr. Shimkus. The gentleman --

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3407 Mr. Pruitt. -- are unprecedented --

3408 Mr. Shimkus. If the Administrator, if you will suspend,
3409 I think the point has been made. The gentleman's time has
3410 expired. The chair now recognizes the gentleman from New
3411 York.

3412 Mr. Engel. Thank you, Chairman Shimkus and Ranking
3413 Member Tonko.

3414 Mr. Pruitt, the person appointed to run the EPA needs to
3415 be someone who cares about protecting the health and safety
3416 of people all across the country, and until now both sides,
3417 both Presidents on both parties, we have had a pretty good
3418 track record with our EPA Administrators. But your time in
3419 office really has been different. Your tenure has been
3420 stained by repeated abuses of public trust and violations of
3421 ethical guidelines, guidelines that are designed to ensure
3422 that the government's business is conducted with impartiality
3423 and integrity.

3424 But what really bothers me perhaps even more on top of
3425 that your agency is willfully ignoring sound science and
3426 stripping the protections that keep millions of Americans
3427 safe. You are making our water less safe to drink and our
3428 air less safe to breathe. You are increasing our exposure to

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3429 more dangerous chemicals and you are making our planet less
3430 healthy for our children and our grandchildren.

3431 And that is not just hyperbole. Under your leadership,
3432 Mr. Administrator, the EPA has weakened standards for ozone
3433 pollution, proposed a repeal of the Clean Power Plan,
3434 announced a repeal of the Waters of the United States rule,
3435 abandoned the once in, always in policy that aimed to lock in
3436 reductions of hazardous air pollution from industrial
3437 sources, withdrew the mercury effluent rule, delayed the
3438 implementation of safety procedures at chemical plants to
3439 prevent explosions and spills, withdrew a proposal to track
3440 emissions of methane and volatile organic compounds from oil
3441 and natural gas facilities, proposed eliminating the Lead
3442 Risk Reduction Program, announced a reconsideration of a rule
3443 regarding coal ash, announced a reconsideration of vehicle
3444 emission standards for model years 2022 to 2025 -- and we did
3445 a lot of work in this committee on these vehicle emission
3446 standards.

3447 You proposed repeal of emission standards for heavy duty
3448 vehicles. You announced a plan to weaken emission standards
3449 for brick and tile manufacturers. You proposed a rule
3450 reducing air pollutants at sewage treatment plants. You have

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3451 scrubbed the content of your website including the page
3452 devoted to explaining climate change. You have removed the
3453 word "science" from the mission statement of your Office of
3454 Science and Technology. You have dismissed 12 of the 18
3455 members of the Board of Scientific Counselors.

3456 You stayed silent when counties failed to meet new ozone
3457 standards by an October 2017 deadline. Your EPA has
3458 collected far fewer fines from polluters than any of the last
3459 three Administrators during the same time, and more staff and
3460 funding cuts are looming which means even fewer toxic
3461 chemicals and other environmental hazards will be measured
3462 and the statutes that protect all Americans will not be
3463 enforced.

3464 There is so much here, Mr. Administrator, that I wish I
3465 had more time. But instead I will focus on an issue that is
3466 in the headlines now and has profound implications for our
3467 future, the Paris Agreement. By announcing that we will
3468 abandon our commitment to the Paris Agreement, and we heard
3469 this from Mr. Macron yesterday being critical of it, this
3470 administration is setting the clock back on U.S. climate
3471 action and forfeiting our nation's position as the global
3472 leader in developing the clean energy economy of the future.

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3473 The move will only open the door for others to take our
3474 place.

3475 This decision is bad for the planet and bad for public
3476 health. Scientists at the EPA and the U.S. Global Change
3477 Research Program have found that climate change is a
3478 significant threat to the health of the American people,
3479 increasing exposure to disease, increasing the risk of
3480 illness and death from extreme heat and poor air quality, and
3481 increasing dangerous extreme weather events. The Paris
3482 Agreement was and still is our best chance to address these
3483 risks for all Americans but we can't do it alone. Mr.
3484 Pruitt, you have supported the President's decision to
3485 announce a withdrawal from the Paris Agreement.

3486 President Trump and you have said that the deal unfairly
3487 puts constraints on the U.S. coal industry and that it
3488 somehow is a threat to our sovereignty. It doesn't make any
3489 sense because the Paris Agreement is voluntary. It imposes
3490 absolutely no constraints on U.S. trade policy or U.S.
3491 domestic energy policy, but there is an historic economic
3492 opportunity for American companies and workers to lead the
3493 world in creating and providing newer, cleaner forms of
3494 energy.

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3495 Again, yesterday French President Macron reminded us
3496 that there is no planet B -- that is a quote -- but turn to
3497 our future. And he said, quote, I am sure one day the United
3498 States will come back and join the Paris Agreement and I am
3499 sure we can work together to fulfill with you the ambitions
3500 of the global compact on the environment. I certainly hope
3501 he is right for the sake of our children and our
3502 grandchildren.

3503 To me, an Administrator should be someone who cares
3504 about these things, not someone who is going to ruin these
3505 things. Not someone who is going to make our future more
3506 dangerous for our families. And that is what bothers me,
3507 because you are not doing --

3508 Mr. Shimkus. The gentleman's time has expired.

3509 Mr. Engel. You are instead -- I am finishing, Mr.
3510 Chairman. You are instead --

3511 Mr. Shimkus. Finish quickly.

3512 Mr. Engel. -- you are going against the tenets of what
3513 your job is supposed to do and that makes me very, very
3514 angry.

3515 Mr. Shimkus. The gentleman's time has expired. The
3516 chair recognizes the gentleman from New Jersey for 5 minutes,

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3517 Mr. Lance.

3518 Mr. Lance. Thank you, Mr. Chairman, my thanks to you
3519 and the ranking member for allowing me to participate. I am
3520 a member of the committee, but not of this subcommittee.

3521 Administrator Pruitt, the EPA has a long and
3522 distinguished history established by President Nixon as you
3523 know better than anybody. I represent a district in northern
3524 New Jersey outside New York and we are concerned about some
3525 of the allegations regarding the overspending, and in
3526 particular the \$43,000 for the security of the phone booth.
3527 As you know, this has been criticized by the Government
3528 Accountability Office. The general counsel, Mr. Armstrong,
3529 said that you had a responsibility to notify lawmakers. You
3530 have indicated that you believe this is not part of
3531 renovations.

3532 Having said that, isn't there other secure locations
3533 within your Agency and why did we need to spend taxpayer
3534 funds to build a new secure place for making of telephone
3535 calls?

3536 Mr. Pruitt. First, on the GAO matter, we have in fact
3537 notified the GAO with respect to those issues and rightfully
3538 so based upon their determination. And I do want to say that

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3539 the Office of General Counsel at the Agency, career
3540 individuals, interpreted the expenditure as not being within
3541 the guidelines of the statute and that is the reason the
3542 Agency acted as they did. And those were all individuals,
3543 career individuals, that were part of that process.

3544 Mr. Lance. The GAO disagrees with you, the General
3545 Counsel disagrees with you?

3546 Mr. Pruitt. That is right. But steps were taken to
3547 notify irrespective of that.

3548 Mr. Lance. I tend to agree with the GAO General
3549 Counsel. I want that on the record. Why did we need another
3550 SCIF or SCIF-like facility when there was already one at your
3551 Agency?

3552 Mr. Pruitt. So it is not a SCIF and it was not intended
3553 to be. As I shared earlier, Congressman, in an earlier
3554 question, I simply requested for a secure communication, a
3555 secure line in my office based upon phone calls that occur
3556 that are confidential in nature. And so, based upon that
3557 instruction a process ensued where this investment took
3558 place. And that is --

3559 Mr. Lance. Did any of your predecessors suggest that
3560 this be needed, Republican or Democratic?

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3561 Mr. Pruitt. I am not sure, Congressman.

3562 Mr. Lance. Well, I think the answer is no. It is
3563 either a yes or a no. And I don't demand just a yes or no,
3564 you are willing to elaborate. But did any of your
3565 predecessors suggest this?

3566 Mr. Pruitt. I am not sure.

3567 Mr. Lance. And I am not a person here who requires a
3568 yes or no. I would like you to answer in detail, did any of
3569 your predecessors require that?

3570 Mr. Pruitt. I am just not aware of any requests of
3571 previous --

3572 Mr. Lance. Well, I have the honor of representing a
3573 predecessor of yours, Christine Todd Whitman. She is a
3574 constituent of mine. She was the Administrator for the
3575 second President Bush, and she has indicated that she saw no
3576 need for such an enhanced telephone system when she was
3577 Administrator and there was secure communications then and
3578 she has indicated that she did not think this was
3579 appropriate. And respectfully, I do not think it is
3580 appropriate. And I think that there are already secure
3581 locations and I think it was a waste of funds.

3582 Regarding a completely different issue, in a March 30th

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3583 memo you stated, you signed a directive to give more
3584 authority to your office over environmental regulations for a
3585 project near regional waterways. It is my view that taking
3586 this authority may supplant the role of local representatives
3587 and experts, water quality boards. You have relied heavily
3588 and when you were Attorney General of Oklahoma on federalism
3589 and perhaps appropriately so for local and state control over
3590 suits against the EPA. Yet, it appears to me that your
3591 directive supplants local control and that it would give you
3592 as Administrator final decision-making authority over the
3593 protection of streams, ponds, and wetlands under the Clean
3594 Water Act.

3595 I would be interested in your views. It impresses me
3596 that your views may have changed, Administrator, now that you
3597 are the Administrator, from your position as Attorney General
3598 of Oklahoma.

3599 Mr. Pruitt. They haven't changed with respect to the
3600 collaboration with the states in that regard. I think what
3601 you are referring to is a decision to bring that delegation
3602 back from the regions. And what we have seen, Congressman,
3603 is a great variation, inconsistency from one region to
3604 another with respect to the issues that you have described.

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3605 And so this is an effort at the Agency to get uniformity and
3606 to get consistency across the regions. Collaboration,
3607 consultation will continue both at the regions and with the
3608 states.

3609 Mr. Lance. Thank you. I end my questioning by saying
3610 that I am concerned about what I believe is overspending. I
3611 am particularly concerned about the secure location. It is
3612 my judgment that that was not needed and that is the judgment
3613 certainly of at least one of your predecessors, a constituent
3614 of mine, Christine Todd Whitman.

3615 Mr. Pruitt. And, Congressman, I agree with your
3616 statement. I believe that that was an amount of money that
3617 should not have been spent and was never authorized by
3618 myself.

3619 Mr. Shimkus. The gentleman's time is expired.

3620 Mr. Lance. Thank you very much, Mr. Chairman.

3621 Mr. Shimkus. The chair recognizes the gentlelady from
3622 Illinois, Ms. Schakowsky, for 5 minutes.

3623 Ms. Schakowsky. Thank you. I would like to thank the
3624 chair and ranking member for allowing me, a member of the
3625 committee but not this subcommittee, to be here today.

3626 There is a lot of interest, Secretary Pruitt, in your

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3627 testimony. And I also have been troubled by certain
3628 behaviors. And it has been reported that your decision to
3629 abandon the planned fuel efficiency standards was heavily
3630 influenced by Samantha, is it Dravis or Dravis, one of the
3631 employees you brought with you from Oklahoma who is now under
3632 investigation for receiving a salary from taxpayers despite
3633 not coming to work for 3 months. You personally brought Ms.
3634 Dravis on the job at EPA when you became Administrator. Is
3635 that correct?

3636 Mr. Pruitt. She is not from Oklahoma, and yes, she came
3637 in upon the start of our administration. And are you
3638 referring to the midterm evaluation, the decision reached on
3639 the midterm evaluation?

3640 Ms. Schakowsky. I am going to continue with my
3641 questions and maybe I will get to that. She was hired using
3642 the same Safe Drinking Water Act authority that was used to
3643 give unapproved raises to other staff that you did bring from
3644 Oklahoma. Is that correct?

3645 Mr. Pruitt. I am not aware if she was hired under that
3646 Safe Drinking Water Act authority. There is authority on the
3647 Safe Drinking Water Act to administratively determine certain
3648 individuals. It is legal, authorized, it has been used by

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3649 previous Administrators and it could have been used in that
3650 instance. I am just not aware.

3651 Ms. Schakowsky. How much was Samantha Dravis paid for
3652 the 3 months during which she did not report to work?

3653 Mr. Pruitt. Well, I am not aware. There is a pending
3654 investigation, as you have indicated, review of that and I am
3655 not aware that she did or did not appear for work. So that
3656 is something that is being reviewed at this point.

3657 Ms. Schakowsky. Senator Carper has stated on the basis
3658 of information, I believe, from a whistleblower, has stated
3659 that he worked with you on a deal to preserve fuel efficiency
3660 standards. He has said that you abandoned that deal at the
3661 urging of Samantha Dravis. Did Samantha Dravis urge you to
3662 abandon the potential deal with Senator Carper?

3663 Mr. Pruitt. I am just not aware. I don't know if you
3664 are speaking of the midterm evaluation or another issue. I
3665 just don't, I am not sure what you are asking.

3666 Ms. Schakowsky. Well, regardless of what the source of
3667 the -- I mean these are pretty straightforward questions
3668 about her and the 3 months that she -- are you contesting
3669 that she did not work for 3 months?

3670 Mr. Pruitt. No, I am not speaking to that at all. I am

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3671 not --

3672 Ms. Schakowsky. So I don't know what your point is
3673 about asking where it came from. I am asking if she worked
3674 for 3 months without any -- she did not work for 3 months,
3675 with pay.

3676 Mr. Pruitt. But your question was about fuel efficiency
3677 and I am not entirely sure what the question was with respect
3678 to her influence in that regard. So that is what I was
3679 trying to determine, what area you were talking about. I am
3680 not aware of --

3681 Ms. Schakowsky. Okay.

3682 Mr. Pruitt. I will just say it to you this way, I am
3683 not aware of any decision around fuel efficiency, CAFÉ or
3684 otherwise, was an influence in that way.

3685 Ms. Schakowsky. Are you aware that she was paid and did
3686 not work for 3 months?

3687 Mr. Pruitt. I am not aware of any, I know it is under
3688 review at this point and those facts will bear out.

3689 Ms. Schakowsky. I wanted to ask you also, I have a
3690 little time left, about your vehicles. At the same time that
3691 the EPA has moved to increase fuel costs for American
3692 households, you have reportedly asked taxpayers to cover the

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3693 cost of a luxury SUV for your use. Is it true that as
3694 Administrator you upgraded from a Chevy Tahoe, which I know
3695 your predecessor used, to a Chevy Suburban with leather
3696 interior and other luxury features?

3697 Mr. Pruitt. As I understand it, the decisions to add a
3698 vehicle to the fleet was something that was in process prior
3699 and they asked for input about the vehicle, that I did not
3700 give direction to start that process or end that process,
3701 they just asked for consultation.

3702 Ms. Schakowsky. It isn't the first time in public
3703 service that you have upgraded your official vehicle. As
3704 Oklahoma Attorney General you upgraded to a big, black SUV
3705 when your predecessor used a sedan. Is that correct?

3706 Mr. Pruitt. The sedan was something that went out of
3707 service and we had to replace that with an SUV, yes.

3708 Ms. Schakowsky. You had to replace it with an SUV?

3709 Mr. Pruitt. There was a replacement that occurred
3710 because of the other one coming out of service.

3711 Ms. Schakowsky. So it is not just that it had to be
3712 replaced. It had to be replaced with a bigger, less fuel
3713 efficient and larger, more expensive car. So it just seems
3714 to me that this pattern that we have been hearing today of

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3715 behavior --

3716 Mr. Shimkus. The gentlelady's time --

3717 Ms. Schakowsky. -- is very concerning. And I thank
3718 you for your answers.

3719 Mr. Shimkus. The gentlelady's time is expired. The
3720 chair recognizes the gentleman from southwest Missouri, Mr.
3721 Long, for 5 minutes.

3722 Mr. Long. Thank you, Mr. Chairman, and thank you,
3723 Administrator Pruitt, for being here today. And I think that
3724 it has been well established today that you have the most
3725 famous cone of silence since Agent 86.

3726 But that is not where my questioning is going to go
3727 today. I have a 30-year career, had a 30-year career as a
3728 real estate broker before I came here and part of being a
3729 real estate broker, it was very important to people the
3730 energy efficiency of their homes. And when they were looking
3731 for a new home they looked at that Energy Star certified
3732 program, things that complied with that. In your testimony
3733 you talk about the Energy Star program and how it helps
3734 businesses and consumers save money by reducing their energy
3735 use. The Energy Star program provides consumers with
3736 accurate information about what products and systems deliver

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3737 high quality energy savings, as you know.

3738 I am wondering if you can talk about the process
3739 involved with updating the Energy Star standards to include
3740 the most innovative and up-to-date technologies such as high
3741 performance HVAC systems which can outperform current Energy
3742 Star-approved equipment.

3743 Mr. Pruitt. Well, the program to which you refer,
3744 Congressman, has been extremely successful from the public-
3745 private partnership and there is actually a rulemaking
3746 schedule that will occur in January of next year, as I
3747 understand, to establish fees that will, you know, support
3748 that program. I think the concern has been just the long-
3749 term stability and viability of the program. So we are in
3750 the process now of preparing for that and it is something we
3751 are committed to and I think it has been very successful.

3752 Mr. Long. Okay. I think that it is important to both
3753 the regulating community and the public that the government
3754 speak with one consistent voice. I know from experience, you
3755 talk to people, if they call an IRS office they may call 7
3756 different days and get eight different answers and depending
3757 on which office they call. What are your plans for ensuring
3758 the EPA's policy positions are implemented consistently

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3759 across government including the EPA headquarters and the EPA
3760 regional offices in litigation and enforcement? And I was
3761 just using IRS as an example because that is somewhere a lot
3762 of people get a lot of different answers, so for the EPA.

3763 Mr. Pruitt. It is a very important question because we
3764 have ten regions across the country and what we have seen
3765 from a compliance and assistance prospective, enforcement,
3766 permitting, many, many issues, a great inconsistency. And so
3767 we are in the process of going through a Lean program at the
3768 Agency evaluating metrics.

3769 Mr. Long. I am sorry, what program?

3770 Mr. Pruitt. It is a management program to ensure that
3771 we are committed to metrics.

3772 Mr. Long. What did you call it? What was the --

3773 Mr. Pruitt. It is Lean.

3774 Mr. Long. Lean, okay.

3775 Mr. Pruitt. Yes. It is a private, but I have a person,
3776 a COO that is dedicated to ensuring that we are setting
3777 metrics objectives at each of the regions and that there is
3778 verticality, uniformity from headquarters to the regions and
3779 across the country to ensure on compliance, assistance,
3780 permitting, all these various issues that we don't see this

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3781 dispersion and great variety.

3782 Mr. Long. On these EPA proposed rule revisions which
3783 recognize the importance of the states overseeing the
3784 implementation of the program regulating coal combustion
3785 residuals, I believe that oversight is critical. Has your
3786 agency given more thought to adjusting deadlines imposed
3787 under the existing federal rules so the states have time to
3788 get their programs developed and approved by the EPA?

3789 Mr. Pruitt. There has been consideration of that yes,
3790 and I think you make a great point about the timeline that
3791 states need to develop their own programs. We provide a
3792 guidance in that regard to the states, but they need time to
3793 adopt and implement those programs. And so both are very
3794 important trying to address the impending deadlines but also
3795 work with the states to achieve the startup of their
3796 programs.

3797 Mr. Long. With Oklahoma being a neighbor to Missouri, I
3798 am sure that you know that electric power providers in
3799 Missouri rely on a balanced portfolio of energy inputs
3800 including a large amount of coal for our energy. Is it still
3801 your plan to undertake a timely repeal of the carbon
3802 regulations for power plants?

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3803 Mr. Pruitt. If you are referring to the Clean Power
3804 Plan of the previous administration, you know, that is in the
3805 marketplace today, yes.

3806 Mr. Long. Okay. And those regulations were dependent
3807 on the last EPA's official finding that carbon endangers the
3808 environment. Is EPA planning on revisiting that endangerment
3809 finding also?

3810 Mr. Pruitt. You know, our focus has been in the Clean
3811 Power Plan and addressing that from a rulemaking perspective.
3812 So that has been our focus today.

3813 Mr. Long. Okay. And Mr. Chairman, I yield back.

3814 Mr. Shimkus. The gentleman yields back his time. The
3815 chair recognizes the gentleman from North Carolina, Mr.
3816 Butterfield, for 5 minutes.

3817 Mr. Butterfield. Thank you very much, Mr. Chairman.

3818 Mr. Administrator, I have been listening to your
3819 testimony here in the committee room, and back in my office I
3820 have been watching it very constantly on television. And I
3821 must tell you this is very disturbing what I am hearing
3822 today. One of the most alarming aspects that I have heard
3823 concerns your expenditures. I am going to call them your
3824 outlandish expenditures on security.

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3825 And what is even more alarming to me is the fact that
3826 there has been an obvious practice of retaliation against EPA
3827 employees who question your spending. And you are a lawyer,
3828 I read your bio. You have been a civil servant for many
3829 years and you have done a lot of great things. You must
3830 certainly know that whistleblower protections are essential
3831 to ensuring fairness and good government. But according to
3832 press accounts, five EPA staff members were fired or
3833 reassigned after questioning your spending or advising you
3834 that you need to notify Congress of expenditures over \$5,000.

3835 Now the nonpartisan GAO office has now validated those
3836 employees finding that you broke the law. That is not the
3837 Democrats or any other political group. That is the
3838 nonpartisan Government Accountability Office has now
3839 validated those employees, finding that you broke the law in
3840 failing to notify the Congress. Now do you intend to hold
3841 yourself or your staff accountable for this action?

3842 Mr. Pruitt. First, I want to say I know of no
3843 instances, Congressman, where a decision has been made on
3844 employment status related to spending or any recommendations
3845 regarding spending. I have said that earlier and I will say
3846 it again to you now.

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3847 With respect to the accountability --

3848 Mr. Butterfield. But my point is notifying Congress.

3849 Mr. Pruitt. That is an issue that I have addressed
3850 already a couple of times here. Office of General Counsel,
3851 career individuals at the Agency advised those folks going
3852 through the expenditure process that they did not need to
3853 notify Congress. GAO came out recently and said otherwise.
3854 That notification has taken place. Those individuals, those
3855 career individuals that made the decision on that expenditure
3856 were following the advice in counsel and the direction of
3857 what they knew to be right at the time.

3858 Mr. Butterfield. So it is your position that you had no
3859 responsibility to notify Congress of these expenditures?

3860 Mr. Pruitt. No, I believe that the decision has been
3861 remedied and it should have been done at the beginning. But
3862 it was not done and the question is as they made those
3863 decisions who guided that and it was career individuals at
3864 the Agency.

3865 Mr. Butterfield. I was further alarmed that the pattern
3866 was extended to the head of the Office of Homeland Security
3867 at EPA who signed off on a February memo finding that you did
3868 not face direct death threats. That person was removed from

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3869 his role, I am told, the day that the Senate Democrats
3870 revealed the existence of the memo. The timing of the move
3871 clearly suggests an effort to intimidate, in my opinion, and
3872 to deter staff who might share their concerns with Congress.
3873 Any truth to that?

3874 Mr. Pruitt. And I think Donna Vizian at the office who
3875 heads our Human Resources area would say the contrary to
3876 that. The reference I made earlier to a previous question
3877 about Inspector General and their actual recitations of
3878 threats I can provide to you, Congressman. The person to
3879 whom you refer does not have all the information with respect
3880 to the collection of threats.

3881 Mr. Butterfield. Let me take you to question 2, I am
3882 running out of time. Last month you moved to weaken
3883 protections from toxic coal ash which poses serious risks to
3884 human health and the environment. I had a coal ash spill in
3885 my state of North Carolina and they are still mitigating that
3886 damage. The spill that occurred in Kingston, Tennessee
3887 caused 30 premature deaths, 200 serious illnesses among
3888 workers who cleaned up the spill.

3889 Amazingly, you have proposed weakening the protections
3890 despite the hard science proving the dangers caused by the

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3891 spills. This is unacceptable. Were you aware of these
3892 severe worker impacts when you proposed weakening the coal
3893 ash rule?

3894 Mr. Pruitt. The specific examples that you refer to,
3895 no, I was not aware of those specific examples.

3896 Mr. Butterfield. Last January you delayed the essential
3897 protections for farm workers from dangerous pesticides,
3898 including delaying protections for minors. That delay has
3899 now been thrown out. My staff says thrown out. You and I as
3900 lawyers, I guess we would call it something different,
3901 dismissed by the courts. Is that true or not true?

3902 Mr. Pruitt. No, it is my understanding that there is a
3903 proposal to deal with those age requirements that are being
3904 considered but there has not been any final action on that.
3905 States, as you know, have age requirements as well and we are
3906 contemplating in that process whether those age requirements
3907 should be deferred to in this process. But I am not aware of
3908 it being final at this point, Congressman.

3909 Mr. Butterfield. Well, let me thank you for your
3910 testimony. I have listened to as much as I could today and
3911 again I say I am very disappointed with your record at the
3912 Agency. It is not commensurate with your record over many,

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3913 many years in other capacities and your lack of concern for
3914 workers is what concerns me most of all. You have wasted
3915 taxpayer money. You --

3916 Mr. Shimkus. The gentleman's time has expired. The
3917 chair recognizes the gentleman from Florida, Mr. Bilirakis,
3918 for 5 minutes.

3919 Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate
3920 it. And thank you for allowing me to sit on this
3921 subcommittee. Of course as you know I sit on the full
3922 committee.

3923 Administrator Pruitt, I want to talk about the
3924 environmental review and approval process for local projects.
3925 With the significant portion of my constituents living on
3926 Florida's west coast, I am always concerned about hurricanes
3927 as you can understand as well as flooding. However, our area
3928 only has two evacuation routes to move residents inland
3929 during an emergency. To alleviate this problem, the Pasco
3930 County government initiated the Ridge Road Extension Project
3931 to create a third evacuation route, but you know they have
3932 been working on this since 1997. Can you believe that?
3933 Since 1997, for over 20 years, the county has been treading
3934 through regulations, filling out forms, and meeting with

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3935 federal officials to get this public safety project up and
3936 running. Okay, so we are talking about again a public safety
3937 project we need to save lives, God forbid we had a disaster.

3938 So while they have met with some recent success, and I
3939 have been working to help them out, the project still has not
3940 received final approval. Administrator Pruitt, what has the
3941 Agency done under your leadership to streamline the review of
3942 projects particularly when they involve public safety where
3943 lives could be on the line, in this case they definitely are
3944 on the line, and is permitting improvements something that
3945 your EPA workforce assessment, are they addressing these
3946 issues?

3947 Mr. Pruitt. It is absolutely a priority. In fact, we
3948 began an effort last year before we arrived at the Agency.
3949 They didn't know how long it took to actually go through the
3950 permitting process, in fact I asked that question upon
3951 arrival to give me an idea about the length that it took for
3952 permitting and they didn't know the answer. So we have
3953 evaluated that data. And I know this won't surprise you but
3954 it takes a long time. You have already cited your example.

3955 And so by the end of 2018 we are making changes internal
3956 to the Agency. The decision that we make on permits up or

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3957 down will occur within 6 months starting in January of '19.
3958 So that is the effort that we are engaged in. But as you
3959 know this is an interagency approach as well and we are
3960 collaborating with the Corps of Engineers around some of
3961 these issues in making sure that we have consistency in
3962 working with them.

3963 Mr. Bilirakis. Okay, so you say within 6 months
3964 beginning in 2019?

3965 Mr. Pruitt. At the end of this year we will have a plan
3966 in place to execute upon as we begin January of '19.

3967 Mr. Bilirakis. Okay. On the same point, the President
3968 released an infrastructure plan, of course as you know, which
3969 included sections on permitting improvement. One of the
3970 proposals is that one agency, one decision. Is that what you
3971 are referring to, environmental review structure? Another is
3972 allowing for localities to complete a single environmental
3973 review document for a project. Are these things that you
3974 could support?

3975 Mr. Pruitt. I do support and I think these are great
3976 recommendations that have been made as part of the
3977 infrastructure package the President and something I hope
3978 Congress adopts. But whether it is adopted or not, we are

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3979 advancing this 6-month review process internal to the Agency.

3980 Mr. Bilirakis. Okay. As far as, you know, there are a
3981 lot of local governments that can't afford to hire high
3982 priced consultants, as you know. So this is very, very
3983 important to them and they shouldn't be penalized because
3984 they can't afford to hire these high priced consultants. You
3985 know, in my area over the years they have spent a lot of
3986 money on this project and but I am sure that there are
3987 examples all over the country where it has taken many, many
3988 years. So I appreciate you working with me on this and
3989 hopefully we get approval soon.

3990 Mr. Pruitt. Thanks, Congressman.

3991 Mr. Bilirakis. I thank you very much and I yield back.

3992 Mr. Shimkus. The gentleman yields back his time. The
3993 chair recognizes the gentlelady from Florida, Representative
3994 Castor, for 5 minutes.

3995 Ms. Castor. Well, thank you, Chairman Shimkus, for
3996 allowing me to participate in the hearing today.

3997 Mr. Pruitt, your pattern of unethical conduct and
3998 conflicts of interest are now very well known, but I am very
3999 troubled by your failure to take personal responsibility for
4000 your actions. You simply dismissed all of the ethical lapses

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4001 at the beginning of your testimony as troubling media reports
4002 so I think that is a failure in leadership.

4003 But the point I want to make today is that those costs,
4004 your wasteful spending, those costs pale in comparison to the
4005 damage you are doing to the health of American families and
4006 the assault on our clean air and clean water protections, our
4007 protections against dangerous chemicals and pesticides. Mr.
4008 Pallone highlighted the issue of the dangerous paint
4009 stripper, methylene chloride, at the beginning, that is known
4010 to have caused over 50 deaths and yet the EPA under your
4011 administration now has, you say we are stalled, we don't have
4012 a final decision, but in essence you have turned a blind eye
4013 to those families.

4014 There is also the case of chlorpyrifos which is a
4015 dangerous nerve agent. It is in the same chemical class as
4016 sarin. There was a recommendation by EPA scientists when you
4017 came in, in fact the last administration had said we are
4018 going to propose very significant restrictions especially to
4019 protect babies, children, young people under 18. You came in
4020 and turned that around. You said oh, well this, well it is
4021 not final.

4022 But you have set a pattern here. America's

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4023 pediatricians are outraged. Public health advocates are
4024 outraged and so am I, because we are talking about the
4025 development of brain in babies and children. We are talking
4026 about not just children that might be in farmlands, but they
4027 live and work or they live and play in those areas. There
4028 were a lot of kids in the audience today and parents who care
4029 about this a great deal. It is Take Your Child to Work Day.
4030 That was good to have them in here.

4031 So my first question is why are corporate polluter
4032 profits more important to you than the health of families and
4033 children?

4034 Mr. Pruitt. Well, on the issue that Ranking Member
4035 Pallone brought up and this issue that you have raised, I
4036 would ask you not to jump to conclusions that there is a
4037 final process there. As you know, the previous
4038 administration --

4039 Ms. Castor. But there is a pattern. There is a
4040 pattern. And --

4041 Mr. Pruitt. I am trying to respond.

4042 Ms. Castor. And, you know, your actions belie what you
4043 say when your EPA scientists and public health advocates and
4044 pediatricians all say here is the ban and you come into

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4045 office and time and time and time again you are siding with
4046 the special interests and not with the public.

4047 Mr. Pruitt. Yet that solvent that you are referring to
4048 is actually one of the ten priority chemicals that we are
4049 reviewing under TSCA that you authorized. And so we are --

4050 Ms. Castor. You are right. And that was a
4051 recommendation that was the action of this committee and you
4052 have set the pattern. And, really, whatever you could say
4053 today, I think people need to look at your actions rather
4054 than your rhetoric.

4055 But in addition to your failure to take any
4056 responsibility, I have to say that I am disappointed in a lot
4057 of my colleagues on the other side of the aisle that have let
4058 the Administrator off the hook today by barely asking any
4059 tough questions. There were a few exceptions and my hat is
4060 off to them. Maybe they are trying to save his job because
4061 they are worried if he doesn't perform well today he could be
4062 fired.

4063 Several congressional Republicans have already publicly
4064 called for your firing, but unfortunately not on this
4065 committee. Either way it is embarrassing that most of the
4066 Republicans refuse to take this committee's oversight

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4067 responsibility seriously and hold you accountable. They
4068 claim to have requested documents from the administration
4069 regarding Administrator Pruitt's misconduct and conflicts of
4070 interest, but there is no evidence of any investigation.

4071 Meanwhile, the Democrats on this committee, we have sent
4072 numerous inquiries to EPA, the Office of Inspector General,
4073 the GAO, the Office of Special Counsel, and some of those
4074 have borne out and you have been found in violation of the
4075 law. Unfortunately, we have yet to see any real effort from
4076 my colleagues on the other side of the aisle.

4077 So I have been keeping a list today as well, Mr.
4078 Administrator, of the unanswered questions because you often
4079 say it is not final, we are looking at this, the jury is out.
4080 But you failed to give direct responses on a number of
4081 questions.

4082 So, Mr. Chairman, I would like to submit this list for
4083 the record of the endless string of questions that
4084 Administrator Pruitt has not answered today.

4085 Mr. Shimkus. Let us look at that. Pass it over here,
4086 please.

4087 Ms. Castor. Will do.

4088 And finally close out by saying --

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4089 Mr. Shimkus. The gentlelady's time has expired.

4090 Ms. Castor. -- Mr. Pruitt, you violated --

4091 Mr. Shimkus. The gentlelady's time has expired. The
4092 chair recognizes the gentleman from Maryland for 5 minutes.

4093 Mr. Sarbanes. Thank you, Mr. Chairman.

4094 Thank you for being here, Mr. Pruitt. I have been
4095 watching you during the hearing and you certainly have the
4096 bearing of a man who thinks he is untouchable. I don't know
4097 if that is true or not, but I would be careful of that
4098 because I don't think Americans go for that and in your
4099 position they just want you to protect their air. They want
4100 you to protect clean water and they want you to conserve the
4101 land.

4102 As has been said by many of my colleagues, EPA under
4103 your tenure has been cloaked in secrecy and swamped with
4104 ongoing legal and ethical failures. You have refused to
4105 release detailed information from your calendar, often
4106 provide no advanced notice of where you are going to be,
4107 agency career staff we are told have been instructed not to
4108 take notes or carry their cell phones, and this level of
4109 secrecy has forced a lot of citizens to take the avenue of
4110 filing Freedom of Information Act requests. I understand

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4111 that EPA political leadership has added a new layer of so-
4112 called awareness reviews to those requests which can delay
4113 the release of information to the public and also limit the
4114 amount of information redacted in the responses.

4115 Are you aware that your political appointees are
4116 conducting these reviews before information is released to
4117 the public, yes or no?

4118 Mr. Pruitt. First, let me say that there has been no
4119 instruction not to take notes or to carry phones. That is
4120 simply fabricated. With respect to the process you are
4121 referring to, the FOIA process is governed by statute. And -
4122 -

4123 Mr. Sarbanes. But you have set up these political
4124 appointees to do reviews, are you aware of that?

4125 Mr. Pruitt. The Office of General Counsel is conducting
4126 FOIA reviews.

4127 Mr. Sarbanes. Okay, all right. You are not aware of
4128 that. I am going to move on because as you know we are
4129 limited here. But if that was done that is a pretty clever
4130 move. We wrote to you last year with concerns about Carl
4131 Icahn's role as special advisor on regulations, potential
4132 conflict of interest due to his financial holdings and

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4133 outspoken positions on the Renewable Fuel Standards programs.
4134 So here we are a year later, the EPA's implementation of the
4135 RFS programs, specifically the small refinery waiver
4136 provision, is under fire from both farmers and refiners.

4137 My colleague Mr. Green raised the issue of secret
4138 waivers. I want to build on that a little bit. I want to
4139 know about CVR Energy in which Carl Icahn owns a majority
4140 stake. Administrator Pruitt, you met with representatives
4141 from Carl Icahn's company, CVR Energy, in June of 2017. Is
4142 that correct?

4143 Mr. Pruitt. If that is what the calendar represents.

4144 Mr. Sarbanes. Okay. Did Carl Icahn's company apply for
4145 a waiver from ethanol blending requirements for any of its
4146 refining facilities?

4147 Mr. Pruitt. I am unsure.

4148 Mr. Sarbanes. Okay. We will look at the record for
4149 that. And did Carl Icahn's company receive a waiver for any
4150 of its refining facilities?

4151 Mr. Pruitt. These exemptions are governed by statute as
4152 you know.

4153 Mr. Sarbanes. Okay. Well, you are going to find that
4154 out for us and we appreciate your following up because that

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4155 is important to know because it raises serious questions
4156 about conflicts of interest. I have had the privilege of
4157 chairing here in the Congress the Democracy Reform Task
4158 Force. We have been trying to keep up with the ethical
4159 lapses of the Trump administration, which I will tell you is
4160 kind of a full-time job, and you certainly have been at the
4161 center of some of that focus. To date, five independent
4162 federal investigations have been initiated at this
4163 committee's request and more than eight independent federal
4164 reviews are currently underway with respect to your office.

4165 Yesterday, the Democracy Reform Task Force released
4166 another report in a series that is looking at failures and
4167 ethical lapses within the Trump administration. This one was
4168 detailing your wasteful spending and favors for your friends.
4169 It put the interests of dirty polluters ahead of the American
4170 people. So this is now available for people to take a look
4171 at. It goes through the litany of ethical violations that
4172 have come to characterize and be the hallmark of your time in
4173 office.

4174 You have really become, I mean it is sad to say it, but
4175 you have become in many respects, and you ought to take this
4176 to heart as somebody who holds an office in the public trust,

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4177 you are wearing that mantle today that office of public trust
4178 as head of the EPA, something people care deeply about. If
4179 you are going to wear that mantle you have to exercise the
4180 office with attention to the public interest and not to
4181 private interest.

4182 But, unfortunately, you have become the poster child for
4183 the abuse of public trust and this goes back a long way. You
4184 brought your way of approaching these public offices to the
4185 EPA and it has undermined the credibility of that
4186 organization. But it is a hallmark of the Trump
4187 administration and we are going to continue to demand answers
4188 and we are going to continue to hold you accountable in every
4189 hearing that you choose to be up here.

4190 I give you credit for coming today, but we are going to
4191 continue to hold you accountable for the dereliction of duty
4192 that we see. With that I yield back my time.

4193 Mr. Shimkus. The gentleman's time has expired. The
4194 chair recognizes the gentleman from Vermont for 5 minutes,
4195 Mr. Welch.

4196 Mr. Welch. Thank you, Mr. Chairman. Mr. Chairman, you,
4197 with Mr. Flores and I have been working on ethanol.

4198 Mr. Pruitt, I have heard reports, read reports that as a

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4199 result of the pressure on Midwest ag in response to the
4200 retaliatory tariffs by China that there is a move by some to
4201 increase ethanol usage. Can you comment on that very
4202 briefly?

4203 Mr. Pruitt. Well, are you referring to the RVP waiver?

4204 Mr. Welch. That is correct.

4205 Mr. Pruitt. Yes. We have been actively evaluating the
4206 legal authority under the statute to grant the RVP waiver for
4207 the last several months. And the reason it is taking some
4208 time, Congressman, is because --

4209 Mr. Welch. I want to interrupt because actually what I
4210 am talking about, I appreciate the work on ethanol that my
4211 colleagues have done, but what is reported is that as a
4212 result of the tariffs that China is imposing on soybeans and
4213 grain that there is going to be a concession from the Trump
4214 administration to go to E15, so I will just leave it there.

4215 I do want to ask you some questions along the lines of
4216 how you have been running your department. Is it the case
4217 that any of your predecessors, Republican or Democrat, who
4218 have had the high responsibility as Administrator of the EPA
4219 have had a 20-person security detail?

4220 Mr. Pruitt. I am unaware of previous considerations in

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4221 that regard.

4222 Mr. Welch. Is it not at all relevant to you what the
4223 precedents have been with Republican and Democratic
4224 administrators in the past?

4225 Mr. Pruitt. I am just not aware, Congressman, of
4226 processes prior to my time at the Agency on what was
4227 considered and what wasn't considered.

4228 Mr. Welch. All right. Did the taxpayers spend \$30,000
4229 for a security detail to accompany you on the trip to
4230 Disneyland?

4231 Mr. Pruitt. I am unsure about that. I mean we took --

4232 Mr. Welch. That is knowable.

4233 Mr. Pruitt. Yes. The records show that.

4234 Mr. Welch. All right. So you can determine this. It
4235 is not like secret stuff.

4236 Mr. Pruitt. The detail, the law enforcement make those
4237 determinations on what type of security should be provided,
4238 whether --

4239 Mr. Welch. You know, I have been listening to a lot of
4240 the answers and the answers are somebody else knows it, and
4241 it really is starting to seem like there is something on your
4242 desk with a motto that says the buck stops nowhere, and you

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4243 are the guy who is in charge.

4244 Mr. Pruitt. Yet, Congressman, I have made decisions to
4245 switch and make sure, make changes from first class back to
4246 coach. I rescinded the pay raises to those individuals.

4247 Mr. Welch. No, I get it.

4248 Mr. Pruitt. In fact that has happened.

4249 Mr. Welch. Let me ask you just about this phone booth
4250 because it is a metaphor. Are you aware that at the EPA
4251 headquarters there are two secure facilities where private
4252 phone calls could be secure?

4253 Mr. Pruitt. And again I didn't request a SCIF. I
4254 requested a secure communication that was not accessible to
4255 my office and --

4256 Mr. Welch. I understand that. But you are the boss.
4257 So you tell your folks that you want a secure way of
4258 communicating, reasonable request, they are going to
4259 accommodate it. The boss is the one who has to make certain
4260 that it is a reasonable imposition on taxpayers, or do you
4261 disagree with that?

4262 Mr. Pruitt. And in this instance the process failed.
4263 As I indicated in my opening statement, those processes will
4264 be changed going forward.

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4265 Mr. Welch. Did you ask the question -- here is the
4266 question that I think a lot of people would ask, Republican
4267 or Democrat, how can I make a secure phone call, and the
4268 answer would be well, Mr. Pruitt, there happens to be two
4269 places in this building right close to your office where you
4270 can do that. Had you asked that --

4271 Mr. Pruitt. They are not right close to my office.

4272 Mr. Welch. Pardon me?

4273 Mr. Pruitt. They are not right close to my office.

4274 Mr. Welch. Well, how often do you have to use your
4275 secret phone booth?

4276 Mr. Pruitt. It is for confidential communications and
4277 it is rare.

4278 Mr. Welch. Okay. So on those rare occasions is it too
4279 much to ask you to walk whatever distance it takes for you to
4280 get to that secure line?

4281 Mr. Pruitt. I guess it depends on the nature of the
4282 call and how urgent the call is.

4283 Mr. Welch. The point is that you have two locations
4284 that you can go to when you have to make those rare secure
4285 phone calls. This is taxpayer money. It is taxpayer money.
4286 Let me ask you this. Did you have installed or were there

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4287 installed biometric locks on your office?

4288 Mr. Pruitt. There were problems with locks on two of
4289 the three doors and changes were made to those locks. No
4290 instruction was given for biometric locks, but that was a
4291 decision made by those individuals.

4292 Mr. Welch. So these things just happen.

4293 Mr. Pruitt. There was a process at the Agency in that
4294 regard and there was an evaluation.

4295 Mr. Welch. Well, what is a biometric lock?

4296 Mr. Pruitt. I am not entirely sure.

4297 Mr. Welch. So do you know, is it the case you don't
4298 know how to open your door?

4299 Mr. Pruitt. I just know how to put a code in. Excuse
4300 me?

4301 Mr. Welch. No, seriously. What is a biometric lock?

4302 Mr. Pruitt. I don't know. I just put a code in.

4303 Mr. Welch. A biometric lock, it responds as I
4304 understand it to like fingerprints or some other, your eyes,
4305 some physical characteristic.

4306 Mr. Pruitt. That is my understanding as well.

4307 Mr. Welch. All right, so you have them, right?

4308 Mr. Pruitt. Those are on, those have been added to the

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4309 office, yes.

4310 Mr. Welch. Why?

4311 Mr. Shimkus. The gentleman's time has expired. The
4312 chair recognizes the gentleman from Iowa for 5 minutes, Mr.
4313 Loeb sack.

4314 Mr. Loeb sack. Thank you, Mr. Chairman. Thank you for
4315 allowing me to waive on to this subcommittee. I do
4316 appreciate that.

4317 Mr. Pruitt, I share a lot of the concerns my colleagues
4318 have voiced today on the ethics front, but I am actually here
4319 to talk about an issue that as you might imagine I am from
4320 Iowa so of utmost importance to my state, to my district.
4321 During your confirmation process you stated that you would
4322 work to uphold the Renewable Fuel Standard and over the last
4323 2 years President Trump has pledged on numerous occasions to
4324 support the RFS, in fact time and time again he has pledged
4325 to support it. However, over the last several weeks,
4326 information has been revealed that makes me question that
4327 commitment as you might imagine.

4328 Various reports have indicated that the EPA has granted
4329 so-called economic hardship exemptions to numerous refiners
4330 who appear to be neither small nor financially distressed.

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4331 You know what the law says, it has to be 75,000 gallons or
4332 less to be granted that economic hardship waiver. I can tell
4333 you I have heard directly from my constituents, farmers and
4334 many others, and from farmers across the country who are
4335 extremely troubled by this action. And this comes at a
4336 particularly difficult time in farm country as you know when
4337 we have had low prices, we have seen farm income trending
4338 downward, and industry profits are soaring.

4339 I am extremely disappointed in the action as you might
4340 imagine and the lack of transparency and accountability in
4341 the process is also unacceptable. Under section 211 of the
4342 Clean Air Act, the EPA administrator is required to reassign
4343 gallons that are waived under the small refinery exemption to
4344 other obligated parties. Because this entire waiver process
4345 has happened, really, without any transparency whatsoever, I
4346 am disappointed, my constituents are disappointed, and we
4347 really have no idea whether those gallons have been
4348 reassigned as required by law.

4349 So my first question, Mr. Pruitt, yes or no, have you
4350 reassigned these gallons as required by law?

4351 Mr. Pruitt. It is my understanding that the process has
4352 happened as it is supposed to under the statute.

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4353 Mr. Loeb sack. Well, we are going to need that. And how
4354 do you plan to reassign then the gallons you waive for going
4355 forward for the 2019 RVO?

4356 Mr. Pruitt. And I do think your question is very
4357 important with respect to the volume obligation, Congressman.
4358 And when you think about the commitment of this
4359 administration to the RFS, the point of obligation was denied
4360 as you know. That was a big issue.

4361 Mr. Loeb sack. But that is not my point. I am talking
4362 about the waivers.

4363 Mr. Pruitt. No, I know. I understand.

4364 Mr. Loeb sack. And I would like to move on to my next
4365 question if I could. Yes or no, do you intend to inform this
4366 committee and the public about the details behind these
4367 waivers such as which refiners received a waiver?

4368 Mr. Pruitt. Subject to the confidential business
4369 information or other information that would be the only thing
4370 that would not be available.

4371 Mr. Loeb sack. Well, Mr. Pruitt, we just want to know
4372 who got these waivers, not why necessarily, and I can't
4373 understand why that would be considered confidential business
4374 information. Reports have indicated that 25 refiners

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4375 received waivers from their obligations. Is that number
4376 accurate?

4377 Mr. Pruitt. That was actually in 2017, I think. The
4378 applications are still pending in 2018.

4379 Mr. Loeb sack. What is the number at the moment?

4380 Mr. Pruitt. It is over that number for 2018, as I
4381 understand it.

4382 Mr. Loeb sack. Did you discuss these exemptions with the
4383 White House?

4384 Mr. Pruitt. There is ongoing discussions with the White
4385 House on various issues around the RFS program.

4386 Mr. Loeb sack. Who at the White House specifically was
4387 involved?

4388 Mr. Pruitt. I think the NEC in consultation with the
4389 Air Office.

4390 Mr. Loeb sack. Did you brief the President on these
4391 waivers?

4392 Mr. Pruitt. Well, as I indicated this was a dialogue
4393 amongst staff members, NEC and Air Office, at our shop. So.

4394 Mr. Loeb sack. Has anybody explained to the President
4395 the substantial impact that these waivers have on the ethanol
4396 industry? Some have estimated a billion gallons.

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4397 Mr. Pruitt. I am sure it has come up in many
4398 discussions.

4399 Mr. Loeb sack. And moving on, you told me and many
4400 others that EPA is studying whether it has the legal
4401 authority to grant the RVP waiver. That was the last time
4402 that I waived on to this committee and we talked about that
4403 issue. And that seems like it is taking quite a while as you
4404 might imagine for many of us in corn country, and with the
4405 President's recent remarks which were referenced here about
4406 his interest in year-around E15, I am wondering what the
4407 holdup is on this at this point.

4408 Mr. Pruitt. It is just trying to ensure that the legal
4409 basis is solid because there will be litigation that will
4410 ensue.

4411 Mr. Loeb sack. Well, do you plan to move forward and
4412 grant the RVP waiver and allow year-round sales of E15?

4413 Mr. Pruitt. I intend to finish that process very soon
4414 to make --

4415 Mr. Loeb sack. Yes. Hopefully, the sooner the better
4416 because this is something that obviously is very important
4417 not only to my state and my district, many folks around the
4418 country. So we are looking forward to that. And of course

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4419 refinery executives have called your action on the hardship
4420 waivers, to go back to that, quote, giving out trick or treat
4421 candy, unquote, to their industry. And I am here to tell you
4422 that farmers are very disappointed by this. They have been
4423 waiting for years for the E15 waiver year-around.

4424 And, Mr. Chairman, I think this program is in need of
4425 substantial oversight, the waiver program and certainly the
4426 E15 as well. And these actions I don't think can happen in
4427 secret. I know that was addressed earlier in this hearing.
4428 We need to make sure that these waivers are not abused as a
4429 financial windfall for special interests and I look forward
4430 to working with you, Mr. Chairman, on this further. And I
4431 yield back. Thank you very much.

4432 Mr. Shimkus. The gentleman yields back his time. The
4433 chair recognizes the gentleman from New Mexico, Mr. Lujan,
4434 for 5 minutes.

4435 Mr. Lujan. Thank you, Mr. Chairman.

4436 Administrator Pruitt, you seem to view the EPA budget as
4437 a personal slush fund, redirecting resources to your personal
4438 travel that should go to environmental protection. During
4439 your tenure you have spent more than \$160,000 on travel in
4440 first class, on private jets, and on military craft. Public

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4441 office is a public trust and I think flying coach is the
4442 least we can do to deserve that trust.

4443 My question for you is this. When you are paying for
4444 your own airfare with personal funds do you fly coach?

4445 Mr. Pruitt. I follow the security recommendations of my
4446 team when I pay for it personally as well.

4447 Mr. Lujan. Will you commit to reimbursing taxpayers for
4448 your luxury travel?

4449 Mr. Pruitt. You refer to it as luxury travel and the
4450 \$160,000 that you refer to pales in comparison to the
4451 previous administrations. I think you are referring to
4452 international travel. I took two international trips.
4453 Previous administrations took multiple trips and spent far
4454 more than that. These decisions about security detail, who
4455 attends and what they do to provide protection happened
4456 according to law enforcement recommendations and that is what
4457 I followed.

4458 Mr. Lujan. It has been recently reported by EPA ethics
4459 officials that on at least two personal trips you flew in
4460 coach on Southwest Airlines using a companion pass from Ken
4461 Wagner, your subordinate at the EPA. Clearly a plane ticket
4462 has more than nominal value. Are you aware that federal

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4463 ethics rules prohibit you from accepting gifts from
4464 subordinates?

4465 Mr. Pruitt. And that is not represented accurately what
4466 you said. We actually flew like carpooling. We shared costs
4467 from Oklahoma --

4468 Mr. Lujan. Did Ken Wagner give you the boarding pass?

4469 Mr. Pruitt. There was no gift whatsoever.

4470 Mr. Lujan. All right, well, I think that those ethics
4471 officials will continue to look into that.

4472 Mr. Pruitt, your travel since becoming administrator has
4473 taken you to Morocco, Italy, and to luxury resorts around the
4474 United States. We have even heard from Kevin, a political
4475 appointee who worked in your office that you told staffers
4476 to, quote, find me something to do, close quote, in order to
4477 schedule travel to your desired destinations. Unfortunately,
4478 it seems your desired destinations have rarely included low-
4479 income communities and communities of color facing serious
4480 environmental risks.

4481 The biggest problem with the pay-to-play system is that
4482 those most at risk are also the most unable to pay for your
4483 attention and concern. Of your extensive travel spending how
4484 much would you say you spend visiting low-income communities

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4485 and communities of color?

4486 Mr. Pruitt. I wouldn't consider East Chicago, which I
4487 have made trips there, I was in Region 5 recently this week,
4488 and San Jacinto in Houston as indicated earlier. The trip to
4489 Italy was a G7 trip occurring a week after the Paris
4490 decision. I was there for 4 days around the G7. There is a
4491 free trade agreement that is in existence in Morocco and the
4492 ambassador of Morocco invited me to Morocco to negotiate the
4493 environmental chapter on that free trade agreement. Both of
4494 those things are very important to the scope of our duties at
4495 the EPA.

4496 Mr. Lujan. Mr. Administrator, you have gone to great
4497 lengths to keep your calendar secret but what has come out is
4498 it is clear that most of your meetings and stakeholders have
4499 been with industry and not impacted communities. I think we
4500 can agree with that. Do you see the problem with granting
4501 greater access to polluting industries than impacted
4502 communities?

4503 Mr. Pruitt. I have met with stakeholders across the
4504 country on these issues, people that we regulate that their
4505 voices have not been heard for many years. Those farmers and
4506 ranchers that I have met with, they are our first

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4507 environmentalists and first conservationists.

4508 Mr. Lujan. Do you understand that you have a
4509 responsibility to protect the health and environment of low-
4510 income, minority, tribal, and indigenous communities?

4511 Mr. Pruitt. Absolutely.

4512 Mr. Lujan. Throughout your brief tenure as EPA
4513 Administrator you have directed significant policy changes
4514 made with disproportionately harm to low-income, minority,
4515 tribal, and indigenous communities. The repeal of the once
4516 in, always in policy mentioned by my colleague, Ms. Dingell,
4517 for example, the weakening of coal ash regulations is
4518 another. But Mr. Pruitt, today you repeatedly blamed your
4519 chief of staff, your chief counsel, career officials, and
4520 others. Yes or no, are you the EPA Administrator?

4521 Mr. Pruitt. I said that in my opening statement,
4522 Congressman. And I didn't blame anyone. I just simply
4523 shared facts with you as --

4524 Mr. Lujan. Mr. Administrator, it is just a simple yes
4525 or no question, sir. Are you the EPA Administrator?

4526 Mr. Pruitt. I said in my opening statement that I take
4527 responsibility. I have made changes historically and making
4528 changes going forward and I simply have not failed to take

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4529 responsibility. I have simply recited the facts of what has
4530 occurred.

4531 Mr. Lujan. It is a simple question, Mr. Pruitt. Are
4532 you the EPA Administrator?

4533 Mr. Pruitt. Yes.

4534 Mr. Lujan. Just to be clear, do you run the EPA?

4535 Mr. Pruitt. I do.

4536 Mr. Lujan. Yes or no, are you responsible for the many,
4537 many scandals plaguing the EPA?

4538 Mr. Pruitt. I have responded to many of those questions
4539 here today with facts and information.

4540 Mr. Lujan. Are you able to answer that in yes or no?

4541 Mr. Pruitt. That is not a yes or no answer,
4542 Congressman.

4543 Mr. Lujan. It is pretty simple that it is a yes or no
4544 answer here. There is clear concern with what has been
4545 happening not just by the entire Congress. And I appreciate
4546 you being here today, but these questions need to be asked
4547 and answered.

4548 Mr. Pruitt. And we have answered them today.

4549 Mr. Lujan. And you are not the only one that has been
4550 doing these ugly things, these horrific things, these

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4551 scandal-plagued things in this administration, and I hope
4552 this is one of many hearings that this committee will have so
4553 we can get to the bottom of this and make sure taxpayers are
4554 made whole.

4555 Mr. Shimkus. The gentleman's time has expired.

4556 Seeing there are no further members wishing to ask
4557 questions I would like to thank our witness for being here
4558 today. Before we conclude I would like to ask unanimous
4559 consent to submit the following documents for the record, I
4560 just want to make sure I get them all in, letter to the
4561 chairman and ranking member from Lauren Atkins; report from
4562 GAO on EPA's use of fiscal year 2017 appropriations; letter
4563 from the American Association for the Advancement of Science;
4564 Mr. Rush Holt; article from the Roanoke Times; questions from
4565 Ms. Castor; letter from the American Geophysical Union;
4566 letter from 985 scientists.

4567 In pursuant to committee rules, I remind members that
4568 they have 10 business days to submit additional questions for
4569 the record and I ask that witnesses submit their questions
4570 within 10 business days upon receipt of the questions.

4571 Without objection, the subcommittee is adjourned.

4572 [Whereupon, at 1:41 p.m., the subcommittee was adjourned.]