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6 THE FISCAL YEAR 2023 EPA BUDGET

7 TUESDAY, MAY 17, 2022

8 House of Representatives,

9 Subcommittee on Environment and Climate Change,

10 Committee on Energy and Commerce,

11 Washington, D.C.

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

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

24 Staff Present: Timia Crisp, Professional Staff Member;
25 Waverly Gordon, Deputy Staff Director and General Counsel;
26 Tiffany Guarascio, Staff Director; Anthony Gutierrez,
27 Professional Staff Member; Caitlin Haberman, Senior

28 Professional Staff Member; Perry Hamilton, Deputy Chief
29 Clerk; Zach Kahan, Deputy Director Outreach and Member
30 Service; Rick Kessler, Senior Advisor and Staff Director,
31 Energy and Environment; Mackenzie Kuhl, Press Assistant;
32 Brendan Larkin, Policy Coordinator; Elysa Montfort, Press
33 Secretary; Kaitlyn Peel, Digital Director; Chloe Rodriguez,
34 Clerk; Kylea Rogers, Staff Assistant; Rebecca Tomilchik,
35 Policy Analyst; Sarah Burke, Minority Deputy Staff Director;
36 Michael Cameron, Minority Policy Analyst, CPC, Energy,
37 Environment; Jerry Couri, Minority Deputy Chief Counsel for
38 Environment; Nate Hodson, Minority Staff Director; Peter
39 Kielty, Minority General Counsel; Emily King, Minority Member
40 Services Director; Mary Martin, Minority Chief Counsel,
41 Energy & Environment; Brandon Mooney, Minority Deputy Chief
42 Counsel for Energy; Olivia Shields, Minority Communications
43 Director; Peter Spencer, Minority Senior Professional Staff
44 Member, Energy; and Michael Taggart, Minority Policy
45 Director.

46

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

49 Today the subcommittee is holding a hearing entitled,
50 "The Fiscal Year 2023 EPA Budget.'`

51 Due to the COVID-19 public health emergency, members can
52 participate in today's hearing either in person or remotely,
53 via online video conferencing. In accordance with the
54 updated guidance issued by the attending physician, members,
55 staff, and members of the press present in the hearing room
56 are not required to wear a mask.

57 For members participating remotely, your microphones
58 will be set on mute for the purpose of eliminating
59 inadvertent background noise. Members participating remotely
60 will need to unmute their microphone each time you wish to
61 speak. Please note that, once you unmute your microphone,
62 anything that is said in Webex will be heard over the
63 loudspeakers in the room, and subject to be heard by the
64 livestream and C-SPAN.

65 Since members are participating from different locations
66 at today's hearing, all recognition of members, such as for
67 questions, will be in the order of subcommittee seniority.

68 Documents for the record can be sent to Rebecca
69 Tomilchik at the email address we have provided to staff, and
70 all documents will be entered into the record at the
71 conclusion of the hearing.

72 I now recognize myself for five minutes for an opening
73 statement.

74 Today we welcome EPA Administrator Michael Regan back to
75 the committee to examine the President's fiscal year 2023
76 budget requests.

77 Mr. Administrator, thank you for being here and for
78 accommodating the congressional schedule. We are expecting
79 at least one interruption this morning.

80 Last year at our hearing on the fiscal year 2022 budget
81 request I said EPA was in need of a reset. Before
82 Administrator Regan joined the agency I believe EPA suffered
83 from a shift away from its mission. In those preceding four
84 years EPA experienced the loss of some 1,000 employees.

85 After one year I am very pleased with the change of
86 direction of the agency under Mr. Regan's leadership. This
87 year's proposal includes \$11.9 billion, a \$2.3 billion
88 increase from fiscal year 2022 enacted levels. It supports a
89 wide range of national environmental and public health
90 priorities, including climate change, clean water, chemical
91 safety, and land remediation.

92 And of course, this request builds upon last year's
93 Bipartisan Infrastructure Law, which provided historic
94 funding for several key EPA programs. These funds are
95 already on their way to communities in need, which will
96 result in long-overdue investments in our water

97 infrastructure and the replacement of lead service lines.

98 The bill will support economic revitalization by
99 remediating Brownfield and Superfund sites and enable
100 American children to take a pollution-free ride to school on
101 zero-emission busses. These funds are going to improve
102 people's lives, reducing public health threats, while
103 creating jobs. It is truly a win-win.

104 But we must remember that the Bipartisan Infrastructure
105 Law was always intended to supplement, and not supplant,
106 EPA's annual funding. The proposal recognizes this by
107 requesting funds for the State Revolving Funds Brownfields
108 Program and other popular and successful programs that
109 received boosts last year.

110 I also wanted to recognize that, under the
111 administrator's leadership, EPA has centered its agenda
112 around environmental justice. I have seen this firsthand.
113 Administrator Regan joined me for a community meeting at the
114 Ezra Prentice Homes in Albany's South End neighborhood.

115 We thank you for that, Administrator. And you were very
116 well received.

117 We heard from community members that in the past their
118 interactions with politicians and environmental regulators
119 were often filled with lip service and, of course, empty
120 promises. I am proud that Administrator Regan, Region 2
121 Administrator Garcia, and the Region 2 staff have continued

122 to actively engage with this community, and I hope this will
123 result in community-driven solutions to the environmental and
124 public health threats facing the neighborhood.

125 I can attest that the commitment to environmental
126 justice is not just a line item in the budget. It is a
127 priority day in and day out for this EPA, resulting in EPA
128 staff and its leadership reaching into neighborhoods that
129 have not had that opportunity in the past.

130 So, Mr. Administrator, I want to say thank you for that,
131 and I hope we can continue to work together to get resources
132 into Albany's South End and the many other communities that
133 have suffered historic environmental injustices across the
134 country.

135 Now that we have invested in our country's environmental
136 infrastructure, it is time to invest in the EPA itself. We
137 cannot continue to expect the agency to do more with less.
138 Staffing remains at 1980s levels, even as we are expecting
139 the agency to effectively administer historic infrastructure
140 funding. And much of EPA's workforce is eligible for
141 retirement, or soon will be. We need to rebuild the agency's
142 staff capacity and attract that new, talented pool of people
143 to public service.

144 I was very happy to see the budget request includes over
145 1,900 new FTEs. I truly hope Congress will support this
146 request, which will not only benefit current employees, but

147 also set the agency up for success in the future.

148 Finally, it is critical that EPA builds upon the
149 Bipartisan Infrastructure Law by pursuing a complementary and
150 ambitious enforcement and regulatory agenda. EPA has
151 significant existing legal authorities to tackle climate and
152 traditional air pollution from power plants and vehicles,
153 keeping PFAS chemicals out of commerce, and get the lead out
154 of our water systems more quickly. I encourage the agency to
155 develop and adopt the ambitious public health protections,
156 starting with heavy-duty vehicles, which is currently under
157 consideration.

158 So, Mr. Regan, Administrator Regan, I thank you again
159 for joining us. I look forward to partnering with you to
160 continue strengthening the EPA's workforce in order to pursue
161 a robust, holistic agenda to protect public health and the
162 environment.

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

164

165 *****COMMITTEE INSERT*****

166

167 *Mr. Tonko. The Chair now recognizes Representative
168 McKinley, our ranking member of the Subcommittee on
169 Environment and Climate Change, for five minutes, please, for
170 his opening statement.

171 *Mr. McKinley. Thank you, Mr. Chairman. And welcome
172 back, Administrator.

173 My comments are America's worst fears are now being
174 realized. Pursuing an ideologically-driven goal of 100
175 percent renewables in such an artificially condensed
176 timeframe, the 2030 to 2035, is going to cause the grid to
177 collapse. Last summer, the head of global research at
178 General Electric in New York told the chairman and myself
179 unequivocally that this was what was going to happen.

180 And now, according to the Wall Street Journal, warnings
181 of electricity shortages are growing across the United
182 States. In the Midwest, MISO is working to prepare for the
183 "worst case scenario," and expects a five-gigawatt shortfall
184 this summer. Last Friday, Texas took steps to reduce its
185 strain on the grid. Nearly three gigawatts of capacity have
186 gone offline because of high temperatures, and even
187 California had to extend the operation of its gas-fired power
188 plants last year.

189 So what is the EPA doing to preserve and protect our
190 electric grid? It just seems like President Biden and the
191 EPA are increasing regulations, instead of addressing the

192 pending crisis we are facing. So, rather than ensure a
193 reliable, resilient grid and keep the lights on across the
194 country, the EPA is requesting almost \$12 billion, primarily
195 focused on climate change and environmental justice
196 initiatives.

197 Look, with today's science, renewables simply aren't
198 ready to power our grid, fully power our grid. According to
199 the EIA, the Energy Information Administration, wind, we all
200 know, only works 35 percent of the time, and solar only 25
201 percent of the time. And the Lawrence Livermore Lab found
202 that 81 percent of wind projects and 84 percent of solar
203 projects have not reached commercial viability. So why does
204 the EPA continue to pursue an agenda that will only take more
205 fossil grid capacity offline?

206 Mr. Chairman, the threat of electricity shortages has
207 utilities taking steps to keep aging power plants running
208 longer, but they are fighting regulations. The EPA is not
209 cooperating.

210 And Congress has made significant investments over the
211 last few years in carbon capture like Coal FIRST and Net
212 Zero. These investments will help us protect our grid if it
213 weren't for more obstinance from the EPA.

214 But the EPA generally doesn't recognize -- you seem to
215 want to fund more climate change, environmental justice
216 programs, instead of taking care of America, neither of which

217 are going to lead to grid reliability, only blackouts across
218 the country.

219 Mr. Chairman, Administrator Reagan, America deserves
220 better from the EPA.

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

222

223 *****COMMITTEE INSERT*****

224

225 *Mr. McKinley. Thank you, and I yield back.

226 *Mr. Tonko. The gentleman yields back. The chair now
227 recognizes Chairman Pallone, chair of the full committee, for
228 five minutes for his opening statement, please.

229 *The Chairman. Thank you, Chairman Tonko. I want to
230 welcome our EPA Administrator Reagan back to the committee.

231 Since your last appearance, you have worked to restore
232 EPA and put the agency on a better path towards combating
233 climate change and protecting public health. And I am
234 pleased to have the opportunity today to discuss how we can
235 build on this progress and continue to deliver for the
236 American people.

237 Last year Congress passed the Bipartisan Infrastructure
238 Law that provided much-needed resources to EPA to uplift
239 communities across the country. And we have an opportunity
240 to use this law to rebuild our communities and economy
241 stronger than before, while providing the environmental
242 leadership needed to usher a healthier and more sustainable
243 future for every American.

244 Now, while EPA's efforts are certainly heading in the
245 right direction, there is, obviously, much more ahead of us,
246 as I am sure the administrator would agree. The Bipartisan
247 Infrastructure Law was just a downpayment on our clean and
248 climate-safe future, which is why the EPA's budget request
249 builds on the downpayment to address the challenges ahead.

250 Time and again, we see evidence that a strong economy
251 and strong environment and public health protections go hand
252 in hand. This budget reflects that evidence to provide
253 critical investments in the health, safety, and prosperity of
254 our families and our environment.

255 For example, the budget includes \$1.1 billion for EPA to
256 improve our nation's air quality. It does this by developing
257 and enforcing critical safeguards, as well as by funding
258 grants to states and tribes, and scientifically sound
259 research.

260 The Administration's budget also prioritizes programs to
261 urgently tackle climate change, like cutting methane
262 pollution from oil and gas sources, and implementing the
263 American Innovation and Manufacturing Act. This bipartisan
264 bill, co-authored by Chairman Tonko and Representative
265 Peters, will reduce the production and use of potent
266 hydrofluorocarbons in our atmosphere.

267 The budget request also complements the Bipartisan
268 Infrastructure Law's reinstatement of the Superfund chemical
269 tax to fund more cleanup actions, an effort I have personally
270 championed to ensure that polluters pay to clean up their
271 contamination in our communities. About 22 percent of
272 Americans live within 3 miles of a Superfund site. Cleaning
273 and revitalizing contaminated properties creates jobs,
274 mitigates threats to human health, and directly benefits the

275 communities around contaminated sites, which are often low-
276 income communities and communities of color.

277 And the budget works to ensure that no community is left
278 behind by investing 1.45 billion in programs that will
279 advance racial equality and secure environmental justice for
280 historically overburdened and under-served communities. And
281 I am particularly pleased that EPA is creating a new
282 environmental justice national program manager position to
283 help deliver on its promises to disproportionately impacted
284 communities who struggled with legacy pollution for far too
285 long.

286 Clearly, we are expecting EPA to tackle an enormous
287 amount of critical work right now to protect our communities
288 and our families. The agency is taking the lead in replacing
289 the nation's lead service drinking water lines; it is
290 managing the risk from dangerous chemicals under the Toxic
291 Substances Control Act program; and it is revitalizing other
292 contaminated sites through the brownfields program. EPA has
293 a lot on its plate right now, and that is good, but it faces
294 a serious challenge when it comes to staffing and resource
295 shortages.

296 And that is why I support the budget's request for more
297 resources to bolster EPA's capacity, develop a pipeline of
298 qualified staff, strengthen and support scientific integrity,
299 and ensure EPA can meet the statutory obligations that we set

300 for it.

301 The dedicated EPA workforce have worked tirelessly to
302 fulfill the agency's core mission without adequate staffing
303 or resources, in my opinion. And the increase in resources
304 proposed in this budget will not only help EPA fulfill its
305 core mission, but also to process permits more efficiently
306 and provide needed certainty to regulated industries.

307 So I look forward to today's discussion to examine EPA's
308 budget priorities. We are ready to work with you to ensure
309 that everyone in every community, regardless of their zip
310 code, realizes their right to clean air, clean water, and
311 clean land. And so thank you, Administrator, for all that
312 you have done and that you will do.

313 [The prepared statement of The Chairman follows:]

314

315 *****COMMITTEE INSERT*****

316

317 *The Chairman. And I yield back, Mr. Chairman.

318 *Mr. Tonko. The gentleman yields back. The chair now
319 recognizes Mrs. Rodgers, ranking member of the full
320 committee, for five minutes, please, for her opening
321 statement.

322 *Mrs. Rodgers. Thank you, Mr. Chairman.

323 Welcome back to the Energy and Commerce Committee,
324 Administrator Regan. Your annual testimony on the
325 President's proposed EPA budget is an important chance to
326 examine your priorities and your agency's performance.

327 EPA serves a critical role in our nation's effort to
328 protect the environment and public health. This role
329 includes standard setting, regulatory science, and risk
330 assessments, and large amounts of technical and financial
331 assistance for states, tribal communities, and localities.

332 As you well know, EPA today is operating against a
333 backdrop of a tremendous record of environmental
334 improvements. A review released last month by the
335 Association of Air Pollution Control Agencies noted that, for
336 the past 20 years, the public has perceived the nation's
337 environment as getting worse. Yet across the board, the
338 opposite is the case. Air quality, for example, has been
339 steadily improving. Ozone, NOx, particulate matter
340 concentrations are fractions of the levels 40 years ago, and
341 the trend has continued over the past decade, including in

342 states with heavy industrial and economic activity.

343 These positive results extend to land, water, and air
344 toxics. Let's celebrate and promote these results. I would
345 love to hear you explain more why you believe this has
346 happened.

347 I would also like to discuss the challenges ahead, as
348 tighter requirements run up against technological and
349 economic limits. Continuous tightening of the screws,
350 especially when standards are not technologically feasible,
351 risk broader economic harms to the very people we are seeking
352 to help. I worry that this Administration's radical climate
353 agenda will distract EPA from the hard work to ensure
354 existing standards are implemented, and programs can succeed.
355 We have seen what can happen.

356 In the Obama Administration they issued several
357 controversial, damaging rules that threatened to cut
358 opportunities for people in struggling communities as jobs
359 left regions. Look at the Clean Power Plan rule, which
360 sought to regulate greenhouse gas emissions from power
361 plants. EPA overreached with that regulation, which
362 threatened American jobs and the economy. A legal challenge
363 is now pending before the Supreme Court. Senator Capito and
364 I have led a bicameral amicus brief in that case, focused on
365 the need to stop Federal agencies from going beyond their
366 statutory authority and ignoring congressional intent. We

367 are the committee of jurisdiction. We are the elected
368 representatives of the people.

369 Because of President Biden's inflation crisis, families
370 and retirees today are paying more for less, from the gas
371 pump to the grocery store. It calls for responsible Federal
372 budgets that focus on core emissions and effective
373 management: the ingredients for accountability and success.

374 The EPA fiscal 2023 budget request is nearly 12 billion.
375 This amount is 681 million more than the requests from last
376 fiscal year, which was more than a 20 percent increase.
377 States are tasked with enforcing most of EPA's regulatory
378 requirements, but this budget request calls for growing EPA's
379 workforce by 10 percent, compared to current levels.

380 When you testified to the House Appropriations Committee
381 recently, you said that EPA is not inflating itself because a
382 majority of EPA's budget goes to the states. But not even 50
383 percent of your requested budget would go to the States.

384 I hope that you will agree with me that we need to
385 return to building, building our economy, not dismantling it.
386 I am concerned about actions at EPA to destroy next-
387 generation technologies that have pre-market chemical
388 reviews, but are sitting ignored on the desk of Federal
389 bureaucrats; create -- you know, the actions that are
390 creating uncertainty, including delays or cancelations in our
391 permitting processes; the actions to expand further

392 regulations like the coal ash rule, WOTUS, and the
393 cross-state air pollution rule.

394 These are actions that ultimately drive projects out of
395 America and make us more reliant on countries like China that
396 have the lowest environmental and labor standards. Projects
397 taking years to develop, and money lost due to abrupt policy
398 changes have a chilling impact on people's willingness and
399 ability to make things in America. To succeed, EPA must not
400 be an obstacle to development and prosperity for American
401 families, especially as they are struggling with the everyday
402 cost of living. We see that we have an energy crisis, an
403 inflation crisis that is impacting the affordability.

404 Again, I do appreciate you being here. I look forward
405 to your testimony.

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

407

408 *****COMMITTEE INSERT*****

409

410 *Mrs. Rodgers. And with that I yield back.

411 *Mr. Tonko. The gentlelady yields back.

412 The chair would remind members that, pursuant to
413 committee rules, all members' written opening statements
414 shall be made part of the record.

415 I will introduce the witness for today's hearing, the
416 Honorable Michael Regan, Administrator of the U.S. EPA.

417 But before we hear from you, Administrator, I want to
418 make mention I apologize that post scheduling your appearance
419 here before the subcommittee, arrangements were made to have
420 a joint session of Congress to host Greek -- the Prime
421 Minister of Greece, Prime Minister Kyriakos Mitsotakis. And
422 so that will begin at 11:00. So we will hear from you and
423 then -- again, I apologize that we will go to this joint
424 session of Congress, and be back immediately following that
425 presentation.

426 So we will now recognize you for five minutes to provide
427 your opening statement.

428 I will explain the lighting system in front of our
429 witnesses, a series of lights.

430 The light will initially be green. The light will turn
431 yellow when you have one minute remaining.

432 Please begin to wrap up your testimony, sir, at that
433 point.

434 The light will turn red when your time expires.

435 And so now I recognize Administrator Regan for five
436 minutes to provide his opening statement.
437

438 STATEMENT OF THE HON. MICHAEL S. REGAN, ADMINISTRATOR, U.S.
439 ENVIRONMENTAL PROTECTION AGENCY

440

441 *Mr. Regan. Well, thank you, Chairman Tonko, and
442 Ranking Member McKinley, Chairman Pallone, and Ranking Member
443 McMorris Rodgers, and members of the Committee. I appreciate
444 the opportunity to appear before you today to discuss the
445 bold vision laid out before you in terms of the United States
446 Environmental Protection Agency's proposed fiscal year 2023
447 budget request. In this request, we lay out an ambitious and
448 transformative plan for EPA with the goal of a healthier,
449 more prosperous nation, where all people have access to clean
450 air, clean water, and healthy communities.

451 President Biden's proposed 2023 budget request for EPA
452 provides \$11.9 billion to advance key priorities, including
453 tackling the climate crisis, delivering on environmental
454 justice and equity, protecting air quality, upgrading the
455 nation's aging water infrastructure, and rebuilding core
456 functions at the agency to support and keep pace with a
457 growing economy.

458 Over the past year we have made important progress
459 towards many of these goals, and I am proud of the foundation
460 we have laid and the partnerships that have underpinned the
461 successes. But there is a lot more work to do to ensure that
462 all of our children have safe, healthy places to live, learn,

463 and play, to build a stronger, more sustainable economy, and
464 to advance American innovation and ingenuity.

465 Put simply, investing in EPA is an investment in the
466 health and well-being of communities that we all serve, and
467 in the economic vitality of this great nation.

468 I have had the privilege to visit many communities in
469 your states, and see firsthand the environmental and public
470 health challenges many of your constituents continue to face,
471 from unprecedented flooding events to crumbling wastewater
472 infrastructure. I have spoken to mothers whose children have
473 been led-poisoned. I have met with people who are living
474 with toxic waste in their backyards. I have seen conditions
475 that are simply unacceptable in the United States of America.
476 From investing in our nation's climate resilience to cleaning
477 up contaminated land, there is no shortage of critical work
478 that needs to be done.

479 So members of the committee, I want you to know that EPA
480 is up to the task. We are eager to work with all of you to
481 deliver for our fellow Americans and to secure our nation's
482 global competitiveness. But we need your support. Both the
483 urgency and economic opportunity presented by climate change
484 require that we leave no stone unturned. The 2023 budget
485 invests \$773 million towards tackling the climate crisis, but
486 reaping the benefits that come with it: a healthier
487 community, good-paying jobs, and increased energy security.

488 The communities hit hardest by pollution and climate
489 change are often communities of color, indigenous
490 communities, our rural communities, and our economically
491 disadvantaged communities. For generations, many of these
492 communities have been over-burdened with higher instances of
493 polluted air, water, and land. This inequity of
494 environmental protection is not just an environmental justice
495 issue, it is a civil rights issue.

496 In 2023, we will expand upon the historic investments
497 made in environmental justice and civil rights to reduce the
498 historically disproportionate health impacts of pollution in
499 communities with longstanding environmental justice concerns.
500 Across the budget EPA is investing more than 1.4 billion to
501 advance environmental justice and equity, clean up legacy
502 pollution, and create good-paying jobs in the process.

503 Across the country, poor air quality continues to affect
504 millions of people, even though we have seen improved air
505 quality, perpetuating harmful health and economic impacts for
506 some communities. In 2023, the agency will protect our air
507 quality by cutting emissions from ozone-forming pollutants,
508 particulate matter, and air toxics. The President's budget
509 includes 1.1 billion to improve air quality, and sets
510 standards that reduce pollution from mobile and stationary
511 sources.

512 A thriving economy also requires clean and safe water

513 for all. Although progress has been made, many still lack
514 access to healthy water, face inadequate wastewater
515 infrastructure, and suffer the effects of lead pipes.

516 America's water systems are also facing new challenges,
517 including cyber threats, climate change, and emerging
518 contaminants such as PFAS. The budget proposes more than \$4
519 billion to upgrade drinking water and wastewater
520 infrastructure nationwide, with a focus on under-served
521 communities. These investments build on the historic
522 resources allocated by the Bipartisan Infrastructure Law.

523 The 2023 budget positions EPA to create durable
524 environmental policy that sets our nation on the path to win
525 the 21st century. It increases the agency's capacity to
526 allow us to meet the pressing needs faced by millions of
527 Americans, and fundamentally improve people's lives for the
528 better.

529 Thank you all for the opportunity to be here to offer
530 this testimony. I look forward to our continued partnership,
531 which I share with many of you, and I look forward to
532 achieving these ambitious, yet necessary goals.

533 Thank you, Mr. Chairman.

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

535

536 *****COMMITTEE INSERT*****

537

538 *Mr. Tonko. Thank you, sir.

539 And the subcommittee will stand in recess for the
540 purpose of attending the joint session of Congress with the
541 Prime Minister of Greece. Upon completion of that
542 presentation, we ask that people please return immediately to
543 the subcommittee hearing.

544 We are in recess.

545 [Recess.]

546 *Mr. Tonko. I call the subcommittee back to order.

547 We again thank the administrator for his patience, and
548 we apologize for the disruption.

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

551 Administrator Regan, thank you for your testimony.

552 EPA has a big job to do, administrating historic funding
553 for water infrastructure remediation activities, and clean
554 school busses, on top of a renewed commitment to developing
555 environmental protections while enforcing existing laws and
556 requirements. But you are trying to do all this with 1980s
557 staffing levels. EPA employees are some of the most
558 dedicated public servants in the Federal Government, but the
559 agency's agenda will be hamstrung without additional
560 personnel.

561 So, Mr. Administrator, can you discuss the budget's
562 proposal, please, to grow and develop EPA's workforce?

563 Why is it important, and how will EPA prioritize hiring
564 adequate numbers of full-time employees, diverse recruitment,
565 and prioritize fair and equitable promotions to indeed ensure
566 retention at EPA?

567 *Mr. Regan. Thank you for that question, Chairman
568 Tonko, and I appreciate that opportunity.

569 It sounds like hyperbole, but you are correct. We today
570 have about maybe 100 or 150 or so more people than we
571 actually had in the late 1980s. Yet, you know, society has
572 changed so drastically.

573 And so, if we want to win the 21st century, if we want
574 to keep pace with the growing economy, we need to have
575 adequate staffing. And I think, as we take a look at a lot
576 of the core functions, EPA staff has dwindled not just over
577 the past four years, but the past decades, as you have laid
578 out. And so we need to rebuild that core. I can give you a
579 few specific examples.

580 In 2016, when this Congress refueled TSCA and gave the
581 agency a charge, it was given a charge without the resources.
582 Over the past -- previous administration, the previous
583 administration did not ask for the necessary resources to
584 fulfill the obligations under TSCA. And so, as a result,
585 right now, the last Administration missed the statutory
586 deadlines for finishing 9 of the 10 risk evaluations that
587 Congress asked the agency to perform.

588 We are on track to -- on the clock to complete about 21
589 risk evaluations while rewriting rules. And I can tell you,
590 we have about 50 percent of what we need to do that.

591 You will be hearing from our friends in the agriculture
592 sector as we think about pesticides and herbicides. And as
593 the courts mandate that we take certain products off the
594 market, we have lots of petitions for new market entrants
595 that we don't have the resources to evaluate.

596 So you know, it is not a good idea to starve the agency
597 when it comes to trying to protect the public health and keep
598 pace with market demand. And so those are just two examples
599 of what we are asking for in this budget. These are
600 pragmatic asks. These are asks that we are making to keep
601 pace with the growing economy and protect the people of this
602 country.

603 *Mr. Tonko. Thank you. And Administrator Regan, this
604 committee played an instrumental role in reforming TSCA some
605 six years ago. And while I am glad to see that you are --
606 you have reversed some of the previous administration's
607 policies, I remain concerned with the pace of progress,
608 especially since, for some of these chemicals, delays are
609 literally a matter of life and death.

610 Can you help us understand why the agency is still
611 struggling to meet its deadlines, and how does this connect
612 to your workforce needs?

613 *Mr. Regan. You know, we continue to struggle because,
614 as I mentioned, we have about 50 percent of the dedicated
615 personnel and resources that we need to meet the requirements
616 of TSCA. You will see that in our budget we are specifically
617 asking for those bodies and those resources so that we can
618 meet the expectations of Congress.

619 We have to rebuild the agency. And when we look at what
620 we are asking for, we are asking for these resources not only
621 to help repair our polluted lands, really get on top of these
622 pervasive chemicals like PFAS, 1,4-Dioxane, and others, but
623 we are also needing to do this to keep pace with the
624 technological revolution that we are seeing today.

625 Many people think that all we do is regulate. The
626 reality is that we provide technology standards for our
627 regulatory entities so that they can make long-term
628 investments. We need capable, competent staff. We need the
629 staffing numbers and the expertise to win the 21st century.
630 We have a staffing plan in place. We have the best staff in
631 place now, but we have a diverse talent pool that we want to
632 bring in, new talent. And we are excited about the
633 opportunities to do that. And this budget reflects those
634 requests.

635 *Mr. Tonko. Last week, EPA decided to cease collecting
636 data from several air monitoring sites in the CAST Network.
637 I am very disappointed by this decision. These newly

638 mothballed sites monitor important pollutants, including acid
639 acid, ozone, and ammonia.

640 So, Mr. Administrator, will you work with me to help me
641 understand why these sites were selected for closure, and
642 what opportunity exists to reconsider EPA's decision and to
643 resume data collection?

644 *Mr. Regan. Well, thank you for that question. And I
645 share your frustration.

646 The fact that the agency had to make a decision to pause
647 28 monitors is not something that we take pride in. But we
648 were forced to do so because we did not receive the request
649 that we asked for through the appropriations process in 2020.
650 So we found ourselves robbing Peter to pay Paul.

651 I would love to spend time with you and your staff on
652 how we arrived to those specific closures. And I can assure
653 you that, if we receive the resources that we are asking for
654 in this 2023 budget, we won't be facing these kinds of
655 closures.

656 *Mr. Tonko. Thank you, sir. We will take you up on
657 that offer, but I thank you for your concern.

658 With that, we will now recognize the gentleman from
659 Ohio, Representative Johnson, for five minutes, please.

660 *Mr. Johnson. Well, thank you, Mr. Chairman, and thank
661 you, Administrator Regan, for being with us here today.

662 Mr. Chairman, first let me request a few articles be

663 entered into the record.

664 First is the Washington Examiner article entitled,
665 "Power Sector Warns of Blackouts As Demand Clashes with
666 Traditional Plant Retirements''; the second is the Wall
667 Street Journal article entitled, "Electricity Shortage
668 Warnings Grow Across the U.S.''; and finally, Power
669 Magazine's article entitled, "ERCOT, MISO Warn of Potential
670 Power Supply Shortfalls.''

671 Now, I don't know about you, but this is alarming to me.
672 Temporary blackouts for millions of people and dwindling
673 reliable grid capacity, we are headed in the wrong direction.
674 And why is that? Well, here is a clue: in 2022, 41 coal
675 units are scheduled for closure; in 2023, 21 coal units; in
676 2024, 18 more; in 2025, 23 units; and more in the future.

677 Well, what is so concerning, and what defies logic and
678 common sense is that these closures are happening with too
679 few alternatives to make up the shortfall. We know that EPA
680 regulations are contributing to these early closures,
681 including several in Ohio.

682 And what is the Administration doing to ease this coming
683 energy disaster for American families and businesses? Hmm,
684 let's see.

685 Administrator Regan, you yourself have said that we need
686 a "suite of regulations'' on the coal power sector.
687 Seriously? So we have got coal combustion residuals rules,

688 regional haze rules, ozone transport rules, the ACE
689 replacement rule, affluent limitations guideline rules, the
690 cross-state air pollution rule, and this isn't even an
691 exhaustive list.

692 So Administrator Regan, MISO, for example, is already
693 warning of temporary blackouts during periods of normal
694 demand, in part because of premature coal retirements. Are
695 you just going to press ahead here, even if grid reliability
696 is compromised and the power goes out?

697 *Mr. Regan. Well, thank you for your question. I would
698 like to first clarify the record. I never said anything
699 about a suite of coal power sector. I think what I have said
700 is we need to have a suite --

701 *Mr. Johnson. I will get you the quote that you make.

702 *Mr. Regan. Yes, I have been having --

703 *Mr. Johnson. I will get that for you.

704 *Mr. Regan. -- a lot of conversations with the power
705 sector in general. And one of the things that they have
706 requested of me is regulatory certainty.

707 The list of regulations that you just laid out that the
708 Clean Air Act requires that we do, we have been having very
709 constructive conversations with the power sector about how
710 EPA doesn't surprise the power sector, how we don't darken
711 their door one regulation at a time, but present to them a
712 suite of options, so that they can understand what their

713 investment strategies need to look like for the future --

714 *Mr. Johnson. Okay, well, how do you avoid the
715 conflict, then, Mr. Regan, between your agenda to shut down
716 coal and the need to maintain grid reliability? How do you
717 balance that?

718 *Mr. Regan. I think we have to look at the facts. And
719 the facts are there hasn't been coal regulation since the
720 Obama Administration. And the markets are what is driving
721 these coal closures.

722 If you have the conversations that I have --

723 *Mr. Johnson. And there is a good reason. That is
724 probably one of the reasons why we were energy independent
725 under the previous administration, was because of the lack of
726 those burdensome regulations. But go ahead.

727 *Mr. Regan. Now those same coal plant retirements that
728 you just laid out happened during the previous
729 administration, and happened during the previous
730 administration.

731 The markets have decided that traditional coal
732 investments are not competitive. The power sector has
733 decided that it is investing in new generation opportunities.

734 The last thing I would say --

735 *Mr. Johnson. Well, these articles would dispute your
736 assertion on that, Mr. Regan.

737 I am concerned that EPA's aggressive regulatory agenda

738 gives no time for meaningful feedback from the states and
739 entities responsible for electric reliability. So will you
740 provide this subcommittee for the record a list of EPA
741 interactions with states and grid operators concerning the
742 impacts of your agency's regulatory activity affecting the
743 power sector?

744 I got only a few seconds left. That is a quick yes-or-
745 no answer.

746 *Mr. Regan. That is an easy yes. We --

747 *Mr. Johnson. Okay, great.

748 *Mr. Regan. -- [inaudible] states, and --

749 *Mr. Johnson. Will you commit to providing meaningful
750 opportunity for these grid operators in affected states to
751 provide technical feedback on any proposed rules or
752 enforcement actions that may impact future grid reliability?

753 And will you commit to considering the feedback from the
754 states and grid operators in your actual rulemaking?

755 *Mr. Regan. I think your question pre-judges that we
756 are not doing that. That is exactly --

757 *Mr. Johnson. No, I am just asking you, will you commit
758 to doing that?

759 *Mr. Regan. We will continue to do that.

760 *Mr. Johnson. Okay, thank you.

761 I yield back.

762 *Mr. Tonko. The gentleman yields back. The chair now

763 recognizes the gentlelady from Colorado, who serves as chair
764 of the Subcommittee on Oversight and Investigation, Diana
765 DeGette, for five minutes.

766 *Ms. DeGette. Thank you so much, Mr. Chairman.

767 And Administrator Regan, welcome. We are really glad to
768 have you.

769 Last month, along with Representatives McEachin and
770 Grijalva, I co-led an appropriations request to help the
771 landmark efforts that EPA is making under your leadership to
772 advance environmental justice.

773 And I spoke with you during the break. In my community
774 we have an environmental justice area -- Elyria-Swansea and
775 Globeville. And there is really two burdens that these
776 communities face around the country: number one, chronic
777 under-enforcement of environmental requirements; and number
778 two, the cumulative impacts of multiple sources of pollution.

779 So my first question for you is, how much do we know
780 about how different pollutants interact, once they have
781 entered our bodies?

782 *Mr. Regan. Well, thank you for that question, and
783 thank you for your leadership in this area.

784 I can say that we have developed analytical
785 methodologies and tools to characterize and distinguish and
786 quantify the different impacts of cumulative impact, or
787 different aspects of cumulative risk impacts. We know that

788 cumulative impacts underlie health disparities resulting in
789 higher rates of asthma, cardiovascular disease, cancer, poor
790 birth outcomes, and reduced longevity.

791 So we are focused on the continued research of how we
792 can quantify these impacts. The Office of Research and
793 Development has a few streams of work that we have underway
794 for both cumulative impact and cumulative risk. And so we
795 are working very, very, very laser-focused on that.

796 *Ms. DeGette. So as I often say, Administrator Regan,
797 is if it was an easy problem to solve, we would have solved
798 it by now. And we know it is going to take many decades to
799 fully work out the science.

800 But what should EPA and its state partners be doing
801 right now, for example, with permitting decisions and other
802 actions to try to prevent these cumulative impacts?

803 *Mr. Regan. You know, that is a great question. And
804 what we are doing is we are working with our state and local
805 and community partners to take what we know into
806 consideration as we think about our traditional permitting
807 regimes. We have information now. We can act now.

808 In some of our programs we have the statutory authority
809 to consider cumulative impact, and some we don't. And we
810 have to think about how we use that information to make smart
811 decisions. And so we will continue to make very strategic
812 choices as we move forward that put communities first, while

813 we also continue to do the research and development so that
814 we can more seamlessly integrate it into our decision-making.

815 *Ms. DeGette. Well, if we do need to have some
816 statutory changes for some of these key programs, let us
817 know, because we will be happy to work with you.

818 One of the tasks identified under EJ2020, which is, of
819 course, the agency's Environmental Justice Action Plan, has
820 been for EPA to focus on at least 100 communities
821 experiencing under-enforcement of environmental requirements.
822 And for example, the neighborhoods I was talking about in
823 north Denver have a refinery right north of them that has
824 been violating its air permit, literally, hundreds of times a
825 year.

826 So is the EPA currently identifying overburdened
827 communities for special compliance review?

828 *Mr. Regan. You know, we are taking a very focused look
829 at communities that are disproportionately impacted. And the
830 first thing that we have to do is understand that there are
831 laws on the books currently that protect people more so than
832 maybe the protection that they are actually receiving. And
833 so we are prioritizing these communities as we think about
834 our enforcement capabilities. And it is important that
835 people know that, where the laws are clear and clearly
836 violated, we will enforce those laws.

837 *Ms. DeGette. And what metrics are you using to enforce

838 those laws?

839 *Mr. Regan. In terms of?

840 *Ms. DeGette. In -- are you -- do you have the metrics
841 you need to know -- you need to be able to tell whether these
842 need a more robust enforcement?

843 *Mr. Regan. Yes. In many instances, we have the data
844 that we collect through monitoring, you know, best management
845 practices, you know, consulting with the company itself
846 and/or the communities that they reside in.

847 And so we have full capability to assess many of these
848 situations, and we are going to take action --

849 *Ms. DeGette. You are just making a priority of it.

850 *Mr. Regan. Yes.

851 *Ms. DeGette. Okay. One last question. Another issue
852 that I have been working on is methane waste prevention. And
853 I am -- just quickly, I am wondering, are you seeing
854 promising advancement in remote methane detection technology?

855 *Mr. Regan. We are.

856 I smile, because I was in Houston, Texas at a conference
857 not too long ago, where some of that technology was
858 demonstrated. And it is amazing to see artificial
859 intelligence, robotics, and other things that are ready to be
860 used today.

861 *Ms. DeGette. And you are leaning in on that?

862 *Mr. Regan. We are leaning in very hard.

863 *Ms. DeGette. Great.

864 Okay, thank you, Mr. Chairman. I yield back.

865 *Mr. Tonko. The gentlelady yields back. The chair now
866 recognizes the gentlelady from the State of Washington, Mrs.
867 Rodgers, who is full committee ranking member, for five
868 minutes, please.

869 *Mrs. Rodgers. Great. Thank you very much.

870 I want -- the new chemicals program at EPA is the
871 gateway to innovation. It is critical to innovation and
872 winning the future.

873 Administrator Regan, you testified EPA needs to double
874 its new chemicals budget and raise user fees by 25 percent
875 because EPA, "inherited a budget that wasn't funded to do the
876 job," and this was despite the user fees being increased
877 over 600 percent.

878 Between 2017 and 2020, EPA averaged 265 risk
879 determinations each year, and placed restrictions on almost
880 80 percent of those determinations. The Biden EPA has only
881 made 10 such determinations this year. Clearly, we were more
882 efficient, more effective in reviewing the chemicals between
883 2017 and 2018, with the same budget and staffing as the
884 current EPA.

885 Congress is currently considering legislation to boost
886 our technological competitiveness, but I am concerned that
887 this is hampering our ability to develop and utilize

888 innovative new materials, the EPA approach right now.

889 How will the EPA meaningfully improve its efficiency of
890 the new chemicals program, regardless of funding?

891 *Mr. Regan. You know, I think I would have to take a
892 closer look at the stats that you have versus the ones that I
893 have. I know, when we are talking about the TSCA program,
894 the previous administration missed 9 of its 10 statutory
895 deadlines. Those are just the facts. And we have a number
896 that we have to catch up on.

897 I think I have had a number of conversations with our
898 agriculture sector in terms of looking at chemical
899 evaluations and the lawsuits that the agency is currently
900 facing or will face as a result of 50 years of not complying
901 or coming close to not complying with the Endangered Species
902 Act.

903 And so, when we think about these new regimens and
904 opportunities for new chemicals to enter into the market, the
905 facts just don't bear out that the previous administration
906 was putting more products on the market than we currently
907 are. That is just not the conversations I am having with the
908 herbicides and pesticides industry, and that is not -- those
909 aren't the facts I am looking at when I look at the TSCA
910 program.

911 *Mrs. Rodgers. My understanding is that 265 new
912 chemical applications depend upon EPA action. I am really

913 focused on the new chemicals.

914 Will EPA -- and the question is, will EPA continue its
915 oldest-first review policy of new chemical applications, or
916 preferred -- will preferred technologies get a preference?

917 *Mr. Regan. I think the staff that I have working on
918 new chemicals are working night and day to get the products
919 that are ready to go, ready to go. And so I will take a
920 closer look at that exact list that you have for new
921 chemicals, and we will have staff follow up with you on that.

922 *Mrs. Rodgers. Okay, and will it be based upon the
923 oldest first, or is the Administration going to be, you know,
924 issuing --

925 *Mr. Regan. I am not quite sure that the decision-
926 making is oldest first, as it currently stands. And so I
927 would like to have a deeper conversation with what that exact
928 criteria is, and where age fits into the trajectory.

929 *Mrs. Rodgers. Well, my -- I believe, historically, it
930 has been oldest first. So that would be great.

931 When you talk about laws being clearly violated, I
932 wanted to draw your attention again to Puget Sound in
933 Washington State. And this is critical, this is a critical
934 issue to orcas, to endangered salmon, taxpayer outlays,
935 environmental justice. You have said that you are committed
936 to cleaning up Puget Sound, but cleanup will continue to be a
937 constant problem if King County and the state continue to

938 look the other way when there is millions of gallons of raw
939 sewage being dumped into Puget Sound every year, endangering
940 salmon runs and polluting the waters.

941 If you look at Washington State's latest State of the
942 Salmon Report, Snake River fall chinook are approaching their
943 goal, and steelhead are making progress. But the Puget Sound
944 chinook and steelhead, those stocks that are most important
945 to the orcas are in crisis. EPA's failure to act is eroding
946 three Federal efforts protecting orcas from extinction,
947 safeguarding the salmon that are essential to orcas' diet,
948 and promoting salmon populations.

949 Will you use your backstop authority to end this
950 excessive sewage dumping by major municipalities?

951 *Mr. Regan. You know, what we have done is we have done
952 what I believe to be a very strong job of enforcing the
953 consent order that is on the books. And I think I have
954 mentioned to you before -- and I have promised the governor
955 of Washington -- that we are going to continue to work with
956 the state to enforce that consent order.

957 One of the good things that I can report is, thanks to
958 the Bipartisan Infrastructure Law, we have got about 89 more
959 million dollars to put towards projects like the Puget Sound,
960 so that we can get the cleanup on the trajectory that needs
961 to be.

962 This is one of those examples, just like you just raised

963 with the air quality. There has been progress over the
964 years. We can't ignore that there has been progress --

965 *Mrs. Rodgers. Well, my --

966 *Mr. Regan. -- but not enough progress.

967 *Mrs. Rodgers. Excuse me, I am running out of time.

968 The state continues to issue the permits. Millions of
969 gallons of raw sewage every year being dumped into Puget
970 Sound, endangering salmon populations that are going extinct.
971 I ask for you to give it more attention.

972 I yield back. Thank you.

973 *Mr. Tonko. The gentlelady yields back. The chair now
974 recognizes the gentlelady from the State of Illinois, who
975 serves as chair of the Consumer Protection and Commerce
976 Subcommittee.

977 Representative Jan Schakowsky, you are recognized for
978 five minutes, please.

979 *Ms. Schakowsky. Thank you, Mr. Chairman.

980 Administrator Regan, I would like to start by thanking
981 you for your continued work and leadership on fulfilling the
982 President's -- it is -- Justice40 initiative.

983 For far too long, our most vulnerable communities have
984 faced the worst effects of climate change and pollution. And
985 now I want to raise the issue that is so significant to my
986 state of Illinois, and that is that of lead service lines.

987 The EPA is required to update its drinking water needs

988 survey every four years. This survey is used to calculate
989 the Drinking Water State Revolving Fund for the formula. And
990 the America's Water Infrastructure Act of 2018 also requires
991 the EPA to evaluate and include the cost of replacing lead
992 service lines.

993 However, we are very concerned, because, in the State of
994 Illinois alone, we have 680,000 lead service lines in homes
995 throughout the state, the most of any state.

996 So I know that one of the ways the decision is made is
997 by this evaluation that takes place. And so far, because it
998 doesn't take into account that we are the state that has the
999 most lead service lines, that we are going to have to wait
1000 longer than we need. We are very concerned about how the
1001 money that has been allocated is going to be spent, and
1002 wonder if there is any way to move up Illinois in the
1003 timeline. That is, to make decisions based on what states
1004 are really facing the greatest problem, and not just other
1005 different kinds of calculations.

1006 We are really in need. I don't have to tell you the
1007 consequences of lead in the pipelines.

1008 *Mr. Regan. No, you are absolutely right. And I have
1009 spent time in the Midwest, in Chicago, and other places. And
1010 there is no acceptable level of lead exposure. We have over
1011 6 to 10 million lead service lines in this country.

1012 And so we are working very hard. I know that we are

1013 working with the states and the tribes to gather information
1014 about the needs, specifically for approximately 4,000
1015 drinking water utilities nationwide. We know where a lot of
1016 these lead service lines are, as you have mentioned. And I
1017 think, as we implement this survey, we will have a better
1018 layer, more granular layer of information around exactly
1019 where these lead service lines are.

1020 *Ms. Schakowsky. Let me ask you, is there any way that
1021 you could commit to expediting the process to update the
1022 state revolving formula, so that Illinois can move up the
1023 timeline where we can get some help?

1024 *Mr. Regan. We are looking very closely at it. We know
1025 that we want the State Revolving Loan Fund -- number one, we
1026 have got to follow the statutory laws that exist for those
1027 formulas. But we also understand that there are some unique
1028 circumstances, as well.

1029 So between the SRF, some of our other environmental
1030 justice grants, other resources, we are trying to expedite
1031 these processes to get the resources to those who need them
1032 the most.

1033 *Ms. Schakowsky. You know, we have heard for years --
1034 and I certainly agree -- the problems that we have seen in
1035 Flint, Michigan. And I have to say that Illinois is right up
1036 there, and the concern for -- you know, many schools already
1037 have their water fountains shut down. Many communities,

1038 again, especially communities that are in need the most, have
1039 a lot of lead service lines.

1040 And so I am really pleading with you on behalf of our
1041 state and constituents in the Chicago area, where we have the
1042 greatest number of these lead service lines, to help us. So
1043 I want to thank you, and I will yield back.

1044 *Mr. Regan. Well, thank you for that. And I will tell
1045 you I have been in conversation with Mayor Lightfoot and the
1046 leadership in Chicago, and we are doing everything we can to
1047 get these resources to those who need it the most.

1048 *Ms. Schakowsky. And she is, too. So we need your
1049 help.

1050 *Mr. Regan. Thank you.

1051 *Ms. Schakowsky. Thank you.

1052 *Mr. Tonko. The gentlelady yields back. The chair now
1053 recognizes the gentleman from the State of Utah, Mr. --
1054 Representative Curtis.

1055 *Mr. Curtis. Thank you.

1056 *Mr. Tonko. You are recognized for five minutes,
1057 please.

1058 *Mr. Curtis. Thank you, Mr. Chairman.

1059 Mr. Administrator, the EPA website states that you
1060 developed a passion for the environment while hunting and
1061 fishing with your father and grandfather, and exploring the
1062 vast lands, waters, and coastal plain of North Carolina.

1063 That sounds amazing.

1064 I, too, had this type of experience with my father. But
1065 rather than North Carolina, I grew up in the mountain west
1066 part. My district includes Bears Ears, Arches National Park,
1067 and much of the Uinta national mountain range: different,
1068 but equally as spectacular as North Carolina. Perhaps you
1069 and I should spend some time in both areas enjoying this
1070 beautiful place.

1071 I mention this because, like you, Utahns have a great
1072 love of nature and the outdoors, and you can imagine their
1073 frustrations sometimes as they are painted as not caring
1074 about this, or not wanting to take care of it. And I truly
1075 believe that my constituents and you, as the EPA, have the
1076 exact same goal, but often times it gets frustrated with the
1077 communication or the implementation, if that makes sense.

1078 So I come to you from that perspective. I would like to
1079 bring up two areas where we hope to have a meaningful
1080 dialogue with your office. I will submit more detailed
1081 information, because we do not have fully time to do it
1082 today.

1083 But let me mention Energy Fuels. It is one of the
1084 largest employers and property taxpayers in San Juan County.
1085 San Juan County is a very rural part of my district. This
1086 facility is quickly becoming a critical minerals and rare
1087 earths hub for the United States, which I am sure you can

1088 agree is vital to our renewable energy production, national
1089 security, and much more. And so I am going to assume that
1090 you agree with me it is important to ensure that domestic
1091 manufacturing of rare earths and critical minerals continues.

1092 A nod of the head is fine on that.

1093 *Mr. Regan. Yes, yes.

1094 *Mr. Curtis. Recently, I was bothered to hear that EPA
1095 was actively communicating with Congress about alleged
1096 violations related to recycling material before actually
1097 contacting the company. And you can see how that got off to
1098 a bad start. And I just wanted to ask you to commit to work
1099 directly with Energy Fuels in region 8 to ensure that we
1100 maintain a fair and consistent regulatory framework,
1101 particularly as they invest in the rare earths process that
1102 is necessary for renewable energy production in the United
1103 States.

1104 I share with you the goal of making sure that they are
1105 doing it right. But I would rather that we work towards a
1106 yes than a no. And are you good with that, and will you help
1107 me with that?

1108 *Mr. Regan. I am definitely good with engaging directly
1109 with our stakeholders. I think that is important.

1110 *Mr. Curtis. Good. Thank you so much.

1111 My new district, with redistricting, encompasses the
1112 Uinta Basin. And within the guardrails of technology and

1113 economic feasibility, I agree we need to reduce methane.
1114 This area has a lot of oil and gas. I agree we need to
1115 reduce the things emissions from oil and gas production, and
1116 would urge maximum flexibility in how EPA allows companies to
1117 achieve this goal.

1118 I sent a bipartisan letter with Congressman DeGette
1119 urging maximum technology flexibility in how EPA allows
1120 companies to address methane issues. I would love to ask you
1121 to please review this letter and implement, to your maximum
1122 capability, our bipartisan recommendations in the rule.

1123 *Mr. Regan. Absolutely. I will take a look at that.

1124 *Mr. Curtis. Good. Thank you so much.

1125 I would like to ask if EPA has considered alternative
1126 compliance pathways for technologies that go above and beyond
1127 EPA's recently-proposed rule on methane emissions.

1128 *Mr. Regan. You know, I will say that I was just
1129 recently briefed on where we are with our methane rule, and
1130 potentially where we go with the supplemental. We received
1131 over 500,000 comments on our methane rule, many from the
1132 industry. And I am really pleased that our folks are
1133 embracing and looking at maximizing the technology, the AI,
1134 the innovation that we are seeing in the space for
1135 controlling methane and capturing that wasted gas that can be
1136 used as a more permanent product.

1137 So absolutely, we are excited about the potential there.

1138 *Mr. Curtis. Good. You know, as I talk with industry,
1139 like you, they acknowledge, hey, this is a product we don't
1140 want to waste, we want to capture this. And figuring out how
1141 to work with them and motivate them, I think, is important
1142 for all of us.

1143 Let me just mention, on a similar note, the elected
1144 officials in this Uinta Basin have expressed concern to me
1145 that the placement of the EPA air quality monitors has led to
1146 artificially high ozone readings. And I would love to ask
1147 you to look into that, and see if it is truly a placement
1148 issue, and if that is what is causing their higher ratings
1149 out there, or if we have a more significant problem. We
1150 would love to engage with your office on that, as well.

1151 *Mr. Regan. Absolutely. Absolutely.

1152 *Mr. Curtis. Good. Well, we look forward to hopefully
1153 getting you out to Utah. I know you are busy and at many
1154 places, but we would love to show you our beauty and scenery
1155 out there, and I am sure you would enjoy it as much as North
1156 Carolina.

1157 *Mr. Regan. I look forward to spending time with you in
1158 the district.

1159 *Mr. Curtis. Thank you, Administrator.

1160 *Mr. Regan. Yes, sir.

1161 *Mr. Curtis. Mr. Chairman, I yield my time.

1162 *Mr. Tonko. Thank you. The gentleman yields back. The

1163 chair now recognizes the gentlelady from the State of New
1164 York, from the heart of Brooklyn, Representative Yvette
1165 Clarke, for five minutes, please.

1166 *Ms. Clarke. Thank you very much, Mr. Chairman, and I
1167 thank Ranking Member McKinley for convening us for this
1168 important fiscal year 2023 EPA budget hearing.

1169 Administrator Regan, let me thank you for coming before
1170 us to testify today. Your leadership has helped to re-
1171 establish the agency and its rightful role as a champion of
1172 human health and environmental stewardship. And yet I am
1173 sure you agree there is still a lot of work to be done.

1174 One area where I believe EPA has both the authority and
1175 the obligation to act urgently is in the transportation
1176 sector emissions area. Not only is this sector our nation's
1177 leading contributor to the climate crisis, it is also a major
1178 source of health-harming air pollution that
1179 disproportionately impacts communities of color in urban
1180 areas like Brooklyn.

1181 Back in March, EPA released the notice of proposed
1182 rulemaking to develop a clean trucks plan for vehicles
1183 starting in model year 2027. However, I have concerns about
1184 the degree to which this plan would further the transition
1185 already taking place towards electric vehicles. New York
1186 State recently joined California in adopting an advanced
1187 clean truck rule to phase in greater sales of zero-emission

1188 trucks. And our Federal Government should now help lead in
1189 this effort.

1190 So, Administrator Regan, how will the EPA ensure its
1191 clean trucks plan builds off electrification progress already
1192 taking place at the state level?

1193 And are there other regulatory options you are
1194 considering to advance the transition to electric trucks
1195 beyond this immediate rulemaking?

1196 *Mr. Regan. Well, thank you so much for that question,
1197 and thank you for your leadership in this area. It has been
1198 great working with your team and your staff to help stay
1199 focused on this.

1200 You know, with the heavy-duty vehicle rules, we have
1201 sort of a two-phased approach.

1202 Step one, we wanted to honor our commitment to push our
1203 rule as quickly as possible, as stringently as possible, but
1204 to stay focused on the NOx pollutants that were really
1205 disproportionately impacting so many of our urban communities
1206 and communities of color, while we also push that technology
1207 to zero emissions. And so, in the heavy-duty vehicle rules
1208 pathway you will see in step one very aggressive, or as
1209 aggressive as we could go, really focused on NOx pollution,
1210 but also coupling the greenhouse gas opportunities there,
1211 reductions through electric vehicles and other low-carbon
1212 fuels.

1213 But then, in step two, as we look at, you know, beyond
1214 those years, we are really looking at the technologies that
1215 will be ripe for that zero-emissions profile. We are really
1216 trying our best to walk and chew gum at the same time, make
1217 sure that we are controlling those health-based pollutants
1218 while we keep an eye on greenhouse gas emissions, but also
1219 looking at that long-term horizon that we know climate change
1220 is that existential threat.

1221 *Ms. Clarke. Well, we definitely have your back, and we
1222 will be pushing it.

1223 It is similarly crucial that we improve air quality by
1224 electrifying dirty diesel school busses, which currently pose
1225 a major health issue for children in environmental justice
1226 communities in my district and across the nation. As you
1227 know, the recently-enacted Infrastructure Investment and Jobs
1228 Act included over 3 -- excuse me, \$5 billion for this purpose
1229 to be administered by EPA.

1230 How do you plan to ensure this funding is distributed in
1231 a manner consistent with the President's Justice40 goals, so
1232 that disadvantaged school districts with limited resources
1233 who need the support most are not last in line to receive
1234 clean school bus investments?

1235 *Mr. Regan. Well, I can tell you this is one of the
1236 things that brings a smile to my face, when we think about
1237 electrifying our yellow school busses in this country.

1238 You know, we are laser-focused on this. We are creating
1239 a very easy process, a very easy online process, by which
1240 people can apply. We are also gearing ourselves up to
1241 provide technical assistance to those who have not had a seat
1242 at the table in prior years.

1243 And to the point you just made, we are working directly
1244 with the school districts. Luckily, I have been traveling
1245 all across the country, I have been meeting with mayors, I
1246 have been developing relationships on the ground. I know how
1247 important that is. And so we are going to leverage our
1248 relationships with our mayors and our school districts to be
1249 sure that those who need to have a seat at the table have a
1250 seat at the table, and know how to navigate this process.

1251 *Ms. Clarke. And then finally, in EPA's fiscal year
1252 2023 budget it included a monumental proposal to establish a
1253 new environmental justice national program. Could you expand
1254 upon the need for this stand-alone program area, and how it
1255 will help EPA better work with overburdened communities to
1256 tackle local pollution and contamination issues?

1257 *Mr. Regan. Absolutely. You know, leadership starts at
1258 the top, and it started with the President of the United
1259 States, who said environmental justice would be a central
1260 theme to this Administration, and we are taking that very
1261 seriously.

1262 As I look across the agency and think about the needs

1263 that we have, we need to have a national program office, that
1264 sole priority is to focus on equity, justice, inclusion, and
1265 to ensure that that is being done in a very objective way.
1266 And so we are working on this national program now to help
1267 sit alongside our program leaders that look at the future for
1268 air quality, water quality, and land management.

1269 We don't want to just put window dressing here. We want
1270 to see a systematic change. And at EPA we know that we need
1271 dedicated political appointees, we need dedicated career
1272 staff, we need dedicated research and development work done.
1273 And so we want to have a program office whose full-time job
1274 it is to ensure that justice, equity, and inclusion is
1275 incorporated into every single thing we do: every policy,
1276 every regulation, contracts, procurement, hiring, the whole
1277 thing.

1278 *Ms. Clarke. I am excited, and I have gone over time.
1279 I yield back, Mr. Chairman, and thank you for your
1280 indulgence.

1281 *Mr. Tonko. You are most welcome.

1282 The gentlelady yields back. The chair now recognizes
1283 the gentlelady from the State of Michigan, Representative
1284 Debbie Dingell, for five minutes, please.

1285 *Mrs. Dingell. Thank you, Mr. Chairman. Thanks for
1286 holding today's hearing, and thank you, Administrator Regan,
1287 for testifying here today.

1288 As I mentioned to you, Administrator Regan, at the last
1289 time you came before us, you have taken over the EPA at a
1290 critical time, as United States looks to make a much-needed
1291 transformational shift to a clean economy, as the specter of
1292 climate change intensifies, as well as reversing the harmful
1293 policies of the last administration to protect public health
1294 and environment. I applaud what you have been doing at EPA.
1295 I look forward to working with you more on many issues, and
1296 to support the robust budget the Administration has put
1297 forward. But I got a lot of ground to cover in my few
1298 minutes.

1299 Let's start with PFAS. These harmful chemicals persist
1300 everywhere in the modern world, and we are finding new
1301 contamination sites regularly nationwide. As the sponsor of
1302 the PFAS Action Act, I was very pleased to see you took real
1303 action with your PFAS strategic roadmap announcement last
1304 October. In it, the fiscal year 2022 omnibus directs EPA to
1305 develop a 60-day spend plan to address PFAS. It is my
1306 understanding that the spend plan is due soon.

1307 Can you provide this committee an update on this report,
1308 as well as how the agency plans to prioritize this funding?

1309 And can you provide this committee a brief -- brief,
1310 because I have many questions -- update on EPA's progress to
1311 complete the agency's PFAS strategic roadmap?

1312 *Mr. Regan. Well, I can tell you we are really excited,

1313 and taking this to heart. And I was just taking a look at --
1314 what I will do is I will provide to you in writing the exact
1315 details of the spend plan.

1316 Let me just take a step back, though, and tell you we
1317 took a step back and we created this PFAS strategic roadmap,
1318 and we are really focused on the research and development
1319 components, the technological pieces of that. But we are
1320 also focused on some very serious rulemakings here, one that
1321 designates PFAS under the CERCLA program as a hazardous
1322 pollutant, and the other is setting a drinking water
1323 standard. So I will get you those specific --

1324 *Mrs. Dingell. Thank you.

1325 *Mr. Regan. -- details on the spend plan, but I can
1326 tell you we have an aggressive plan.

1327 *Mrs. Dingell. It is going to be critical to designate
1328 robust funding and manpower to -- for PFAS so you meet those
1329 deadlines.

1330 Specifically, the PFAS strategic roadmap set a spring
1331 2022 deadline to propose the hazardous substance designation
1332 for PFOA and PFAS, the two most notoriously harmful
1333 chemicals, which will -- help accelerate. Administrator
1334 Regan, will EPA meet that deadline? Yes or no?

1335 *Mr. Regan. Yes.

1336 *Mrs. Dingell. PFAS strategic roadmap includes a fall
1337 2023 deadline to issue a final drinking water standard for

1338 PFOA and PFAS, and I have had a lot of promises since I have
1339 been in Congress. Administrator Regan, will EPA meet that
1340 deadline, yes or no?

1341 *Mr. Regan. Yes.

1342 *Mrs. Dingell. And I will remind you of that. But I
1343 know you are working towards that. Thank you.

1344 Let me switch. Now I want to move to tailpipe emissions
1345 and electrifying the transportation sector.

1346 In the last couple of months, EPA has finalized a new,
1347 light-duty vehicle GHG emissions standards for model year
1348 2026. I applaud you for getting it done. Automakers have
1349 been supportive of those standards, though they have said
1350 that significant increases in electric vehicles will be
1351 needed to get there. We stood together as the White House
1352 set that goal for 2030, but a lot of things are going to --
1353 require to get there, a host of complementary investments and
1354 policies at all levels of government, including consumer
1355 incentives, infrastructure, and resilient domestic supplies.

1356 In addition, within the next two years, EPA aims to
1357 finalize GHG standards for model year 2027 vehicles and
1358 beyond.

1359 Administrator Regan, can you speak to the importance of
1360 these needed investments and policies to grow the EV market
1361 in the United States?

1362 And after you do that, briefly, I am going to submit a

1363 lot of other questions for the record.

1364 *Mr. Regan. Absolutely. Listen, to your point, we have
1365 stood together -- industry, regulators, Congress, all the
1366 leaders -- and said that we can do this. We can do this. I
1367 think, if we can follow the President's leadership,
1368 Congress's leadership, get some of the tax incentives that
1369 are sorely needed to help give that shot in the arm, we are
1370 well on our way to owning the 21st century, as it relates to
1371 transportation. We have got an industry that is committed.
1372 We are getting the environmental benefits that we need. The
1373 jobs are there, the unions are with us. And so, yes, we can
1374 do it, we just need the tax incentives.

1375 *Mrs. Dingell. But we are not going to get there if we
1376 don't get the policies that are going to support making those
1377 cars affordable, getting the batteries developed, building
1378 the infrastructure, and upgrading the power grid.

1379 Okay, I have seven seconds, so I am going to give you
1380 questions both on the EPA workforce in Ann Arbor, which is
1381 very concerned about their being return to work under what
1382 they consider -- and others have documented -- unhealthy
1383 worker [inaudible], and then we also need to talk about the
1384 Great Lakes Restoration Initiative, and why the reports are
1385 always late.

1386 And so, Mr. Chairman, I am going to have a lot of
1387 questions for the record. Thank you.

1388 [The information follows:]

1389

1390 *****COMMITTEE INSERT*****

1391

1392 *Mr. Tonko. The lady yields back. You are most
1393 welcome.

1394 The chair now recognizes the gentlelady from Delaware,
1395 the dean of the Delaware delegation, Representative Lisa
1396 Blunt Rochester, please, for five minutes.

1397 *Ms. Blunt Rochester. Thank you, Mr. Chairman, for
1398 calling this important hearing.

1399 And thank you, Administrator Regan, for your testimony,
1400 and also your visit to the State of Delaware. We appreciated
1401 having you.

1402 Administrator Regan, you and your team at EPA are
1403 playing a critical role in creating and maintaining healthy
1404 communities, while also advancing the best available science
1405 to address ongoing environmental challenges. The Biden
1406 Administration has made historic environmental commitments to
1407 overburdened, under-resourced, and marginalized communities.
1408 Those commitments include mitigating and adapting to climate
1409 change, and addressing pollution of our air, water, and land.

1410 I know in my state, like others, the air that we breathe
1411 and the water that we drink can lead to vastly different
1412 public health outcomes, depending on where a person lives.
1413 Environmental burdens can vary from one farm to another,
1414 between neighborhoods and even block by block. This is a
1415 major reason why it is so important that the EPA work hand in
1416 hand with local communities, and follow their lead on the

1417 ground.

1418 And so I thank you, Administrator Regan, for your
1419 leadership at this very important time, and a time of change
1420 and a time of opportunity. And I want to start out with my
1421 questions. I want to focus on water affordability.

1422 As we all know, the water affordability crisis has
1423 existed pre-pandemic, and has only been exacerbated since the
1424 pandemic. Last year I introduced H.R. 3293, the Low-Income
1425 Water Customer Assistance Programs Act, which would establish
1426 permanent drinking water and wastewater assistance programs
1427 at EPA to assist low-income water customers in paying their
1428 water bills. We found that in Wilmington, Delaware nearly
1429 one in three customers are behind on their water bills.

1430 And public outcry all over the country of rising rates
1431 led to the bipartisan authorization of a pilot water
1432 assistance program based in part on my low-income water
1433 customer assistance legislation. This legislation also
1434 included a requirement to conduct a needs assessment to
1435 inform the pilot program.

1436 Administrator Regan, can you provide an update on the
1437 agency's progress regarding the assessment?

1438 *Mr. Regan. Yes. I will say, number one, thank you for
1439 your leadership in this area. I think affordability is
1440 something that we don't talk about quite enough.

1441 And, you know, one of the things I can say is, as you

1442 are aware, HHS is actually now rolling out there our more
1443 than one billion low-income household water affordability
1444 program. So we are working very closely with HHS on how we
1445 design our partnership there, because that is going to be
1446 critical.

1447 The bill also authorized a new, low-income water
1448 assistance pilot program for EPA, but we have not received
1449 those appropriations yet. But I can tell you that EPA's
1450 assistant administrator, Radhika Fox, has a deep working
1451 knowledge and experience working with water systems and water
1452 affordability.

1453 So the combination of all of those actions, I think, are
1454 giving us a competitive step on how EPA is planning to
1455 complement your leadership, but also work on water
1456 affordability issues.

1457 *Ms. Blunt Rochester. Great. And while the
1458 infrastructure law established the pilot program, as you
1459 mentioned, you haven't received the funding yet. We know
1460 that this program would leverage your staff's expertise in
1461 these areas and, in particular, awarding grants and also
1462 working with public water utilities.

1463 What will this funding mean to communities who are
1464 struggling to afford water services?

1465 *Mr. Regan. It will mean a great deal. We have really
1466 focused on infrastructure, infrastructure, infrastructure.

1467 But the President has not lost sight on people, as well. So
1468 we can walk and chew gum at the same time here. And I think,
1469 as we are making significant investments into our water
1470 infrastructure to be sure that it is clean and reliable, we
1471 cannot forget that affordable piece.

1472 *Ms. Blunt Rochester. Yes, yes, and I want to shift
1473 gears a little bit to the Office of Air and Radiation at EPA,
1474 and how you set the standards for air quality across the
1475 country, standards that are critical to reducing toxic air
1476 pollutants and addressing the climate crisis. And we know
1477 that the government can't do it alone.

1478 So could you please share with us why state and tribal
1479 leadership is so important in these efforts?

1480 *Mr. Regan. You know, speaking as a former state
1481 regulator, I am probably biased. But states, state leaders,
1482 tribal leaders, mayors know their communities better than the
1483 Federal Government ever could. And we don't need to be
1484 prescriptive or academic; we need to look at the solutions
1485 that are already baked on the grounds, and -- on the ground.
1486 And we need to match those solutions with resources.

1487 We are finally at a place now, thanks to Congress's
1488 leadership through the American Rescue Plan, the Bipartisan
1489 Infrastructure Law, we have resources now that we can match
1490 with solutions that are on the ground, and EPA is ready to do
1491 that.

1492 *Ms. Blunt Rochester. I did not think I would be in the
1493 position of Mrs. Dingell, and having to submit questions for
1494 the record, but I have more questions and I am out of time.

1495 [The information follows:]

1496

1497 *****COMMITTEE INSERT*****

1498

1499 *Ms. Blunt Rochester. Thank you so much, and I yield
1500 back, Mr. Chairman.

1501 *Mr. Tonko. The gentlelady yields back. The chair now
1502 recognizes the gentleman from Georgia, Representative Carter,
1503 who comes to us virtually.

1504 Mr. Carter, you are recognized for five minutes, please.

1505 *Mr. Carter. Thank you, Mr. Chairman, and thank you,
1506 Administrator, for being here.

1507 Administrator, look, I may not like certain laws, and
1508 certainly I don't like certain laws, but the only thing that
1509 I really ask is consistency and -- across the board. And I
1510 am afraid that what we are experiencing in my district, in my
1511 region, in Region 4, is a lack of consistency, because it
1512 appears that Region 4 is using a different rulebook for
1513 enforcement compared to some of your other regions. And this
1514 is impacting businesses in my district, it is impacting the
1515 Georgia ports.

1516 I have the honor and privilege of representing the
1517 entire coast of Georgia, which includes the Port of Savannah
1518 and the Port of Brunswick. And the different interpretation
1519 of these rules and regulations is scaring businesses off, and
1520 it is harming our ports, and harming other businesses, as
1521 well.

1522 So I just want to get from you a commitment that you
1523 will streamline and harmonize enforcement of the statutes in

1524 EPA for each of the regions.

1525 *Mr. Regan. Yes, I believe very strongly that we need
1526 to have some consistency by which we apply the law, while
1527 also recognizing and affording some autonobility (sic) to the
1528 different characteristics that exist within our states and
1529 our regions.

1530 But your point is well taken; we need to be able to
1531 provide regulatory certainty to our business community and
1532 have an even hand at that. And so I will take a look at what
1533 is happening specifically in Region 4. And if you have
1534 specific examples you can provide to me and staff, we will
1535 take a very close look at that.

1536 *Mr. Carter. Well, I am going to take you up on that,
1537 because I do have specific examples. And as you can imagine,
1538 it is very frustrating. All we want is [inaudible] fair.
1539 All we want is to be treated the same. And we don't feel
1540 like we are getting that in Region 4.

1541 So thank you for your commitment to that, and I am going
1542 to take you up on that, and I am going to send you examples
1543 of what I am talking about here.

1544 *Mr. Regan. Okay.

1545 *Mr. Carter. You know, if I could shift gears for just
1546 a second, it appears that a theme of all of my colleagues is
1547 the agency seems to be stretching itself kind of thin here.
1548 I mean, this is the largest budget request ever by EPA, a

1549 28.6 percent increase from last year. And this is on top of
1550 the \$55 billion the agency received through the
1551 infrastructure law. So I have got serious concerns about EPA
1552 being able to manage all of this.

1553 And, you know, having been a state legislator for 10
1554 years, I feel very strongly [inaudible] and very strongly
1555 about [inaudible], and I am just concerned that EPA is going
1556 to be dictating everything from up high, and inserting itself
1557 into every issue from Washington, D.C. And I just want to
1558 make sure that the Administration understands this, and
1559 especially when it comes to air quality standards. It is --
1560 you know, it has got to issue timely guidance, so that states
1561 can put together their state implementation plans.

1562 And I just want to make sure that you understand how
1563 important that is, and to ask you why are you not -- why is
1564 EPA not working with states and providing more resources to
1565 improve their state implementation plans at a faster pace?

1566 *Mr. Regan. Well, I can tell you that I definitely
1567 agree with you on that. As a former state regulator, I was
1568 responsible just a couple of years ago on developing those
1569 SIP plans and implementing those SIP plans.

1570 Just a couple of months ago, I convened a meeting in
1571 Asheville, North Carolina that had about 45 to 46 of the 50
1572 state environmental secretaries to talk about the importance
1573 of the relationship between the Federal Government and the

1574 state government. We are co-regulators, and I respect that
1575 relationship, and I actually believe in the real definition
1576 of cooperative federalism.

1577 So the goal, really, is for us to be really good
1578 partners with our state regulators, and to be sure that we
1579 are working hand in hand. And I can assure you that me and
1580 this team are really focused on playing EPA's role as a
1581 Federal agency, but also understanding the importance of that
1582 co-regulatory role that our state secretaries have. And so
1583 you have my commitment to continue to work on that, as EPA
1584 administrator, the same way I enjoyed that as a state
1585 secretary just a few years ago.

1586 *Mr. Carter. Very quickly -- I am about out of time,
1587 and they are calling me to the floor here -- but I noticed
1588 that you have convened or called for some roundtables to be
1589 held in [inaudible] regions, but I can't help but feel
1590 oversight here in the sense that Georgia was not invited to
1591 any of those. You don't have any panelists from the State of
1592 Georgia. And I just want to get a commitment that your staff
1593 will come to Georgia to hear specifically from our businesses
1594 and my constituents about what is going on with WOTUS, in
1595 particular.

1596 *Mr. Regan. Yes, you have my commitment that we will
1597 engage with the State of Georgia. I believe we have. I have
1598 -- luckily, have a pretty good relationship, and hopefully

1599 will have a meeting soon with the President of the Farm
1600 Bureau, who is, I believe, a Georgia native.

1601 And so we are talking WOTUS with all of our states.
1602 There were 10 regional roundtables set up, you are right. We
1603 tried to choose regions that typically have not been afforded
1604 the opportunity to talk about WOTUS in the past, but could
1605 represent some of the interests that have not had a voice.
1606 But I can assure you that staff will follow up with you and
1607 your team, and we will engage Georgia, just like we are
1608 trying to engage every other state.

1609 *Mr. Carter. Okay, thank you, and I yield back.

1610 *Mr. Carter. The gentleman yields back. The chair now
1611 recognizes the gentleman from the State of California.

1612 Representative Peters, you are recognized for five
1613 minutes, please.

1614 *Mr. Peters. Thank you, Mr. Chairman.

1615 Thank you, Mr. Administrator, for being with us. It is
1616 good to see you again.

1617 Before I ask my questions, I want to thank you again for
1618 your leadership on the water pollution challenges at the
1619 U.S.-Mexico border in San Diego. As you know, we have been
1620 battling one of the largest environmental catastrophes in the
1621 hemisphere for decades. You came to visit it firsthand. I
1622 want to thank you for that. You prioritized it, and you are
1623 working to expedite the projects that will help us address

1624 the problem once for all -- once and for all. And so, on
1625 behalf of the entire region, I want to say thank you again.
1626 And we will continue to work to support you with the
1627 resources you need and the flexibility you need to succeed
1628 there.

1629 *Mr. Regan. Thank you.

1630 *Mr. Peters. I and many in this room are committed to a
1631 transition to a clean and a clean-powered economy, and we see
1632 evidence that the economy itself is interested in that. But
1633 even the most optimistic of us know that this will take
1634 years. So as we transition, we need to remain aggressive
1635 about reducing emissions from our existing infrastructure.
1636 So let me ask you about two topics today.

1637 The first is methane from oil and gas operations. There
1638 are now technologies that can provide 24/7 continuous
1639 monitoring of methane emissions at oil and gas facilities
1640 from the ground. And due to customer and investor demand for
1641 clean gas, many companies are investing in calculating carbon
1642 intensities of their oil and gas supply chains to gain a
1643 competitive advantage so they can sell what is considered
1644 clean gas to these customers who are interested in it.

1645 I am encouraged by the private sector innovation in
1646 methane monitoring. We can't rely entirely on it. And, as a
1647 government, we need to promote the highest possible standards
1648 for monitoring, reporting, and verifying methane emissions.

1649 So can you tell me a little bit about how EPA can contribute
1650 to better monitoring and measurement of methane emissions
1651 across the supply chain, and how EPA could encourage more
1652 widespread adoption of continuous emission monitoring
1653 technologies?

1654 *Mr. Regan. Well, I thank you for that question, and I
1655 agree with you. I can say that we are really excited about
1656 our proposed methane rule that will regulate both new and
1657 existing sources. There are just lots of opportunities there
1658 to deploy technologies and best management practices.
1659 Artificial intelligence, I mean, this is some really
1660 interesting stuff there.

1661 We are also tracking efforts to quantify carbon
1662 intensity of oil and gas supply chains. We have met with
1663 many of our external entities to be sure that we are on top
1664 of that game, while we are looking at another full suite of
1665 options.

1666 We also provide important raw data to these private
1667 sector entities, so that we can ensure that they have the
1668 best data and we are sharing the right data. Many of these
1669 companies and groups rely, actually, on our greenhouse gas
1670 data programs to develop their emissions estimates. So we
1671 feel pretty good that we have got a handle on what is out
1672 there.

1673 And additionally, we support better monitoring through

1674 our industry stakeholder engagement programs like our Methane
1675 Challenge program, where we have -- many members voluntarily
1676 step up, offer better management practices or technological
1677 ideas --

1678 *Mr. Peters. Right.

1679 *Mr. Regan. -- so we can codify that through voluntary
1680 actions and through rulemaking, which we are underway --

1681 *Mr. Peters. I --

1682 *Mr. Regan. -- which is underway.

1683 *Mr. Peters. I hope you will call on us as an ally, and
1684 I know you don't want to talk about the rule in this context.
1685 My concern is this.

1686 I helped lead the effort to restore the Obama-era
1687 methane rules from 2016, but the technology has come so far
1688 since then. And what I hope is whatever rule you establish
1689 will recognize that technology will continue to evolve, and
1690 will give us the flexibility to take advantage of those
1691 technologies as we leave behind the technology of today,
1692 because we really want to get at the methane problem, not
1693 proxies for the methane problem. And so I am really
1694 encouraged by this on-the-ground, continuous monitor --
1695 monitoring opportunity.

1696 Second, I want to talk a little bit about heavy-duty
1697 trucks. I am grateful for the EPA's leadership on reducing
1698 emissions from the transportation sector, moving us to zero-

1699 emission vehicles. In the meantime we need to continue to
1700 reduce emissions from non-electric vehicles that will be on
1701 the road for some decades to come.

1702 How will the heavy-duty truck proposal that you have at
1703 EPA contribute both to deploying more zero-emission vehicles
1704 and reducing carbon and criteria pollution from the non-zero
1705 vehicle emissions still on the road for some time?

1706 *Mr. Regan. Well, you make a very good point, and that
1707 is why, with our heavy-duty vehicle rule, trucks rule, we
1708 have sort of a two-pronged approach.

1709 The first is stay laser-focused on those health-based
1710 pollutants that we need to focus on, like NOx, especially
1711 those that are disproportionately impacting our urban
1712 communities, and communities of color, low-income
1713 communities.

1714 In step one of our HDV rule, we remain very focused on
1715 the best technology available to ensure that we reduce that
1716 NOx pollution, those health-based pollutions, while also
1717 gliding towards that electric technology, or the zero
1718 emissions technology. So in step one you will see us working
1719 on health and climate at the same time.

1720 But in step two you will see us transition to that
1721 technology that is zero emissions --

1722 *Mr. Peters. Right.

1723 *Mr. Regan. -- it is good for the planet, but also is

1724 far enough out where we don't lock in the types of emissions
1725 that we don't want to see locked in.

1726 *Mr. Peters. Right. I want to thank you for being
1727 here.

1728 And Mr. Chairman, just to put in a word for zero
1729 emissions rather than just electric -- because I think
1730 hydrogen and other technologies can play a role, too. So
1731 thank you very much, I yield back.

1732 *Mr. Regan. Thank you.

1733 *Mr. Tonko. The gentleman yields back. The chair now
1734 recognizes the gentleman from Alabama.

1735 Representative Palmer, you are recognized for five
1736 minutes, please.

1737 *Mr. Palmer. Thank you, Chairman Tonko.

1738 Administrator Regan, I come from a perspective that
1739 Congress sets the EPA's agenda and processes, and that EPA
1740 can prioritize its work among these programs based on current
1741 risk and law. But during the Obama-Biden era, the EPA -- it
1742 seemed like there was a strategy to use -- allow outside
1743 groups -- I won't say use outside groups, but allow outside
1744 groups to use deadline suits, lawsuits, and legal appeals as
1745 a workaround to force new regulations that were not part of
1746 the agency's stated regulatory plan.

1747 And even worse, this really gave short shrift to the
1748 public notice and comment period.

1749 So what I want to know is -- and by the way, the Trump
1750 Administration clamped down on these practices by promoting
1751 transparency and the rule of law. But the EPA, your agency,
1752 repealed that about 60 days ago. I am just hoping -- and I
1753 am concerned -- that the EPA is not going in this direction
1754 again, where you are going to have a number of consent decree
1755 lawsuits that will put you in a position of saying, well,
1756 this is what the court decision was, and so this is the new
1757 rule.

1758 Can I get your assurance that that is not where you are
1759 heading with this?

1760 *Mr. Regan. Absolutely.

1761 *Mr. Palmer. I appreciate that so much. I do not want
1762 to see us in a situation where we are having outside groups
1763 file lawsuits, litigate it almost privately, wind up having a
1764 settlement, and having a judge appoint a special master or
1765 control group to basically impose new laws on people without
1766 it going through congressional oversight, without it actually
1767 being presented through the EPA, through your official
1768 agenda. So I appreciate your response on that.

1769 I also have a question about -- in another area. EPA is
1770 the lead sector risk management agency for water and
1771 wastewater cybersecurity. It is a growing concern. And we
1772 have heard different things about attacks, cyber attacks, on
1773 our water systems.

1774 This committee helped enact steps to improve water
1775 sector cybersecurity in 2002 and in 2018, yet the EPA and
1776 this Administration seem to be moving in a different,
1777 troubling direction, actually, that would increase cyber
1778 vulnerabilities. And one example of that is the EPA's plan
1779 to expand water, public water system sanitary surveys, to
1780 include a review of cybersecurity practices which would
1781 publicly disclose a system's cyber security vulnerabilities.

1782 So what I want to know is when will the EPA fully
1783 implement all of the provisions of the Safe Drinking Water
1784 Act section 1433, including creating a process for EPA to
1785 recognize cyber standards used by third parties?

1786 *Mr. Regan. Well, I can tell you that we are laser
1787 focused on this cybersecurity issue. I think, you know,
1788 180,000 water systems all across the country, many of them --
1789 and I am working with my state partners. I came from a
1790 state, as a regulator. I know that a lot of states don't
1791 have a handle on just what the health of their cyber
1792 situation is.

1793 I know that my staff is working with this committee hand
1794 in glove to be sure that we are using all of our statutory
1795 authority to pursue cybersecurity in the water space that we
1796 can.

1797 *Mr. Palmer. Well, there is a certain amount of
1798 security that we need to provide in discussing these

1799 vulnerabilities. I mean, we do not need to publicly disclose
1800 any problems that water systems are having with their
1801 cybersecurity.

1802 What we need to do is get together and take action to
1803 fix the problem. So with that in mind, can I get your
1804 commitment to the following: the EPA will not outsource its
1805 leadership responsibilities for cyber security in the water
1806 sector to other Federal agencies?

1807 And can I get your commitment that EPA will regularly
1808 engage with the water sector and its Coordinating Council on
1809 Cybersecurity?

1810 And finally, will the EPA support the Water Information
1811 and Sharing Center's efforts?

1812 *Mr. Regan. Well, what I can say is we are not in the
1813 business of abdicating our responsibility to anyone else. We
1814 take cybersecurity in the water space very seriously.

1815 *Mr. Palmer. Thank you.

1816 *Mr. Regan. And I do want to go on record as saying the
1817 survey that we put out to help begin to assess and shore up
1818 we don't believe violates or provides any additional security
1819 information that is out there.

1820 But I look forward to working with you and your staff on
1821 this. I have talked to my staff about this. This is a
1822 serious issue for us. And I want to be sure, as
1823 administrator, that we are using all of our statutory

1824 authority to tackle this issue.

1825 *Mr. Palmer. I believe that is exactly what you want to
1826 do.

1827 Mr. Chairman, what I would like to do is submit those
1828 requests in writing.

1829 And Administrator Regan, I would really appreciate it if
1830 you would respond to each one of those assurances that I
1831 asked you for in writing, and get them back to the full
1832 committee and to my office, as well.

1833 *Mr. Regan. We will be responsive.

1834 *Mr. Palmer. Thank you, sir. I yield back.

1835 *Mr. Tonko. Representative Palmer, we will review all
1836 of the requests at the end of the hearing. So thank you.

1837 *Mr. Palmer. Thank you, Mr. Chairman.

1838 *Mr. Tonko. And the gentleman yields back. The chair
1839 now recognizes the gentleman from Virginia, Representative
1840 McEachin, for five minutes, who joins us virtually.

1841 Welcome, Mr. McEachin.

1842 *Mr. McEachin. Thank you, Mr. Chairman. It is good to
1843 be with you.

1844 And to the administrator, it is good to see you again,
1845 my friend. I want to start off by thanking you for coming to
1846 the 4th congressional district and visiting with us, and
1847 particularly in the City of Richmond, and seeing some of our
1848 needs, and also hearing me out in terms of the rest of the

1849 district.

1850 And I know that, actually, you had asked for some
1851 information from the district, and we have sent you a memo
1852 about -- probably about a month ago on the district and some
1853 of the needs that we have seen. And I have no doubt that you
1854 have not seen it. I have no doubt that your staff is
1855 scrubbing it diligently. But I would appreciate an answer in
1856 the near future, if you can manage one. I know how staff can
1857 be, and how they want to make their boss look good, but they
1858 need to understand that you already look good to me, so I
1859 just look forward to a response.

1860 *Mr. Regan. Yes.

1861 *Mr. McEachin. I am concerned, Administrator, that we
1862 are almost halfway -- or maybe we are halfway through the
1863 first term of the Biden Administration. And I look forward
1864 to working with him to -- for him to secure a second term.
1865 But if the worst should happen, and that not happen, we have
1866 got about two years left for you to do some good work.

1867 And I am particularly interested in how I can help you
1868 get your Justice40 initiatives [inaudible] into the 4th
1869 congressional district, and particularly the rural part of
1870 the district. I know you have a heart for rural localities,
1871 and I am not just a big city congressman. I have a whole lot
1872 of rural counties between Petersburg and the North Carolina
1873 border that you are undoubtedly familiar with [inaudible] I-

1874 95.

1875 So what can I do? What can we, as a congress do, to
1876 help you get your Justice40 initiative kick-started in those
1877 areas?

1878 *Mr. Regan. Well, number one, I appreciate the
1879 partnership that we have with you and your office. It has
1880 been invaluable.

1881 And I think that we will continue to contribute to the
1882 White House's efforts around Justice40. They are
1883 quarterbacking that. And many of us in these agencies are
1884 serving as pilots to prove out the Justice40 theory. I will
1885 say that in December we announced \$1 billion investment on
1886 the cleanup of the backlog of our Superfund sites. And, you
1887 know, what I can say is about 60 percent of those sites that
1888 are receiving the resources for cleanup are in historically
1889 under-served communities.

1890 And so, when we think about the Superfund program and
1891 the Brownfields program, we are really hitting our mark on
1892 sort of that 40 percent of the benefits go to the communities
1893 that have been disproportionately impacted, or impacted the
1894 most.

1895 The other thing is, with our SRF program, as we think
1896 about the \$50 billion-plus that we have to shore up our water
1897 infrastructure, just looking at the statutory authorities and
1898 the structure of that program, that requires 49 percent of

1899 those SRF funding dollars to go to disadvantaged communities.

1900 While I will say that the term "disadvantaged," you
1901 know, has a different definition, slightly different
1902 definition in every state, provides a state with a certain
1903 level of autonomy to really define disadvantaged, we are
1904 really on track with that 49 percent number, whether it be in
1905 the State of Texas or the State of North Carolina or the
1906 state of Virginia. There is enough autonomy there, but focus
1907 and criteria there to ensure that we are meeting and/or
1908 exceeding those Justice40 numbers that the President pledged.

1909 *Mr. McEachin. I would like to -- and not that you are
1910 prepared to do this today, but I would really like to get
1911 with you or someone on your staff, because in that memo that
1912 I referenced earlier, we took a look at -- I believe we took
1913 a look at disadvantaged communities. And as I shared with
1914 you, Virginia is 400 years old. We have got -- been using
1915 water all that time. We have got water infrastructure in all
1916 sorts of different states of disrepair, from not knowing to
1917 where they are located, to them being wooden, to being lead-
1918 filled in some cases.

1919 I shared with you that if I could just get the water
1920 infrastructure in the 4th congressional district fixed before
1921 the end of the Biden Administration, I would have -- would
1922 feel like that was an accomplishment. And so I don't believe
1923 that is -- I don't believe we have had a whole lot of

1924 assistance yet. And so I would like to figure out how we can
1925 get with you and get that jump-started, because that is a
1926 critical, critical, number-one need in the 4th.

1927 *Mr. Regan. Absolutely. I was just conferring with
1928 staff. We are on it, Congressman McEachin, and we will be in
1929 touch on that very issue very soon.

1930 *Mr. McEachin. Thank you very much.

1931 And Mr. Chairman, my gift to you, my friend, is 17
1932 seconds. I yield back.

1933 *Mr. Tonko. The gentleman yields back. The chair now
1934 recognizes the gentleman from South Carolina.

1935 Representative Duncan, you are recognized for five
1936 minutes, please.

1937 *Mr. Duncan. Thank you, Chairman Tonko, and thank you
1938 for being here in person today.

1939 A couple weeks ago we had Energy Secretary Granholm
1940 testify in front of the House Energy and Commerce Committee,
1941 and I asked her if she was anti-fossil fuels. And she
1942 replied, "I would like to transition away from unabated
1943 fossil fuels to a clean energy future.'`

1944 Administrator Regan, I want to pose the same question to
1945 you. Are you anti-fossil fuels, and do you agree with
1946 Secretary Granholm's policy objective to transition from
1947 fossil fuels?

1948 *Mr. Regan. What I would say is we are focused on

1949 controlling the emissions.

1950 I think that question is interesting, because when we
1951 think about the President's directive for us to focus on
1952 carbon capture and storage, we are focused on the technology
1953 that would capture the carbon emissions from fuel sources
1954 like natural gas.

1955 And so, when we think about the future, in my opinion,
1956 and we look at the regulations that EPA is focused on, we are
1957 focused on controlling the carbon emissions that we see in
1958 our economy. And we know that it is going to be a
1959 combination of things: energy efficiency, wind, solar,
1960 battery storage. We are going to have to have advanced
1961 natural gas infrastructure in place. We are going to have to
1962 have carbon capture and storage. We know that we are going
1963 to have to have a suite of options if we are going to win the
1964 21st century.

1965 *Mr. Duncan. I agree with you on carbon capture, and I
1966 actually like the aspect of that.

1967 Let me ask you a question I asked her: How did you get
1968 up here today?

1969 *Mr. Regan. I am sorry?

1970 *Mr. Duncan. How did you get to the Hill today?

1971 *Mr. Regan. Government vehicle.

1972 *Mr. Duncan. And that was a Suburban?

1973 *Mr. Regan. Yes.

1974 *Mr. Duncan. So you got a [inaudible] detail
1975 [inaudible] second Suburban, as well?

1976 *Mr. Regan. I am sorry?

1977 *Mr. Duncan. Did you have two Suburbans? You had a
1978 security detail, as well.

1979 *Mr. Regan. Just one.

1980 *Mr. Duncan. Just one?

1981 *Mr. Regan. Yes.

1982 *Mr. Duncan. Okay, and that is an electric vehicle, I
1983 assume.

1984 *Mr. Regan. I am riding in the vehicle that our current
1985 contract allows. And when our contract is up, I will take a
1986 look at my options.

1987 *Mr. Duncan. Well, you should. If you are going to
1988 talk about emissions, and everything that you mentioned
1989 earlier, I think you should.

1990 Let me shift gears, because we have talked about natural
1991 gas just a second ago. Political reality is it is impossible
1992 to build a natural gas pipeline in the United States right
1993 now. Did you know that?

1994 *Mr. Regan. Well, you know, what I would say is that,
1995 in the role of EPA, as we think about the power sector in the
1996 future, we are actually having conversations about, if we
1997 were to have new natural gas turbines, what would that look
1998 like, and how can we best position that then in the future,

1999 if natural gas isn't the option, but let's say the option is
2000 hydrogen --

2001 *Mr. Duncan. We have natural gas pipeline -- turbines,
2002 you have to have a natural gas availability, and that
2003 requires a pipeline. But yet the EPA aids and abets
2004 environmentalist groups that take them to court, and litigate
2005 these projects to the point where they can't be sustained or
2006 completed.

2007 An example, I am worried about South Carolina's ability
2008 to meet our energy demands in the future because the ACP, the
2009 Atlantic Coast Pipeline, was stopped, basically, on the
2010 litigation side of it.

2011 *Mr. Regan. I think, if we are going to cite that one,
2012 I was state secretary in North Carolina, and I can say that,
2013 for the record, under the Cooper Administration and under my
2014 watch, we approved the Atlantic Coast Pipeline permits that
2015 were under my jurisdiction. A different outcome for the
2016 Mountain Valley pipeline.

2017 And what I did was I focused on the science, and focused
2018 on the law. So since you raised Atlantic Coast Pipeline, I
2019 just want --

2020 *Mr. Duncan. And I appreciate you mentioning your
2021 approval --

2022 *Mr. Regan. I just want to be on the record --

2023 *Mr. Duncan. -- of the ACP, but ultimately the ACP got

2024 canceled by Duke Energy because of litigation cost. The
2025 litigation costs came from the environmental groups who we
2026 defeated -- the Supreme Court -- on the Appalachian Trail
2027 aspect, but they were continuing to litigate it. And this
2028 isn't an isolated example. The ACP is just one I used
2029 because I was actively involved in the Appalachian Trail
2030 amicus brief that we actually won in the Supreme Court.

2031 But the fact is the environmental groups continue to
2032 litigate these pipelines. And the ACP is just one. And so
2033 we are going to see a continued thwarting by EPA and others
2034 on natural gas pipelines.

2035 *Mr. Regan. Well, I don't want to conflate. I worked
2036 for the State of North Carolina. I work for the EPA, not
2037 environmental groups.

2038 I hear your arguments. Your arguments sound like they
2039 are levied towards the environmental groups. And so I want
2040 to be responsive in the capacity that I am in, which is not
2041 an environmental group. I am trying to be responsible and
2042 engage with our industry, provide certainty, and focus on
2043 technological solutions that win the future. I don't work
2044 for an environmental group.

2045 *Mr. Duncan. So for the energy regulations that fall
2046 under the EPA's jurisdiction, Clean Air Act mainly, Clean
2047 Water Act, can you commit to instilling certainty for these
2048 groups that want to build these companies, that want to build

2049 pipelines, or provide natural gas and other resources for
2050 energy production?

2051 *Mr. Regan. You know, I was just criticized earlier for
2052 saying this, but, actually, what I am doing to respond to the
2053 power sector and EEI, I am actually spending time with these
2054 CEOs, and they have asked for certainty.

2055 And so what we have done is we have taken a look at all
2056 the rules that we are statutorily required to put out, and we
2057 are putting them in a package. We are not darkening their
2058 doorstep one at a time, death by 1,000 paper cuts. We are
2059 trying to present a uniform package so that our power sector
2060 understands what investments might work for the future.

2061 What I can commit to is doing what I have been doing,
2062 which is working very transparently with the oil and gas
2063 sector and with the power sector on the rules that are coming
2064 forward, and how we can really take advantage of technology
2065 and innovation so that we can drive down the emissions that
2066 we are seeing, not only that contribute to climate
2067 pollutants, but also to health-based pollutants.

2068 *Mr. Duncan. And certainty, as well as the existing
2069 rules and regulations that are in place today.

2070 *Mr. Regan. We need certainty for our companies to be
2071 able to make the long-term investments that we need.

2072 *Mr. Duncan. I like what you have said. I appreciate
2073 you saying that, and I look forward to questioning you again

2074 in a year and finding out if that certainty has been applied.

2075 Mr. Chairman, thank you so much.

2076 *Mr. Tonko. The gentleman yields back. The chair now
2077 recognizes the gentleman from the State of Florida.

2078 Representative Soto, you are recognized for five
2079 minutes, please.

2080 *Mr. Soto. Thank you, Chairman.

2081 And Administrator Regan, I believe you are the man for
2082 the moment right now, coming from North Carolina and having
2083 to work with both sides of the aisle, that has been on
2084 display here today. And we are really appreciative of that,
2085 especially as we are coming out of the pandemic.

2086 And under President Biden's budget we are dropping the
2087 deficit by \$1.5 trillion, \$1.5 trillion, the biggest in
2088 history. And that -- you have to look at it in context of
2089 the budget request that you are making today, so that you
2090 could ramp up for this infrastructure law implementation.
2091 That is what I want to focus on, both electric vehicles,
2092 specifically school busses, clean water, and environmental
2093 remediation, three areas that you are going to be working on
2094 closely.

2095 We have Orange County Public Schools, one of the largest
2096 public school districts in the nation, and we are really
2097 interested in the decarbonization of our nation's school
2098 busses, 5 billion. So it would be great to hear a little bit

2099 about how this budget is going to help deliver for central
2100 Florida, for school busses.

2101 *Mr. Regan. Well, I am really excited about it. I
2102 mean, when you think about the future, you think about our
2103 children. And so to have our children riding on electric
2104 school busses is just awesome.

2105 One billion dollars this year that we will spend in
2106 trying to get our school busses electrified. In the coming
2107 weeks we are going to announce a \$500 million grant. We are
2108 working directly with local school districts. We are going
2109 to make it easy. We are going to put these processes online.
2110 We are going to engage these school districts. We want to be
2111 sure that those people who need these busses the most will
2112 have a competitive chance at getting these busses. So I am
2113 excited about that.

2114 *Mr. Soto. And we appreciate it, Mr. Administrator.

2115 Next, clean water. This is an issue that has happened
2116 in Saint Cloud, Florida, with aging infrastructure -- \$50
2117 billion to EPA for improving our nation's drinking water,
2118 wastewater, and stormwater.

2119 So is this budget going to help you ramp up to do the
2120 job for so many clean water needs across the nation?

2121 *Mr. Regan. You know, the \$50 billion from the
2122 Bipartisan Infrastructure Law is a shot in the arm. It is a
2123 huge -- it is a historic investment.

2124 And so we are going to work with our state partners. I
2125 have written every governor a letter, every governor, a
2126 letter walking through how I want to partner with those
2127 governors to be sure that those resources get to those who
2128 need it the most. We know that the 50 billion is a shot in
2129 the arm, but we know that there is more need there, as well.
2130 So we are going to have to leverage our traditional resources
2131 and these bipartisan infrastructure dollars to be sure that
2132 we are protecting the public, while gearing up for some of
2133 the impacts that we are seeing from climate change.

2134 *Mr. Soto. Well, thank you, Administrator, and also
2135 environmental remediation.

2136 We have some of our older cities in central Florida,
2137 like Orlando and Kissimmee, my hometown, where we could be
2138 reusing land that was once for industrial uses or certain
2139 agriculture uses to bring it back into commercial use, 5.4
2140 billion for cleaning up legacy pollution at Superfund and
2141 Brownfield Sites.

2142 How does this budget help you meet the moment for this
2143 key issue for infrastructure, as well?

2144 *Mr. Regan. You know, this budget and the budget
2145 request we have in help us to shore up and be prepared, over
2146 \$5 billion for Superfund and Brownfield sites. We are
2147 talking about a lot of cleanup.

2148 We are also talking about a lot of economic development.

2149 We are also talking about the removal of a lot of blighted
2150 site, and rebuilding some communities. We are excited about
2151 it. I think that the Bipartisan Infrastructure Law gives us
2152 the capital to make those investments.

2153 What you see in the 2023 budget are the types of
2154 staffing that we are going to need to maintain that, and
2155 continue that through the future.

2156 *Mr. Soto. And lastly, Mr. Administrator, we know,
2157 because of both the pandemic and because of the war in
2158 Ukraine, gas has been a real struggle as we are balancing to
2159 lower prices with the environment, dealing with a worldwide
2160 shortage. So how do we strike that balance between
2161 environment, and looking at summer blends, and ethanol, and
2162 other things to lower the price at the pump, while still
2163 protecting our environment?

2164 *Mr. Regan. I think we have to follow the science and
2165 follow the law.

2166 I think the President pledged that this unprovoked war
2167 on Ukraine would cause some stress and some pressure,
2168 especially at the pump. And he pledged to use all the tools
2169 in his toolbox. He asked us to take a look at what we could
2170 do.

2171 I took a look at the science. I looked at E15. And the
2172 reason that the waiver is in place is because we wanted to
2173 get in front of having any kind of supply issues. We know

2174 that there are over 2,000 gas stations in rural communities
2175 all across this country that could benefit from that E15
2176 waiver. We looked at the science. We knew it would not have
2177 adverse impacts on the air quality for at least a couple of
2178 months. And so, in order to relieve that pressure at the
2179 pump and empower some of our rural communities to have access
2180 to those resources, we put that waiver in place.

2181 *Mr. Soto. And we are appreciative. This is a way for
2182 our rural communities to help with this, to be part of the
2183 solution to helping reduce gas prices. So thank you, Mr.
2184 Administrator.

2185 And I yield back.

2186 *Mr. Tonko. The gentleman yields back. The chair now
2187 recognizes the gentleman from Texas.

2188 Representative Crenshaw, you are recognized for five
2189 minutes, please.

2190 *Mr. Crenshaw. Thank you, Mr. Chair, and thank you to
2191 Administrator Regan for being here today. We appreciate it.

2192 I wasn't going to bring this up, but you were just
2193 talking about the Justice40 initiative, which is a White
2194 House report, and it lays out what kind of projects and
2195 technologies would benefit communities, and then it lays out
2196 what kind would not benefit. And I have some concerns here
2197 because on the list of projects on page 59 that "will not
2198 benefit a community," this particular report lays out a

2199 list: fossil fuels, carbon capture, roads, research and
2200 development. It just says "research and development," it
2201 doesn't even say what kind, it is just wouldn't benefit a
2202 community. Nuclear energy is on that list. Pipelines are on
2203 that list. So according to the environmental justice
2204 warriors, vulnerable communities do not need electricity.

2205 I think you seem like a pretty reasonable guy. You
2206 can't possibly agree with every aspect of that report, right?

2207 *Mr. Regan. You know, I am honestly not familiar with
2208 the report.

2209 *Mr. Crenshaw. Okay, page 59, check it out. Well, we
2210 were just talking about it. That is why I brought it up.

2211 *Mr. Regan. Okay.

2212 *Mr. Crenshaw. Moving along, I -- one of the concerns I
2213 have is that the rhetoric of this Administration does not
2214 match the actions. And I have heard the President say a lot
2215 of things recently in the midst of an inflation crisis, in
2216 the midst of food shortages, supply chain problems.

2217 And he said a lot of things that I happen to like, like
2218 we need to increase our oil and gas production, we need to
2219 lower gas prices. He says we need more broadband and fiber
2220 optic cable, more domestic manufacturing of semiconductor
2221 chips, more wind turbines. He wants to replace lead pipes
2222 and improve our water quality, he wants to reduce our food
2223 prices. These are all really good things to want.

2224 But all of these goals require the very plastics and
2225 chemicals that EPA regulates. And this is my concern,
2226 because I think the EPA is in a position to be helpful here
2227 or not helpful. And based on the various proposals and
2228 actions from your agency, I have to question whether these
2229 goals are shared broadly in the Administration. And I will
2230 start with some examples.

2231 Let's start with semiconductor chips. So the idea is
2232 that we need more chip manufacturing domestically. The
2233 problem is this recent proposal for billion-dollar
2234 punishments on the very chemicals, PFAS chemicals, that go
2235 into chips. So why would we do that if we are trying to
2236 increase chip production here in the U.S.?

2237 *Mr. Regan. Being on the receiving end of a water
2238 crisis in North Carolina, GenX, caused by a company,
2239 Chemours, as a spin off from DuPont, I don't believe that you
2240 have to choose between protecting water quality in people's
2241 lives and companies doing the right thing the right way and
2242 contributing to our global competitiveness.

2243 And so when I take a look at situations like GenX or
2244 PFAS, right, we know that there are technologies and ways to
2245 reduce that exposure to mothers, children, and everyone.
2246 This is about holding these companies accountable --

2247 *Mr. Crenshaw. I agree there is a good middle ground.
2248 The problem with the PFAS -- we are talking about PFAS in

2249 particular -- is EPA's proposal to ban a whole wide variety
2250 of them, instead of going individually to each one that might
2251 be considered dangerous.

2252 Well, let's look at some more examples. The President
2253 also wants to lower food prices.

2254 *Mr. Regan. That is not quite accurate.

2255 *Mr. Crenshaw. Okay.

2256 *Mr. Regan. I don't think we are looking at banning
2257 PFAS as a class. I think we have looked at before --

2258 *Mr. Crenshaw. It is re-categorizing it in a way that
2259 would make it extremely costly to produce it.

2260 Again, looking at food prices, we want to lower food
2261 prices to be easier to make food, and less costly. But EPA
2262 bans the use of one of the most widely-used pesticides, and
2263 curtails another.

2264 In another example, the President commits to more oil
2265 and gas infrastructure -- actually, I loved this -- ordered
2266 FERC to withdraw its proposal back in March, which would
2267 further limit the building of pipelines. But EPA actually
2268 wrote a letter expressing support for those same proposals.

2269 And this one I want to get to, also. So this is plastic
2270 resin. It is produced in Houston. This is the kind of high-
2271 quality plastics that are used in biomedical devices,
2272 everyday devices, everything we need to reduce health care
2273 costs, deploy broadband, replace lead pipes, build out our

2274 infrastructure.

2275 But isn't it -- it is true, isn't it, that the EPA right
2276 now is considering re-classifying basic PVC plastics as a
2277 hazardous waste product?

2278 Does that seem like a productive thing to do in the
2279 midst of an inflation crisis?

2280 *Mr. Regan. I think that what EPA is doing is taking
2281 actions to put the proper classification on any kind of
2282 potential hazard --

2283 *Mr. Crenshaw. But this can't possibly be a hazardous
2284 waste product, right?

2285 I mean, this is the kind of plastic that we would use
2286 for biomedical devices. We would put them in our bodies.

2287 *Mr. Regan. Yes, I think what EPA does is regulate
2288 processes. And so I think we have to look at not just the --

2289 *Mr. Crenshaw. Are you familiar with the --

2290 *Mr. Regan. It makes --

2291 *Mr. Crenshaw. -- problem I am specifically referring
2292 to?

2293 *Mr. Regan. Yes.

2294 *Mr. Crenshaw. Yes? Okay.

2295 *Mr. Regan. Yes, yes, I am. And listen, I think that I
2296 have heard lots of things, that we plan to ban and put a
2297 moratorium on permitting plastic. I mean, like, there is a
2298 lot of stuff out there --

2299 *Mr. Crenshaw. I didn't say that. I said you are
2300 considering it, which is true.

2301 *Mr. Regan. We are not, no.

2302 *Mr. Crenshaw. Yes, you are.

2303 *Mr. Regan. The answer --

2304 *Mr. Crenshaw. You are actually required to, by a court
2305 case, considering making PVC plastic --

2306 *Mr. Regan. We have no plans to ban --

2307 *Mr. Crenshaw. Again, I am just hoping that you have --

2308 *Mr. Regan. We have no plans to ban or put a moratorium
2309 on permitting plastic --

2310 *Mr. Crenshaw. I didn't say ban, I said reclassify.
2311 Okay. Reclassified as a hazardous waste product, which would
2312 vastly increase the cost of doing business, which would
2313 vastly contribute to more inflation. That is why I am asking
2314 you about it. But I am out of time.

2315 *Mr. Tonko. The gentleman yields back. The chair now
2316 recognizes the gentleman from North Carolina.

2317 Representative Hudson, you are recognized for five
2318 minutes, please.

2319 *Mr. Hudson. Thank you, Mr. Chairman.

2320 Administrator Regan, welcome back. It is good to see
2321 you.

2322 *Mr. Regan. Good to see you.

2323 *Mr. Hudson. I appreciate you being here in person to

2324 discuss your agency's fiscal year 2023 budget plan.

2325 As you know from our work together over the years,
2326 addressing drinking water contamination, especially GenX, is
2327 extremely important to me, and has been one of my priorities
2328 as a member of this subcommittee. On that note, I appreciate
2329 your agency's efforts to address PFAS, including the release
2330 of your agency's PFAS strategic roadmap last October, which
2331 included a human health toxicity assessment that we have been
2332 waiting a long time for, you and I both, for GenX chemicals.

2333 You are well aware that North Carolina, specifically
2334 Cumberland County in my district and the folks downstream,
2335 has a disproportionate burden in our water basins when it
2336 comes to these emerging containments. Currently, many
2337 residents and even schools that are receiving drinking water
2338 from the Cape Fear River are paying out of pocket for
2339 filtration systems to remove GenX contaminants. And since
2340 mid-February, more than 6,200 private wells in Cumberland,
2341 Robeson, and Sampson Counties have been found to contain GenX
2342 and other types of PFAS chemicals.

2343 To address this, many households are relying, as you
2344 know, on cases of bottled water for their water-related
2345 needs. And because of this, I and many in our community
2346 believe we can be a model for removing -- or removal and
2347 remediation efforts.

2348 In 2020, EPA published several fact sheets on emerging

2349 technologies for PFAS destruction, as well as a journal
2350 article on the efficacy of destroying PFAS using super-
2351 critical water oxidation, or SCWO, in November of 2021.

2352 EPA's PFAS roadmap also includes a section on evaluating
2353 and developing technologies for reducing PFAS in the
2354 environment. Administrator Regan, what plans does EPA have
2355 to continue to evaluate, validate, and deploy technologies
2356 like SCWO, and can you please provide a timeline for these
2357 plans?

2358 *Mr. Regan. Well, Congressman, thank you, number one,
2359 for your continued partnership on this very tough issue.
2360 This is one that you and I have been working on for quite
2361 some time, and this is a top priority.

2362 I, on purpose, announced our PFAS roadmap from the State
2363 of North Carolina, because I know the experience that North
2364 Carolinians have in combating with this. I will say
2365 evaluating and developing technologies for reducing PFAS is a
2366 critical component of the roadmap. Much of the work that we
2367 have done, much of the scientific work that we have done, as
2368 you know, has been done from the campus there in North
2369 Carolina, EPA's Research Triangle Park campus.

2370 This past February, we released the PFAS Thermal
2371 Treatment Database. It is an online resource that contains
2372 more than 2,000 records from 80 different sources about the
2373 treatability of PFAS using different thermal processes. A

2374 lot of that information, that rich information, came from
2375 folks in the State of North Carolina.

2376 So I will say that we are laser-focused on the
2377 technological chase. We are leveraging the experience in
2378 places like North Carolina. We are also, you know, working
2379 on evaluating drinking water treatment technologies to
2380 support our proposed water standards for both PFOA and PFAS
2381 later this year.

2382 So we are excited about the partnership. We are excited
2383 about the progress. But you and I both know that we need to
2384 do a lot more.

2385 *Mr. Hudson. Absolutely, and I appreciate your
2386 commitment to this, and I look forward to continuing to work
2387 with you.

2388 And we would love to have an opportunity to have you
2389 come down and do a site visit later this year, potentially.
2390 We have got a place where some of these technologies are
2391 being deployed, and I would love for you to come see that
2392 firsthand.

2393 *Mr. Regan. Absolutely.

2394 *Mr. Hudson. I appreciate that. Another issue I would
2395 like to put on your radar, in April traces of 1,4-Dioxane
2396 were identified in Chatham County's water supply. And I am
2397 concerned, obviously, about downstream impacts on my
2398 district, where my constituents live.

2399 I know the EPA does not regulate 1,4-Dioxane in drinking
2400 water. However, I would appreciate any insight your team
2401 could give us on any EPA regulatory efforts on this
2402 substance.

2403 *Mr. Regan. You know, these unregulated emerging
2404 compounds cause a lot of us a lot of heartache. And I can
2405 say that we are going to use our authority under TSCA and the
2406 Safe Drinking Water Act to build a scientific foundation to
2407 better understand and respond to 1,4-Dioxane.

2408 You know, we plan to evaluate 1,4-Dioxane under the Safe
2409 Drinking Water Act regulatory determinations notice, which we
2410 are working on really hard right now. So yes, currently it
2411 is unregulated, it is an emerging contaminant. But I can
2412 tell you we are looking at all of our existing authorities
2413 and what we can do to regulate these emerging contaminants.

2414 *Mr. Hudson. Well, I appreciate you doing that, because
2415 folks are really concerned about it back in North Carolina.
2416 And so I look forward to continuing to work with you as you
2417 move forward in that process.

2418 *Mr. Regan. Absolutely. Your partnership is critical.

2419 *Mr. Hudson. Well, I appreciate that.

2420 My time has expired. I did want to get into a third
2421 topic, but I will follow up with you in writing.

2422

2423

2424 [The information follows:]

2425

2426 *****COMMITTEE INSERT*****

2427

2428 *Mr. Hudson. And again, I appreciate you making time to
2429 be with us today.

2430 *Mr. Regan. Thank you.

2431 *Mr. Hudson. And with that, Mr. Chairman, I will yield
2432 back.

2433 *Mr. Tonko. The gentleman from North Carolina yields
2434 back.

2435 Administrator Regan, we are calling -- there is a call
2436 for votes. There are two votes. It should be a very short
2437 recess. But unfortunately, again, we beg your forgiveness.
2438 We are going to recess for a short while, and we have about
2439 three to four members yet that I know of that want to
2440 question. So we are getting there.

2441 *Mr. Regan. Okay.

2442 *Mr. Tonko. But thank you for your patience again.

2443 *Mr. Regan. Absolutely.

2444 *Mr. Tonko. The subcommittee will stand in recess.

2445 [Recess.]

2446 *Mr. O'Halleran. [Presiding] And with that, we will
2447 call the subcommittee back to order.

2448 I will yield to myself for quite -- for a statement. I
2449 want to thank the chair and the ranking member for their
2450 putting this meeting together.

2451 It is great to see you again, Administrator Regan. I
2452 want to talk to you for coming -- or thank you for coming to

2453 northern Arizona last September in our windy day that day --
2454 and dusty up there -- to visit some of the more than 500
2455 uranium mine sites on the Navajo Reservation, and to meet
2456 with the Navajo leadership.

2457 Since the 1940s and 1950s and 1960s, and into the 1970s,
2458 millions of ton of uranium have been mined from Navajo lands,
2459 exposing workers and their families to uranium contamination
2460 and higher levels of radiation. For far too long, these
2461 sites have been poisoning people, water, and land of the
2462 Navajo Nation.

2463 EPA began cleanup of these sites in the 1990s, but has
2464 little to show for it other than the ability to get some
2465 money through different lawsuits and into a trust fund, and
2466 some studies done, and some mills taken care of. But for the
2467 most part, those 500-and-some sites have remained untouched.
2468 There has been a lack of cleanup, a lack of funding, and a
2469 lack of emphasis to prioritize these areas with the necessary
2470 resources administration after administration after
2471 administrations. And administrations from both parties have
2472 continued to be derelict in their duty to the Navajo Nation
2473 to clean up these toxic sites, sites that were there
2474 originally to help out the United States win a war, and
2475 increasingly to help us continue to develop energy for our
2476 country in nuclear-powered ships.

2477 In your testimony, you cite the Administration goals for

2478 environmental justice, for the communities affected, which
2479 extends beyond northern Arizona to Utah, Colorado, and New
2480 Mexico. Environmental justice means a swift cleanup of these
2481 toxic sites, with urgency that reflects the serious and
2482 significant health impacts on these communities after almost
2483 80 years.

2484 A question for -- in the past we have discussed the need
2485 for the EPA to better allocate funds and personnel to the --
2486 accelerate cleanup. How does the budget align with that
2487 goal?

2488 *Mr. Regan. Well, first of all, thank you for the
2489 question, and thank you for hosting me in your district, and
2490 your leadership on this issue.

2491 I will tell you one of the most touching experiences I
2492 have had was having the conversation with the Navajo women,
2493 and them discussing as -- children playing with yellow rocks
2494 because they didn't know the difference, and the exposure
2495 that they had experienced. And so this is something that has
2496 gone on, as you said, for far too long.

2497 In the 2023 budget we have asked for \$3 million
2498 dedicated to support the Navajo Abandoned Uranium Mine
2499 Program, which would help to expedite some of the
2500 partnerships and the cleanups here. We know that there are
2501 lots of abandoned mines that need to be addressed, and lots
2502 of past transgressions, quite frankly, that need to be

2503 addressed.

2504 We have also awarded about \$13 million in grants under
2505 Superfund to the Navajo Nation programs for their support and
2506 investing in these sites -- investigating these sites, and
2507 planning cleanup.

2508 So this is a priority, and so we are putting our money
2509 where our mouths have been for quite some time.

2510 *Mr. O'Halleran. Thank you. What is the expected
2511 timeline to clean up these priority mines like those near
2512 homes and water resources?

2513 Keep in mind that those are -- some 200 mines is
2514 identified now, but obviously inflation is having an impact
2515 on the availability of funding for that.

2516 So the timeline?

2517 *Mr. Regan. We experienced some significant impacts to
2518 that timeline due to COVID-19, as we discussed during the
2519 visit.

2520 But we were able to complete critical field activities
2521 to continue to investigate. And so significant progress has
2522 been made, and it will depend on that field work, including
2523 the selection of cleanup options for 34 mines and 9 sites.
2524 So we are planning to complete 130 of those assessments by
2525 the end of 2022.

2526 *Mr. O'Halleran. I anticipate that we are talking
2527 somewhere -- at least another decade or so before we actually

2528 get a significant amount of mines cleaned up. And then we
2529 still have over 207 mines to go, and get us well past 100
2530 years of trying to get this accomplished.

2531 And I am going to yield and turn it over to Ms. Barragan
2532 for five minutes.

2533 *Ms. Barragan. Thank you. Thank you, Mr. Chairman.

2534 Thank you, Mr. Administrator, for being here today. I
2535 know it has been a long day with our votes.

2536 I want to just quickly follow up to something my
2537 colleague, Representative Clarke, talked about. That was
2538 zero-emissions trucks. And I want to just chime in and to
2539 say that we really cannot wait. We cannot afford to wait 10
2540 years for zero-emission trucks.

2541 And I just wanted to share with you Wilmington,
2542 California, a place that you have come to to visit in my
2543 district. Last week my staff attended a community meeting in
2544 Wilmington over concerns about truck pollution. And they
2545 were raised. And my Spanish speaking constituents said -- I
2546 am going to say this in Spanish, and then I will translate --
2547 "Nos estan matando. El puerto nos esta matando, las
2548 refinarias y los camiones.'" Today, "Todo el mundo se
2549 olvidado de Wilmington.'"`

2550 Translate into English: We are being killed. The
2551 ports, the refineries, and the trucks are killing us. The
2552 entire world has forgotten about Wilmington.

2553 Administrator Regan, I know that environmental justice
2554 is something you are committed to, and this Administration is
2555 committed to. Environmental justice communities like
2556 Wilmington, California, they can't wait. They shouldn't have
2557 to wait another 10 years for zero-emissions trucks. And so I
2558 just want to urge you and the EPA to do everything that you
2559 can in the final rule to try to leave no gap between what is
2560 possible and what is necessary to give our most polluted
2561 communities, those on the front lines, clean air.

2562 And so I just wanted to say that before I go into my
2563 questions, and to thank you for the work you are doing, and I
2564 know the challenges that you have.

2565 So turning -- changing course, Administrator, the EPA's
2566 Risk Management Plan Rule, also known as the chemical
2567 disaster rule, is critical for protecting nearby communities,
2568 workers, and first responders. Residents in my district are
2569 very concerned about the risk of accidents at the refineries
2570 in Carson and Wilmington and at Rancho LPG in San Pedro.

2571 I commend your agency's commitment to stakeholder
2572 meetings, so all voices are heard during this rulemaking
2573 process. Can you commit to taking the feedback from your
2574 community stakeholder meetings and comment period to create
2575 the strongest rule possible to prevent future chemical
2576 disasters?

2577 *Mr. Regan. Absolutely. In June and July of last year

2578 we held those listening sessions. We took to heart what we
2579 heard. We incorporated as much as we could into our proposed
2580 rule, and it is with OMB now. And we believe that that rule
2581 will be stronger because of community participation.

2582 *Ms. Barragan. Well, thank you.

2583 Now, climate change has made chemical facilities even
2584 more dangerous as rising flood waters and powerful storms cut
2585 off electricity and put volatile chemicals at risk of release
2586 or explosion. Will the EPA consider the impacts of extreme
2587 weather and climate change in the chemical disaster rule?

2588 *Mr. Regan. You know, in February of 2022 the
2589 Government Accountability Office found that about 31 percent
2590 of RMP facilities are in areas vulnerable to natural hazards.
2591 So we agree with GAO's concerns, and we took the report's
2592 recommendations into consideration when we were crafting the
2593 proposal. It is now at OMB, and so I won't comment on what
2594 the contents are, because I am not allowed to. But we took
2595 GAO's recommendations into consideration as we crafted that
2596 rule.

2597 *Ms. Barragan. Okay. Well, we must protect our
2598 communities at risk of chemical disasters. And that is why I
2599 co-led a letter to the EPA on this issue with Senator Cory
2600 Booker and 29 Members of Congress. It is important that EPA
2601 strong -- finalize the strongest possible rule to protect
2602 communities, workers, and first responders.

2603 For my last question, last fiscal year EPA referred just
2604 152 criminal cases to the Department of Justice. Criminal
2605 prosecutions against companies violating environmental laws
2606 have dropped to their lowest levels in three decades.
2607 Staffing is a major issue. As of January, the EPA's criminal
2608 division unit had 161 investigations. In 1998 there were
2609 261.

2610 How does EPA's proposed budget address these staffing
2611 shortages, and how important is having adequate enforcement
2612 staff for your environmental justice work?

2613 *Mr. Regan. You know, having the adequate staffing
2614 levels on the enforcement side is critical. I think that I
2615 haven't been shy by saying that we will use our enforcement
2616 authority where it is required and needed. We have made
2617 requests in the years 2022 and now again in 2023 for
2618 increased resources. We need those resources not to be
2619 overly burdensome, but to enforce the laws that are on the
2620 books, and to ensure that we are protecting every single
2621 person in this country as we should be.

2622 And so what you will see in this budget is a modest
2623 request to bolster up our enforcement arm so that we can
2624 enforce the laws on the books, especially for those who are
2625 most vulnerable.

2626 *Ms. Barragan. Great. Thank you, Mr. Administrator.
2627 With that, I yield back.

2628 *Mr. Regan. Thank you.

2629 *Mr. O'Halleran. I now recognize the gentlelady from
2630 Texas, Mrs. Fletcher.

2631 *Mrs. Fletcher. Thank you, Mr. Chairman.

2632 And thank you, Administrator Regan, for testifying today
2633 and answering our questions. I appreciate the opportunity to
2634 raise with you today an issue that is very important to me,
2635 to my constituents, and to our entire region, and that is the
2636 proposed relocation of the EPA Region 6 lab to Ada, Oklahoma,
2637 from Houston to Ada, Oklahoma.

2638 I was glad to see that EPA has delayed the plans to
2639 relocate the lab until 2027. But I feel very strongly that
2640 this relocation should not go forward at all, and there are
2641 many reasons for that. The lab and its highly-trained staff
2642 are essential to [inaudible] mission of protecting health and
2643 our environment, and we really need that in our community in
2644 Houston.

2645 From your experience [inaudible] that you know that
2646 Houston is home to the largest petrochemical complex in the
2647 United States, and arguably the largest in the world. It is
2648 also a coastal city that is plagued by extreme weather
2649 events, including -- we just had 3 years in a row where we
2650 had 500-year floods, including one from Hurricane Harvey, a
2651 category 4 storm that caused \$125 billion in damage. And in
2652 2019 -- you are probably also familiar with a devastating

2653 chemical fire that took place in our area along that same
2654 ship channel, following which we found very high levels of
2655 PFAS contamination in Galveston Bay from the foam that the
2656 firefighters used to put out that chemical fire.

2657 As an aside, I am glad to tell you that, just a few
2658 hours ago in our Science, Space, and Technology Committee, we
2659 passed out of committee a bill that I brought, the Federal
2660 PFAS Research Evaluation Act, for EPA to identify the
2661 research and development needed to advance our understanding
2662 of PFAS exposure. So I am glad to report that to you.

2663 But here is the critical point for this hearing. In the
2664 case of extreme weather events, and in the case of industrial
2665 accidents, the EPA scientists in the Region 6 lab in Houston
2666 are our essential first responders. And I am deeply
2667 concerned that the lab's closure will cause EPA employees to
2668 retire early -- as I understand, there are currently no staff
2669 that have expressed a willingness to relocate -- and it could
2670 also seriously delay the return of results, threatening
2671 Houston's access to critical air, water, and soil testing
2672 performed at the lab during these kinds of events and at all
2673 times.

2674 Now, Ada is two hours away from the closest airport, an
2675 area that is prone to ice storms and tornadoes. If the
2676 airports are closed, if the roads are closed down, samples
2677 might not get delivered, results might not come back. When a

2678 disaster happens, we don't have days to wait for the samples
2679 to be delivered to learn if our water, if our drinking water,
2680 is contaminated. And it is just really important that we
2681 know what is in the air, what is in the water as quickly as
2682 possible. And that is what the Region 6 lab does in our
2683 area.

2684 And unfortunately, we have seen that past relocations
2685 have been detrimental to EPA's mission. As you are aware,
2686 the EPA Region 9 lab was moved from Richmond, California at
2687 the end of last year, and is still not operational, as I
2688 understand it. I have also heard that none of the lab
2689 employees in California took relocation offers. And as far
2690 as I am aware, there is no estimate for when it will begin to
2691 process samples. So we are deeply concerned about that in
2692 our area.

2693 Also, I know that in 2020 the EPA inspector general put
2694 out a report that found that EPA lab relocations have been
2695 plagued by cost overruns, and the anticipated cost savings
2696 were overstated.

2697 And it also found that, for example, the relocation, the
2698 Richmond relocation, was more than two years behind schedule,
2699 and cost \$7 million more than planned.

2700 So, you know, the consolidations, arguably, to shrink
2701 the amount of leased space held by the agency are really
2702 having the effect of shrinking the workforce. And with these

2703 staff departures go years and decades of institutional
2704 knowledge and expertise that we can't afford to lose.

2705 In December of 2019 I sent a letter to the EPA OIG
2706 asking for an investigation into the effectiveness of closing
2707 the Houston lab, and what its impacts would be for EPA's
2708 mission. The request was denied at the time, and the reason
2709 was that there was a lack of resources to perform the
2710 investigation. I would ask that the agency reconsider a
2711 request for this investigation as to the effectiveness of
2712 closing the Houston lab.

2713 Additionally, I have sent letters with other Members of
2714 the Houston region expressing our concerns about the
2715 relocation most recently in November of last year. We still
2716 haven't received a response to that letter. So I am hoping
2717 that, with this opportunity to connect today, that I can get
2718 you to agree to commit to working with me and my office to
2719 address the many concerns we have about this proposed
2720 relocation.

2721 And ultimately, I hope you will agree with me that the
2722 relocation of the Region 6 lab from Houston to Ada, Oklahoma
2723 should not go forward.

2724 *Mr. Regan. Well, Congresswoman, thank you, first of
2725 all. And I understand -- and we really do understand -- many
2726 of these concerns. I would love to spend some time with you
2727 and your staff so we can talk through a number of actions

2728 that took place, starting in 2010, that got us to the point
2729 where we are, and how we can talk about moving forward.

2730 *Mrs. Fletcher. Thank you so much, Administrator Regan.
2731 I look forward to the opportunity to work with you on this
2732 and many other issues. I thank you again for being here
2733 today, and for your responsiveness.

2734 And I yield back.

2735 *Mr. Regan. [Inaudible] yielded. With that there are
2736 no more presentations.

2737 I will request unanimous consent to enter the following
2738 documents into the record: an article from the Desert Sun
2739 entitled, "Toxic Shower Water, Sewage Pits Infiltrating (sic)
2740 Woes in the East Coachella Valley Mobile Parks'\'; a statement
2741 from the Environmental Defense Fund; a statement -- letter
2742 from the American Chemistry Council; a letter from the
2743 American Cleaning Institute; an article from the Inside EPA
2744 entitled, "EPA Plans to Scrap Affirmative Defense Emissions
2745 Waiver in Air Permits'\'; an article from Environmental Law
2746 and Policy Monitor entitled, "EPA Proposes Significant
2747 Expansion to Interstate Ozone Transport Regulations'\'; a
2748 letter from Representatives Carey, Johnson, Balderson, Latta,
2749 David Joyce, Westerman, Grothman, Rodgers, and McKinley to
2750 EPA Administrator Regan; an article from Power Magazine
2751 entitled, "ERCOT, MISO Warn of Potential Power Supply
2752 Shortfalls,'\'; a letter from Representatives Slotkin and

2753 Walberg and Senators Stabenow and Peters; an article from the
2754 Washington Examiner entitled, "Power Sector Warns of
2755 Blackouts and (sic) Demands Clashes with Traditional Power
2756 Retirements'\'; a GreenWire article entitled, "Way Off Track:
2757 Chemical Industry Slams EPA'\'; an article from the Wall
2758 Street Journal entitled, "Electricity Shortage Warnings Grow
2759 Across the U.S.'\"

2760 Without objection, so ordered.

2761 [The information follows:]

2762

2763 *****COMMITTEE INSERT*****

2764

2765 *Mr. O'Halleran. I would like to thank our witness for
2766 joining us for today's hearing.

2767 Thank you very much. Good seeing you again.

2768 I remind members that, pursuant to committee rules, they
2769 have 10 business days to submit additional questions for the
2770 record to be answered by our witness.

2771 I ask that our witness respond promptly to any such
2772 questions that you may receive.

2773 At this time, the subcommittee is adjourned.

2774 [Whereupon, at 2:33 p.m., the subcommittee was
2775 adjourned.]