

**THE FISCAL YEAR 2019 ENVIRONMENTAL
PROTECTION AGENCY BUDGET**

HEARING
BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT
OF THE
COMMITTEE ON ENERGY AND
COMMERCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

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¹ Mr. Pruitt’s response to submitted questions has been retained in committee files and also is available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=108218>.

THE FISCAL YEAR 2019 ENVIRONMENTAL PROTECTION AGENCY BUDGET

THURSDAY, APRIL 26, 2018

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENVIRONMENT,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:00 a.m. in room 2123, Rayburn House Office Building, Hon. John Shimkus (chairman of the subcommittee) presiding.

Members present: Representatives Shimkus, McKinley, Barton, Blackburn, Harper, Olson, Johnson, Flores, Hudson, Cramer, Walberg, Carter, Duncan, Walden (ex officio), Tonko, Ruiz, Peters, Green, DeGette, McNERney, Cárdenas, Dingell, Matsui, and Pallone (ex officio).

Also present: Representatives Long, Costello, Bilirakis, Lance, Griffith, Rush, Eshoo, Schakowsky, Butterfield, Castor, Sarbanes, Welch, Luján, LoebSack, Kennedy, and Engel.

Staff present: Jennifer Barblan, Chief Counsel, Oversight and Investigations; Mike Bloomquist, Staff Director; Samantha Bopp, Staff Assistant; Daniel Butler, Staff Assistant; Karen Christian, General Counsel; Kelly Collins, Legislative Clerk, Energy/Environment; Jerry Couri, Deputy Chief Counsel, Environment; Jordan Davis, Senior Advisor; Lamar Echols, Counsel, Oversight and Investigations; Wyatt Ellertson, Professional Staff Member, Energy/Environment; Margaret Tucker Fogarty, Staff Assistant; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, Oversight and Investigations, Digital Commerce and Consumer Protection; Jordan Haverly, Policy Coordinator, Environment; Zach Hunter, Director of Communications; Peter Kielty, Deputy General Counsel; Bijan Koohmaraie, Counsel, Digital Commerce and Consumer Protection; Tim Kurth, Deputy Chief Counsel, Communications and Technology; Ben Lieberman, Senior Counsel, Energy; Ryan Long, Deputy Staff Director; Milly Lothian, Press Assistant and Digital Coordinator; Mary Martin, Chief Counsel, Energy/Environment; Drew McDowell, Executive Assistant; Brandon Mooney, Deputy Chief Counsel, Energy; Annelise Rickert, Counsel, Energy; Peter Spencer, Senior Professional Staff Member, Energy; Jason Stanek, Senior Counsel, Energy; Austin Stonebraker, Press Assistant; Hamlin Wade, Special Advisor, External Affairs; Andy Zach, Senior Professional Staff Member, Environment; Michelle Ash, Minority Chief Counsel, Digital Commerce and Consumer Protection; Priscilla Barbour, Minority Energy Fellow; Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority Chief Environ-

ment Counsel; Jean Fruci, Minority Policy Advisor, Energy and Environment; Tiffany Guarascio, Minority Deputy Staff Director and Chief Health Advisor; Caitlin Haberman, Minority Professional Staff Member; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Jourdan Lewis, Minority Staff Assistant; John Marshall, Minority Policy Coordinator; Jon Monger, Minority Counsel; Kaitlyn Peel, Minority Digital Director; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; Michelle Rusk, Minority FTC Detailee; Andrew Souvall, Minority Director of Communications; Tuley Wright, Minority Energy and Environment Policy Advisor; C.J. Young, Minority Press Secretary; and Catherine Zander, Minority Environment Fellow.

Mr. SHIMKUS. The subcommittee will come to order. Before we begin, I would like to take a moment to address the guests in our audience. First of all, thank you for coming. We think engaged citizens are a welcome and valuable part of the political process. I only wish every hearing drew this much interest.

The purpose of this hearing is to hear from the Administrator of the EPA on important matters currently before the Agency, including the subcommittee's continued interest in the workings of the Environmental Protection Agency. It is an opportunity for the subcommittee to ask questions and have a thoughtful discussion on these issues. The number of people in the audience this morning demonstrates the strong interest in these topics, and we welcome that interest and your attendance today.

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

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

OPENING STATEMENT OF HON. JOHN SHIMKUS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

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

I am especially happy with the reinvigorated Superfund program and in particular, after more than 20 years on the National Priorities List, I am very glad to see progress finally being made on the West Lake Landfill which we have talked about numerous times.

Superfund sites are a tangible environmental and public health problem that may pose multiple immediate threats.

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

As the author of the changes to Title I of the Toxic Substances Control Act, I also want to commend you for reducing the backlog of applications for new chemicals. I understand the backlog has crept back up by one-third of its normal level, but I look forward to seeing what actions you take including the use of new user fees to help EPA operate its new chemicals review process more expeditiously.

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

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

I look forward to hearing your side of the story on the rumors and allegations you are facing. Before yielding back my time I want to make a couple of environmental budget and policy observations. First, even though Federal law requires the President to propose a budget, the U.S. Constitution vests the actual budget and spending authority with the Congress, particularly the House of Representatives. Second, the President's budget was released on February 12th, 2018 without full knowledge what Congress would do in the Consolidated Appropriations Act that became law 6 weeks later. Had the Administrator joined us in February or March, he would not have had to face this dynamic. But regardless of what Members think of the administration's budget proposal, I hope today they will remember our own role in the budget and spending debate.

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

I believe that no matter how well intentioned any regulatory effort may be, the only way to get a lasting solution, especially one

that will not spend more time in court than on the books, is by having Congress settle this issue by statute. I urge you, Mr. Administrator, and the other members of the executive branch to patiently work with us in good faith on a legislative solution to the Renewable Fuel Standard.

[The prepared statement of Mr. Shimkus follows:]

PREPARED STATEMENT OF HON. JOHN SHIMKUS

Good morning Administrator Pruitt and welcome back to the Environment subcommittee. I am glad you are here today and look forward to our discussion.

From a policy perspective, and from my seat outside the Agency, I am generally pleased with the direction you are taking the EPA.

As I mentioned when you were here 5 months ago, the American people don't want ideologues rewriting or reinterpreting law. They expect and deserve folks at agencies like EPA who will faithfully implement what Congress has passed.

I am especially happy with the reinvigorated Superfund program and in particular, after more than 20 years on the National Priorities List, I'm very glad to see progress finally being made at the West Lake Landfill. Superfund sites are tangible environmental and public health problems that may pose multiple immediate threats. One of the first bills I worked on when I joined this committee was to help make the Superfund program operate more rationally; so, to see that you also care about this program is important to me.

I also want to applaud your initiative to look at the EPA's workforce and identify ways to make the Agency more efficient and effective. As I mentioned back in December, this exercise, sadly, has not been undertaken in more than 20 years. I believe a lack of consistent review can lead to complacency or foster regulatory overreach, and I look forward to learning more about efforts to reshape the bureaucracy.

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I believe that no matter how well intentioned ANY regulatory effort may be, the only way to get a lasting solution—especially one that will not spend more time in court than on the books—is by having Congress settle this issue in statute. I urge you, Mr. Administrator and the other members of the Executive Branch, to patiently work with us in good faith on a legislative solution to the RFS.

With that, I yield back the balance of my time and recognize the ranking member of the subcommittee, the gentleman from New York, Mr. Tonko, for 5 minutes.

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

OPENING STATEMENT OF HON. PAUL TONKO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

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

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

I expect the courts will agree that many, if not all, of these actions are unjustified. In addition, I am troubled by the dismissal of science by the Agency's political leadership. Hundreds of scientists have left EPA with no apparent plan to replace them. Expertise on the science advisory boards has been eroded and the recently proposed rule to undermine the use of science in rulemakings will severely limit the Agency's ability to safeguard public health.

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

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

I am of course referring to the Administrator's pattern of wasteful spending on luxury travel, personal security and yes, office upgrades. To say nothing of his well-documented sweetheart rental from a lobbyist with business before EPA and huge unapproved raises for top political staff, amongst others. Perhaps most con-

cerning have been the reports of retaliation against employees both career and political that have dared to question Administrator Pruitt's most troubling abuses and expenditures. And in almost all cases, the more we have learned the worse they get.

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

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

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

Mr. Chair, no one is above the law. Congress must hold this Administrator accountable on behalf of the American people, and I hope our committee can continue to investigate and bring the truth of these important issues to light in a bipartisan manner. With that, I yield back.

[The prepared statement of Mr. Tonko follows:]

PREPARED STATEMENT OF HON. PAUL TONKO

We are here today to discuss EPA's budget for fiscal year 2019. The President has called for a nearly 30 percent cut at EPA, which would severely impair the Agency's ability to fulfill its mission to safeguard public health and our environment.

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These actions include reopening clean car standards without any mention of health or pollution, continuing to repeal the Clean Power Plan and dismissing the science of climate change, implementing TSCA reform that ignores bipartisan Congressional intent, and a number of attempts to undermine the Clean Air Act.

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I know many career employees at EPA simply want to work hard to ensure the air we breathe is clean and the water we drink is safe. To them, I say thank you.

But the Agency's political leadership is pursuing a different agenda. And the mounting evidence of serious ethics violations and credible investigations at the highest levels cannot go unscrutinized.

Mr. Chairman, I value this subcommittee's bipartisan record. There are times that we disagree, but we have worked through tough issues together and are often able to find bipartisan balance.

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But most importantly, your conduct as Administrator has demonstrated a lack of respect for American taxpayers and the Agency you were appointed to lead, and has affirmed the regrettable but inevitable conclusion that you were never fit for this job.

And your refusal to provide any serious transparency, accept any accountability, or show even the slightest contrition is inexcusable.

Mr. Chairman, no one is above the law. Congress must hold this Administrator accountable on behalf of the American people. I hope our committee can continue to investigate and bring the truth of these important issues to light in a bipartisan manner. I yield back.

Mr. SHIMKUS. The Chair thanks the gentleman. The Chair now recognizes the chairman of the full committee, Greg Walden from Oregon, for 5 minutes.

OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WALDEN. Thank you, Mr. Chairman.

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

I am concerned that the good progress being made on policy front is being undercut by allegations about your management of the Agency and use of its resources. These issues are too persistent to ignore and I know many Members are looking forward to hear more clarity from you today. You will have ample opportunity to help provide us with any information that can help answer these questions. Additionally, there are numerous ongoing investigations into these issues and I want you to commit to the committee that you will provide us with all the same information you provide to the EPA Inspector General and other congressional committees.

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

I also appreciate your desire to rebalance the power between Washington, DC, and the States, making our efforts more efficient and helping deliver tangible results to communities across the country. To truly succeed, we need stronger local, State, Federal, and private partnerships where we can team up and leverage all available resources to accomplish the goals of cleaner water, cleaner air, and cleaner soils. Importantly, I appreciate your stated commitment to administer the law as Congress intended and to have the Agency concentrate on its statutory obligations under environmental and public health laws as well as the Administrative Procedures Act.

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

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

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

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

With that Mr. Chairman I yield back the balance of my time.
[The prepared statement of Mr. Walden follows:]

PREPARED STATEMENT OF HON. GREG WALDEN

Welcome back to the House Energy and Commerce Committee, Mr. Administrator. As you know, we scheduled this hearing to focus on the EPA's policy and budget priorities. But you surely understand that Members on both sides of the aisle also have serious questions the management and operations of the Agency. We expect you to answer these questions fully and truthfully.

I am concerned that the good progress being made on the policy front is being undercut by allegations about your management of the Agency and use of its resources. These issues are too persistent to ignore, and I know many Members are looking for more clarity from you today. You will have ample opportunity today to provide us with any information. Additionally, while there are numerous ongoing investigations into these issues, I want you to commit to providing this committee with all the same information you provide to the EPA Inspector General and other congressional committees.

Having said that, let me also say that I appreciate your good work to focus EPA on the mission Congress has tasked it with in statute: clean air for Americans to breathe, safe water for our citizens to drink, and soils free from pollution. As an example, I want to commend your efforts to reinvigorate the Superfund program, and specifically to accelerate the cleanup of the Willamette River at the Portland Harbor. Even your most liberal detractors applaud your efforts on this critical clean up.

I also appreciate your desire to rebalance the power between Washington, DC, and the States, making our efforts more efficient and helping deliver tangible results to communities across the country. To truly succeed, we need stronger local, State, Federal and private partnerships where we can team up and leverage all available resources to accomplish the goals of cleaner water, air and soil.

Importantly, I appreciate your stated commitment to administer the law as Congress intended, and to have the Agency concentrate on its statutory obligations under environmental and public health laws, as well as the Administrative Procedures Act. Bringing new transparency to your public processes, especially when it comes to the data and science that underpins public policy, is truly a welcome change from the past practices at the EPA.

Mr. Administrator, too many of your predecessors believed a clean environment was incompatible with economic growth and job creation. I share your view that we can and must have both. We need common sense regulation that protects the public, actually cleans up the environment and does so in a way that doesn't unnecessarily suffocate the economy.

I believe the EPA should focus on innovative problem solving and partnerships with the States, the private sector, and other stakeholders that leverage their resources and expertise. I look forward to our discussion today about the Agency's budget and EPA's direction now and into the future.

As with our hearing five months ago, I remain interested in the goals you are establishing for the programs at EPA and the metrics you intend to use to measure their progress. Particularly, I noticed Objective #5 in the proposed budget discusses staffing and internal management issues. It is important that EPA not be bloated, but it is essential that EPA have staff with proper expertise implementing and en-

forcing programs that correlate with their experience. Finding that critical staffing balance is one of the most important roles of anyone given the enormous task of managing a large, taxpayer-funded enterprise.

Finally, I want to applaud those objectives in the Agency's budget that reduce red-tape, result in the regulated community better knowing what is expected of them, and promote prompt, even, and fair enforcement of the law. I look forward to learning more about that today.

Again, thank you for being here today. I look forward to your testimony.

Mr. SHIMKUS. The gentleman yields back the balance of his time. The Chair now recognizes the ranking member of the full committee, Congressman Pallone from New Jersey, for 5 minutes.

OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Mr. Chairman.

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

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

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

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

There are so many outstanding questions that we need truthful answers to today but because so far we have only gotten half-truths, misleading answers, or outright falsehoods. For instance, you rented a condo at well below market value and then emphati-

cally claimed on Fox News that your landlord's lobbyist husband had no business before the EPA, a statement that was proven to be untrue. And it is that kind of conduct that prompted Ranking Members Tonko, DeGette, and Vice Ranking Member Castor and I to request that you be placed under oath for this hearing and that it be expanded to include the Oversight and Investigations Subcommittee.

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

Fortunately, committee Democrats have been demanding answers, and five independent Federal investigations are now being done into your conduct at our request. Yesterday, I joined with Ranking Member Cummings of the Oversight and Government Reform Committee to request an additional investigation by the Office of Special Counsel into your troubling pattern of apparently retaliating against EPA employees who question your extravagant spending, and I am confident that these investigations will affirm what I have come to believe is true: that you are unfit to hold public office and undeserving of the public trust.

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

[The prepared statement of Mr. Pallone follows:]

PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

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I am confident that these investigations will affirm what I have come to believe is true: You are unfit to hold public office and undeserving of the public trust.

Mr. SHIMKUS. The gentleman yields back his time. We now conclude with Members' opening statements. The Chair would like to remind Members that, pursuant to committee rules, all Members' opening statements will be made part of the record.

We would also now like to thank and welcome our distinguished witness, U.S. EPA Administrator Scott Pruitt, for being here today. You will have an opportunity to give an opening statement followed by a round of questions by Members. You are joined by the Honorable Holly Greaves, Chief Financial Officer. Welcome to you also, we appreciate you being here.

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

**STATEMENT OF E. SCOTT PRUITT, ADMINISTRATOR,
ENVIRONMENTAL PROTECTION AGENCY**

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

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

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

of polluted sites. We are working cooperatively with the States to improve air quality through the approval of 350 State Implementation Plans. And with regard to water we are leading a multiagency approach that has set a goal of eradicating lead from our drinking water within 10 years, largely through the utilization of a tool that you provided, WIFIA. It is my goal to prioritize applications for critical water infrastructure over the 10 years to hopefully see \$4 billion a year dedicated to the replacement of lead service lines in order to reduce lead in our drinking water.

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

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

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

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

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

[The prepared statement of Mr. Pruitt follows:]

TESTIMONY OF
E. SCOTT PRUITT

ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE

U.S. HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENVIRONMENT

April 26, 2018

Good morning, Chairman Shimkus, Ranking Member Tonko, and members of the subcommittee. I am joined by Holly Greaves, EPA's Chief Financial Officer, and we are here today to discuss the Environmental Protection Agency's (EPA) proposed FY 2019 budget, which supports the goals and objectives in the *FY 2018-FY 2022 EPA Strategic Plan*.

As the Administrator of the Environmental Protection Agency, I am a firm believer in EPA's mission to protect human health and the environment, and I am committed to helping provide future generations with a cleaner and healthier environment. We made great progress in year one. I laid out my vision for EPA's continued progress in the Agency's *Strategic Plan*. Under this *Plan*, our first goal is to "Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety." This is the Agency's Core Mission, and this budget enables progress on the most important priorities of this mission. The second goal of the *Strategic Plan* is to "Rebalance the power between Washington and the states to create tangible environmental results for the American people." Through this Cooperative Federalism approach, we will enhance shared accountability with our partners and increase transparency. The third goal of the *Strategic Plan* is to "Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law." By refocusing on the Rule of Law and Process, the Agency will enhance compliance with the law, create greater consistency and certainty for the regulated community, prioritize robust science, streamline and modernize the Agency, and improve efficiency and effectiveness. Through this vision of a more effective government that administers the law as Congress intends and cooperatively engages with our Nation's states and tribes, EPA will continue to make real progress in achieving its mission.

Over the past year as Administrator, I've witnessed firsthand the tremendous advances this Agency, and our partners, have made to address the Nation's environmental challenges and fulfill our mission. The proposed budget continues this progress by supporting EPA's highest priorities with federal funding for core work in air and water quality, contaminated land cleanups, ensuring the safety of chemicals in the marketplace, and compliance with the law. The President's Budget aims to create a more efficient and effective EPA by reducing redundancies and improving operations.

As Administrator of EPA my top priorities include: infrastructure improvements to our Nation's drinking water and wastewater systems; accelerating the remediation and revitalization of the most contaminated land in our communities; improving air quality through significant reductions in the number of areas not in attainment with the National Ambient Air Quality Standards (NAAQS); and meeting all the statutory deadlines outlined in the amended Toxic Substances Control Act (TSCA). In my testimony, I will highlight how the budget directly supports these top priorities.

I firmly believe that EPA can accomplish far more when the Agency focuses on working cooperatively with the states and tribes to improve public health and the environment. It is essential for the federal, state, territorial, and tribal governments to work together to provide the environmental protection that our laws demand and that the American people deserve. This budget supports cooperative federalism through activities such as the Multipurpose Grant program, which is included in this budget. This program will support the implementation of statutory obligations delegated by EPA under pertinent environmental laws and provide states, tribes, and territories with increased flexibility to apply the funds toward their highest priorities.

We will continue to work collaboratively with state, tribal, and local governments to provide flexibility to address important priorities. I personally look forward to working with you all, and other Members of Congress, to ensure we meet the environmental needs of your communities.

In my testimony today, I will highlight how the budget advances the *Strategic Plan's* three goals: Core Mission, Cooperative Federalism, and Rule of Law and Process. I will focus on key objectives to improve air quality, provide for clean and safe water, revitalize land and prevent contamination, ensure the safety of chemicals in the marketplace, assure compliance with the law, and improve efficiency and effectiveness.

Improving America's Air Quality

By funding air quality work at \$410 million, EPA will continue to perform key activities in support of protecting human health and the environment through improving the quality of the Nation's air with a focus on states and localities achieving greater levels of NAAQS attainment.

States have made tremendous progress and significant investment in improving air quality. Since 1970, total emissions of the six criteria air pollutants regulated under the NAAQS program have dropped by 73 percent, while gross domestic product grew by over 252 percent. Despite this progress, much work remains to increase attainment levels across the country. We are focused on working in partnership with state, tribal, and local governments to design and implement air quality standards and programs.

Areas designated as being in nonattainment of the standard face consequences, including increased regulatory burdens, restrictions on infrastructure investment, and increased costs to businesses. The Agency is looking to bring these areas into attainment by aggressively tackling the current backlog of State/Tribal Implementation Plans (SIP/TIP), more effectively mapping the SIP process, focusing on data integrity, and applying process improvements to EPA's own review process.

We are also seeking additional authority from Congress to fee-fund the ENERGY STAR program by establishing user fees for entities that participate in the program. ENERGY STAR has proven to be an effective partner in helping consumers and businesses save money and reduce energy use. On the mobile source side, the Federal Vehicle and Fuels Standards and Certification program will focus its efforts on certification decisions. The Agency will conduct activities supporting pre-certification confirmatory testing for emissions and fuel economy for passenger cars.

Providing for Clean and Safe Water

The President has emphasized that maintaining and improving infrastructure is critical to the foundation of this country's economy and our global competitiveness. At EPA, this means, in large part, we will continue to make investments in drinking water and wastewater infrastructure, provide clear and actionable permitting decisions to the regulated community, and leverage federal investment with non-federal sources.

The FY 2019 budget includes \$2.3 billion to capitalize the State Revolving Funds (SRFs) to assist our implementing partners in revitalizing and rebuilding our Nation's aging water resources. The budget funds the SRFs equivalent to the FY 2017 enacted level in recognition of the essential role they play in renewing and replacing infrastructure in communities all across the country. The FY 2019 budget also includes \$20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program to address water infrastructure needs. The \$20 million provided for WIFIA could provide up to \$2 billion in credit assistance, which, when combined with other funding resources, could spur up to an estimated \$4 billion in total infrastructure investment. In the first round of WIFIA funding, projects selected encompass the broad range of project types that the WIFIA program can finance, including wastewater, drinking water, stormwater, and water recycling projects. Taken together, these projects demonstrate how WIFIA complements the SRF programs as an additional innovative and flexible source of low-cost capital for communities of all sizes.

EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination, particularly in areas of significant regional and national importance. These actions are integral to infrastructure efforts because source water protection can reduce the need for additional drinking water treatment and avoid the associated costs. To assure the American people that their water is safe to drink, EPA's drinking water regulatory program monitors for a broad array of contaminants, evaluates whether contaminants are of public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems.

The Agency is focused on reducing lead exposure in the Nation's water supply. EPA will work to advance progress in this area through revisions to the Lead and Copper Rule (LCR) as well as regulations to implement the Water Infrastructure Improvement for the Nation (WIIN) Act and the Reduction of Lead in Drinking Water Act. Lead exposure, particularly at higher doses, continues to pose a significant health and safety threat to our children, robbing them of the fullest potential of their health, intellect, and future. EPA and our federal partners are committed to taking action to address this threat and improve health outcomes for our Nation's most

vulnerable citizens – our children. This budget maintains funding for the Drinking Water State Revolving Fund (DWSRF) which may be used to help communities replace lead service lines by providing principal forgiveness and low interest loans in addition to maximizing the use of the DWSRF set-asides to fund corrosion control studies when an action level exceedance is triggered. The maintained funding for the Drinking Water SRF, and the efforts of the President's Task Force on Environmental Health Risks and Safety Risks to Children, which I recently convened at EPA headquarters, will ensure we are focused on reducing lead exposure nationwide.

EPA will continue to provide scientific water quality criteria information to our partners and the public, review and approve state water quality standards, and review and approve state lists of impaired waters. In FY 2019, the Agency will work with states and other partners on Total Maximum Daily Loads (TMDLs) as required by the Clean Water Act, as well as on other waterbody restoration plans for listed impaired waterbodies. The FY 2019 budget includes funding for the Chesapeake Bay and Great Lakes geographic programs to support our state and local partners that monitor and protect these water bodies of national significance. EPA also will continue to implement and support core water quality programs that control point-source discharges through permitting and pre-treatment programs.

Revitalizing Land and Preventing Contamination

During my time as Administrator, I have heard from families, community members, elected officials, and business leaders that the remediation of contaminated sites takes too long. Approximately 53 million, or 16 percent, of all Americans, live within three miles of a Superfund site. Ensuring that the Superfund program is efficiently and effectively managed, and contaminated land is returned to a safe and productive use, is one of my top priorities. The FY 2019 budget funds the Superfund account at the full FY 2017 enacted level to accelerate our progress in revitalizing land. Additionally, last year I established the Superfund Task Force, which identified forty-two recommendations under five overarching goals for revamping EPA's Superfund work. These goals are Expediting Cleanup and Remediation; Re-Invigorating Responsible Party Cleanup and Reuse; Encouraging Private Investment; Promoting Redevelopment and Community Revitalization; and Engaging Partners and Stakeholders.

Work to prioritize and reinvigorate the program is well underway and will continue into the future. One example of the changes we are implementing is the identification of Superfund sites for immediate and intense action. I personally monitor and engage with our Regional offices to accelerate work at these sites, such as at the West Lake site, where we recently released a Proposed Plan after years of inaction. At these sites and others across the country, the EPA is actively engaged with increasing the pace of remediation progress at Superfund sites on a continuous basis.

In FY 2019, the Superfund program request is \$1.089 billion, which will provide support to states, local communities, and tribes in their efforts to assess and cleanup many of the worst contaminated sites in the U.S. and return them to productive use. In addition to Superfund, over \$109 million is requested for Brownfields programs that will cleanup and restore contaminated land so it can be available for redevelopment and provide economic productivity. EPA's Brownfields programs are a successful model where the Agency works cooperatively with states,

tribes, local governments, and other agencies to help communities oversee, plan, assess, and clean up Brownfield properties. These activities not only return land to productive use but also help spur economic development and job creation. Brownfields grants have a community-driven approach, with over 69,200 acres of idle land made ready for productive use and over 129,240 jobs and \$24.7 billion leveraged to date.

When it comes to cleaning up contaminated sites, I believe that the steps we have put in place will accelerate the pace of cleanups across the country.

Ensuring the Safety of Chemicals in Commerce

Ensuring the safety of chemicals used in commerce and sold in the marketplace is a top priority. Resources are needed to support efforts to minimize Americans' exposure to pesticides, help maintain a healthy food supply, and address public health concerns.

In FY 2019, \$59 million is requested for the Toxic Substances Control Act (TSCA) Chemical Risk Review and Reduction Program to support the Agency's significant ongoing and new responsibilities for ensuring that new and existing chemicals in commerce do not present unreasonable risks to human health or the environment. The Act authorized a new TSCA Service Fee to help provide funding for EPA to carry out its new responsibilities. The Agency recently released a proposed TSCA User Fee rule and anticipates collecting fees in FY 2019. The new fee will help defray cost of carrying out new sections of the law and better support pre-manufacture notice reviews.

In FY 2019, the Agency expects to review over one thousand new chemical submissions, take appropriate testing and risk management actions - including orders and Significant New Use Rules (SNURS) where appropriate, and make affirmative determinations. New chemicals will be evaluated and decisions will be based on the best available science and the weight of evidence.

Under my leadership, we have eliminated a backlog of more than 300 new chemical submissions that required re-review under the new law; completed reviews under the new law of more than 1,150 new chemical notifications; and commenced risk evaluations for an initial set of 10 priority chemicals and are issuing scoping documents on schedule. The Agency is also increasing transparency for the public and regulated community about these chemicals.

We are working with companies to gather all the relevant information early in the process to inform safety reviews for new chemicals. Reviewing new chemicals quickly will enable those deemed safe to enter the marketplace to support jobs and our economy. The reduction in the backlog is the result of prioritizing and implementing process efficiencies. EPA will continue to work with all stakeholders to identify additional changes to improve the quality, efficiency, and transparency of the new chemical review program.

For chemicals in commerce, EPA will maintain an ambitious schedule for initiating and completing chemical risk evaluations and, where risks are identified, for initiating and completing regulatory actions to address those risks. EPA also will implement the new mandates related to determinations on claims for confidentiality for chemical identities.

Chemical and biological pesticides help meet national and global demands for food. They provide effective pest control for homes, schools, gardens, highways, utility lines, hospitals, and drinking water treatment facilities, while also controlling vectors of disease. Identifying, assessing, and reducing the risks presented by the pesticides on which our society and economy rely is integral to ensuring environmental and human safety. EPA's pesticide licensing program evaluates new pesticides before they reach the market and ensures that pesticides already in commerce are safe when used in accordance with the label as directed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Food Quality Protection Act (FQPA). The program ensures that the pesticides available in the U.S. are safe when used as directed. EPA will continue to review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with all statutory requirements. In addition, the program is increasing the focus on pollinator health and working with other federal partners, states, and private stakeholder groups to stem pollinator declines and increase pollinator habitat.

In FY 2019, EPA will invest resources to improve the compliance of pesticide registrations with the Endangered Species Act. A portion of the funding also will ensure that pesticides are correctly registered and applied in a manner that protects water quality.

Assuring Compliance with the Law

For decades, the protections mandated by federal environmental laws have been essential to the growth of American prosperity and improvements to public health and environmental quality. EPA remains focused on assisting the regulated community in attaining and maintaining compliance with our Nation's environmental laws and, where necessary, punishing bad actors who shirk those laws. This means providing effective compliance assistance to our industry partners and enforcing civil and criminal cases in areas that address substantial impacts to human health and the environment. EPA's enforcement efforts to date have produced billions of dollars in cleanup commitments from violators and billions of pounds of pollution prevented and cleaned up as a result of those commitments.

As an example of providing increased compliance assistance, the budget includes a proposal for new voluntary oil and chemical facility compliance assistance fees. For interested parties, EPA would conduct a walk-through and provide recommendations on ways the facility could come into or remain in compliance with EPA regulations. This is one example of how the Agency is advancing compliance assistance.

As states are the primary implementers of many enforcement action programs, we will focus Agency resources on non-delegated programs. We will rely on our state partners to achieve compliance and enforcement goals, and we will focus resources on our direct implementation responsibilities and oversight, emphasizing violations with public health and environmental impacts.

Improving Efficiency and Effectiveness

The budget includes EPA's Reform Plan to implement the goals of the President's *Executive Order 13781: Comprehensive Plan for Reorganizing the Executive Branch*. The plan includes a series of projects focused on improving how EPA provides services and engages customers. Projects include streamlining EPA's permit review processes, deploying a Lean Management System, and reducing unnecessary reporting burden on the regulated community. We will build on business process improvements by partnering with states, tribes, and local governments to expand and support approaches across all our programs. The Agency will work with states and use Lean techniques to streamline the review of state-issued permits.

This budget does not include plans to close Regional offices, but we will continue to prioritize efforts that save taxpayer dollars through space consolidation and essential renovations to reduce and optimize our physical footprint. We will work with states and tribes to target resources to core statutory work and provide flexibility to address particular priorities and concerns. As careful stewards of taxpayer resources, we will examine our programs for those that are unnecessary, redundant, or that have served their purpose and accomplished their mission or are outside EPA's statutory mandates. The FY 2019 President's Budget identifies and eliminates programs to save taxpayers approximately \$620 million relative to the FY 2018 enacted budget.

With this budget, we are committed to fulfilling our mission of protecting public health and the environment. With support from our state and local partners, and by working with each of you and your colleagues in Congress, we can make a real difference for communities across America.

Thank you for the opportunity to speak with you today. I look forward to answering your questions.

Mr. SHIMKUS. The gentleman yields back his time. The Chair thanks the Administrator. I will start the series of questioning, and I will recognize myself for 5 minutes for the first round.

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

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

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

Mr. PRUITT. Well, Mr. Chairman, I think both are important, and I do think there are some regulatory options that we can pursue. Many have talked about transparency as an example with respect to the trading platform and the RFS trading platform, how long you can hold a RIN as an example, who can buy, who can sell RINs. There are those kinds of, I think, evaluations that we can engage from a regulatory perspective. And, as you know, there is also consideration about the RVP waiver and the E15 being allowed year-round.

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

Mr. SHIMKUS. Well, let me just tell you from my perspective what happens as we are trying to get our disparate groups together is that every time someone gets hauled down to the White House the other side goes crazy. And then, you probably get to see the same thing, the other side gets hauled down and the other side goes crazy. And we are trying to get everybody in the room and that is the perspective that I come from.

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

Mr. PRUITT. Well, as you know, under the statute we have an ability to reset those volume obligations, and we are evaluating that. There is a cap of 15 billion for conventional presently. But another area, Mr. Chairman, that I know you have been interested in is high octane. And with respect to—it was mentioned in some other comments about the CAFE standards. There needs to be a serious consideration of us pursuing as a country fuel choices and options to meet those CAFE standards and provide high octane as an option to the American people. I think there is a potential that will

serve both the ag sector as well as the auto sector and consumers across this country that we could pursue together.

Mr. SHIMKUS. Well, thank you. Now I want to move to the administrative portion of my two questions. Obviously you have already alluded to and some of my colleagues have alluded to all the recent stories and issues and your willingness to set the record straight. So, in my minute and 45 seconds left, I want to give you the time to address those as you will.

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

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

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

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

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

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

Mr. PRUITT. Those decisions, that decision was made by my chief of staff.

Mr. TONKO. Yes or no, did you authorize him?

Mr. PRUITT. There are delegations giving him that authority.

Mr. TONKO. So that is a yes.

Mr. PRUITT. The Inspector General recognized that, Congressman.

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

Mr. PRUITT. I think with respect to the raises, what is important—

Mr. TONKO. Was that true?

Mr. PRUITT. Congressman.

Mr. TONKO. I have 5 minutes, so I have to move along.

Mr. PRUITT. I was not aware of the amount, nor was I made aware—

Mr. TONKO. Not the amount, were you aware of the raises?

Mr. PRUITT. I was not aware of the amount, nor was I aware of the bypassing or the PPO process not being respected.

Mr. TONKO. Well, then, I am concerned that you have no idea of what is going on in your name at your Agency, especially on an issue already under IG investigation. You have spent this week claiming to champion transparency, but on Tuesday you blocked the press from attending an event where you announced a new proposal that will severely limit the Agency's use of public health studies in policymaking.

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

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

Mr. PRUITT. This effort—

Mr. TONKO. Yes or no.

Mr. PRUITT. This effort, Congressman, was about ensuring that—

Mr. TONKO. Were you aware that—

Mr. PRUITT [continuing]. At the Agency—

Mr. TONKO. Were you aware that Nancy Beck raised the concern? Were you aware?

Mr. PRUITT. As I indicated, Congressman, this effort is actually a reflection of Congress' commitment to transparency at the Agency.

Mr. TONKO. Sir, I need to move on. I take that as a yes. To mitigate that concern it appears that the proposal has been crafted so that you, the Administrator, has the discretion to grant exemptions as you see fit without any transparency or accountability for your decisions. For example, if EPA was assessing the safety of a chemical, you alone would have the power to selectively block public health studies that do not support your political priorities and allow ones that favor your friends in industry. Not only does this open the door to special treatment for industry over the public health, but you could also pick winners and losers amongst the industry types.

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

Mr. PRUITT. I think that is a misstatement. Congressman, I believe that what needs to be clear is that what actions we took this week were to ensure that data and methodology were also available to those that are concerned about our rulemaking.

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

Mr. PRUITT. You know, Congressman, this was an effort to ensure transparency. Because as we do rulemaking at the Agency what is important—

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

Mr. PRUITT. This is actually in support of transparency for all rulemaking at the Agency. This is not an individual decision that is made by the Administrator. This is programmatic offices making decisions on rules—

Mr. TONKO. Sir.

Mr. PRUITT [continuing]. That are based upon transparent—

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

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

Mr. SHIMKUS. I thank my colleague for staying within time. And the Chair recognizes the chairman of the full committee, Congressman Walden, for 5 minutes.

Mr. WALDEN. Thank you, Mr. Chairman. As I mentioned in my opening statement there are many reviews currently going on at the EPA, in the Inspector General's Office, Government Accountability Office, and other congressional committees, about some of these concerns you are hearing about today, Mr. Administrator, and that have been raised in the media. So my question is pretty easy. Will you commit the EPA will provide this committee with all the documents and information EPA produces for those inquiries?

Mr. PRUITT. Absolutely.

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

Mr. PRUITT. Congressman, I believe that as we are making decisions we have policy and guidelines at the Agency that drive those decisions. Some of them are attributable to programmatic offices, some of them are attributable to, you know, the science part of our

office. But yes, those guidelines govern our decisions each and every day.

Mr. WALDEN. And are they similar to the guidelines that governed your predecessor's decisions?

Mr. PRUITT. Yes.

Mr. WALDEN. In what ways?

Mr. PRUITT. Well, these are policies that predated our time there at the Agency, and so they have governed our—you know, from travel to internal decisionmaking on allocation of dollars to serve programmatic offices. So these are predated policies that govern our actions every single day.

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

Mr. PRUITT. And actually this has been an interest of Congress. As you know, there has been proposed legislation to address this very issue.

Mr. WALDEN. Yes, it has been.

Mr. PRUITT. And this was a regulatory action that was taken this week, a proposed rule that actually goes to the heart of transparency, as I was trying to share earlier. Because it requires that—and when we do rulemaking at the Agency we can't just simply publish the conclusions, the summaries of studies, because what has happened historically is third parties have provided studies or summaries, we have taken those conclusions, used those as a basis of rulemaking but not published the data, not published the methodology that actually supported the conclusion. And so, those that are commenting on rules were ill-equipped to be able to understand whether the conclusions were rightly concluded or not.

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

Mr. WALDEN. So is what you are trying to do is make more information available or less information available?

Mr. PRUITT. Yes, absolutely more information available.

Mr. WALDEN. To the public. So you are going to require that every one of these decisions or whatever they are based on, the data and the methodology as well as the conclusions are transparent and available to the public. Is that going to be on your website? How are we going to know this?

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

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

Mr. PRUITT. You know, we just issued a series of grants across the country this week with respect to the Brownfields Program, and you are right. It has been a tremendous success reclaiming polluted areas across this country to allow communities to once again enjoy those areas. And so with the partnership of Congress, the increased omnibus, you know, provided additional monies there for us to enhance that program, we are administering those grants and seeking to partner with communities all over the country to ensure that these areas are cleaned up and re-purposed and able to be enjoyed again by those communities.

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

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

Mr. PRUITT. I think it is essential, as I shared with the chairman earlier, because at the end of the day certainty is very important in this area. And I think you see tremendous investment over the last—

Mr. SHIMKUS. The gentleman's time is expired. We will make sure—and I apologize. I just want to make sure that—we have a lot of people lined up. We will have more time to talk about that.

Mr. WALDEN. Thank you, Mr. Chairman.

Mr. SHIMKUS. The Chair thanks the chairman, and the Chair now recognizes the ranking member of the subcommittee, Mr. Pallone, for 5 minutes.

Mr. PALLONE. Thank you, Mr. Chairman.

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

It has been reported that you have even gone so far as to retaliate against EPA's employees, punishing those who questioned your spending and management, and sidelining those who attempted to advance important public health protections. So I wanted to ask

again, yes or no, because we don't have a lot of time, it has been reported that at least five EPA employees were recently reassigned, demoted, or otherwise retaliated against after they raised concerns about your spending. Is that correct, yes or no?

Mr. PRUITT. I don't ever recall a conversation to that end.

Mr. PALLONE. Well, I will take that as a yes. I was further alarmed—

Mr. PRUITT. It shouldn't be taken as a yes.

Mr. PALLONE [continuing]. That you removed the head of the EPA office that found that you did not face direct death threats. Has it always been your practice to fire people who disagree with you?

Mr. PRUITT. I mean, Congressman, the Inspector General himself has noted that the threats against me are unprecedented—

Mr. PALLONE. Well, you are not answering yes or no. So again—

Mr. PRUITT [continuing]. With respect to the quantity and the type of threats and is on the record saying so.

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

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

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

Mr. PRUITT. The rulemaking has not been abandoned. Actually there is a proposed rule—

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

Mr. PRUITT. That is actually a solvent that we are considering under the—

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

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

Mr. PRUITT. I think it is important, Congressman, to know that we have a proposed ban in place that is being considered and we are taking comments on, and we haven't finished that process.

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

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

Mr. SHIMKUS. Can we make sure we see the letter?

Mr. PALLONE. Yes. I will give it to you right now, Mr. Chairman.

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

Mr. PRUITT. Congressman, as I was trying to indicate earlier, there is a proposed ban in place that we took comment on that we are reviewing presently. There has been no decision at this time to not—

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

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

Mr. SHIMKUS. The gentleman yields back his time. The Chair thanks the gentleman. The Chair now recognizes Chairman Emeritus Congressman Barton from Texas for 5 minutes.

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

Mr. Administrator, you are not the first person to be the victim of, for lack of a better term, Washington politics. You got picked to be the EPA Administrator because of the service you provided for the great State of Oklahoma in fighting some of the Obama administration radical clean air policies. You recommended and I support the recommendation that you made to the President that we withdraw from the Paris climate change agreement. That is a decision that most of the stakeholders at EPA violently oppose.

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

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

Mr. PRUITT. There have been two ethics reviews, Congressman.

Mr. BARTON. I need quick answers because I want to ask you—

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

Mr. BARTON. OK. You have been attacked for flying first class. Is that illegal?

Mr. PRUITT. Congressman, that was approved by the travel office and the security team at the EPA. I have since made changes to that. But that was—

Mr. BARTON. But it is not illegal.

Mr. PRUITT. It is not.

Mr. BARTON. It may look bad but it is not illegal. There was an Energy secretary named Hazel O'Leary under the Clinton administration. She leased party jets that were used by rock stars. Party jets, not one time but several times. Have you ever rented a party jet?

Mr. PRUITT. No, Congressman.

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

Mr. PRUITT. That is exactly right, Congressman.

Mr. BARTON. Is there anything wrong with that?

Mr. PRUITT. I think it enhances transparency and the confidence of the American people as we do rulemaking.

Mr. BARTON. I think it is an excellent idea and it is long overdue. In your budget—

Mr. SHIMKUS. Will the gentleman suspend for a minute?

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

The chair recognizes the chairman emeritus.

Mr. BARTON. OK, thank you. On your transparency proposal, if it is actually accepted, we will actually get to see what the science is behind the support for the regulation. Is that not correct?

Mr. PRUITT. It is. And I think what has been of note to me as I have been serving at the Agency is that there is a reliance at the Agency on many third-party studies. And, as those studies are the support of our rulemaking, it is important to make sure that the methodology and data accompany those conclusions so that the American people can make informed decision about the rules and whether they actually are based upon sound science.

Mr. BARTON. This is to get a little bit to the budget we are actually here to discuss, there is a program in your Agency called Leaking Underground Storage Tanks, short in acronym is LUST. The money that goes into that fund is supposed to be used to clean up or prevent leaks from underground storage tanks. To your knowl-

edge, is there anything under current law that prevents a State from using it for other purposes? In other words, the money is supposed to be used to clean up these underground storage tanks, but my understanding is very few States use it for that purpose.

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

Mr. BARTON. Would you do that and—

Mr. SHIMKUS. The gentleman's time is expired. The Chair recognizes the gentleman from California, Dr. Ruiz, for 5 minutes.

Mr. BARTON. Thank you for your service.

Mr. RUIZ. Thank you, Mr. Chairman.

Administrator Pruitt's ethical violations as the head of an Agency with a mission to protect the public's health demonstrate a concerning lack of integrity and a pattern of the rich and powerful putting their rich and powerful friends and their own self-interest above the interest of the public's health and at the expense of the common good. Clean air to breathe and safe water to drink is not a privilege only for the rich and powerful but a right for everyone, and the role of a public servant is to serve and protect the public, in particular the public's health.

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

Revealing that info is a clear ethical violation of any reputable research institutional review board in the United States. The type of studies you want to exclude are the same kind of scientific studies that were used to prove that lead in pipes and paints harm children and that secondhand smoke is a dangerous carcinogen. We are talking about landmark studies such as the Harvard School of Public Health's six-city study which proved a connection between air pollution and early death back in 1993. That just by living in a city with poor air quality your average life expectancy was lower than those who didn't. This study later became the basis of fine particulate matter regulations in the Clean Air Act.

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

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

Mr. PRUITT. If they provide the data and methodology to the Agency and the findings, it will be used.

Mr. RUIZ. Well, that is a clear violation of ethical rules protecting patient confidentiality.

Mr. PRUITT. Those can be redacted, Congressman.

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

Mr. PRUITT. We actually have, as you know, a proposed rule in the marketplace on just that issue.

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

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

Mr. PRUITT. I do. But the confidential business information to which you refer along with personal information can be redacted.

Mr. RUIZ. So that information—so you have been in office, you know, you have dismantled protections for the public's health, and there is—and protections for children who suffer asthma, seniors with respiratory illnesses, and you demonstrated a disregard for true scientific study, the scientific process, and the confidentiality of people who want to participate and help further our collective knowledge to protect the public good.

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

Mr. SHIMKUS. The gentleman's time is expired. The Chair recognizes the gentleman from West Virginia for 5 minutes.

Mr. MCKINLEY. Thank you, Mr. Chairman. And thank you, Administrator, for coming before us. I think that was the first policy question you got from the other side of the aisle. Observation.

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

So, having said all that, I thank you for what you have done. You have been able to stay disciplined on these policies. I know in West Virginia the impact that it has had on Brownfields Legislation of what you are doing on that I see the rollback of some of the regulatory reform that there is hope now. A lot of the people in the fossil fuel industry that they could see that deterioration in the past

8 years prior to that. There is some hope. We are seeing the economy start to rebound thanks to you and the administration of taking this fight on.

So I know that if I could, I know just as an example, here was an example that despite what has been said to the achievements that you have made that the EPA just awarded \$1.9 million to research in drinking water having to do with Flint, that research in Flint. People are ignoring the progress that we are making and they are trying to make this another attack on President Trump, and unfortunately there are a lot of people that are going to go along with that.

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

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

Mr. PRUITT. Congress has been very helpful in providing a small refinery exemption under the statute. It is objectively determined. It is 75,000 barrels, as you indicated, production and we have received I think 24 applications in 2017, a little bit over 30 in 2018. And I would say to you that the volatility of the RIN trading platform is creating instability across the entire RFS discussion.

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

Mr. MCKINLEY. OK. Mr. Administrator, for numbers of years we were working to try to get resolved something for it was sitting out here for 30 to 40 years was the coal ash issue and we got that taken care of 2 years ago. But my question then back to you as the Administrator is are there States that have opted not to put together their own program and turn it over to the EPA, or can you help us, like give me an update on where we are with some of the State implementation?

Mr. PRUITT. We have provided guidance to the States with respect to developing their own programs, and very few States have actually done that, to your question. And we are working with those State partners to equip and educate them on the option by providing the guidance. I think it is important that they pursue it and I think it is important they pursue it in a timely way, and it hasn't taken place yet.

Mr. MCKINLEY. Have any States chosen not to put together their own program?

Mr. PRUITT. I just think it is early. It is nascent in the process and I think it is just very few early adopter States so far, and that is the reason we are working hard to educate and inform those States.

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

Mr. PRUITT. Thank you.

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentleman from California, Mr. Peters, for 5 minutes.

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

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

So my question is, if Mr. Kelly is happy to share the details of his lifetime banking ban as a matter of transparency, is he not telling us the truth, or are you stopping him from doing that?

Mr. PRUITT. I think Mr. Kelly, if he is willing to share that with you, he should do that.

Mr. PETERS. Terrific.

Mr. PRUITT. And I would encourage him to do so.

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

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

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

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

Mr. PETERS. All right. I certainly would ask that that be done. When you came to testify before this subcommittee in December you claimed that you had to remove scientists from EPA's Science

Advisory Board because of, quote, the appearance of a lack of independence. John Konkus, your Deputy Associate Administrator for the Office of Public Affairs, who is tasked with reviewing millions of dollars of grants for EPA, was approved to provide media consulting advice to unnamed clients, likely including his prior clients from his Republican-affiliated consulting firm. Were you aware that Mr. Konkus was continuing to work as a media consultant for outside clients?

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

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

Mr. PRUITT. The ethics officials didn't believe that.

Mr. PETERS. Do you have an opinion personally about that?

Mr. PRUITT. I don't know anything about the contract. I just know that the ethics officials approved that transaction.

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

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

Mr. PRUITT. It is my understanding that Mr. Sands' involvement at the Agency occurred after the decision in March of last year with respect to chlorpyrifos—

Mr. PETERS. OK. Without respect to the timing, then, were you personally involved then in the decision to reduce this fine?

Mr. PRUITT. I was not.

Mr. PETERS. And I guess, I think I would suggest it also creates at least the appearance of and independence.

And now it has come out that your head of security, who was promoted to that role after you fired his predecessor for questioning your security spending, did outside investigative work during the 2016 presidential election for America Media Incorporated, the publisher of National Enquirer. That includes the period when AMI purchased and killed a story about President Trump having an affair with a Playboy Playmate. Do you think that that outside work at least creates the appearance of a lack of bias?

Mr. PRUITT. It is my understanding that is being reviewed. And I was not aware of that outside contract, and it is being reviewed.

Mr. PETERS. OK. I guess again I would say you are not answering the question, I think it creates at least the appearance of bias, and we would like to see attention to that.

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

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

Mr. PETERS. In the interest of transparency would you be willing to direct him to come and answer those questions?

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

Mr. PETERS. If you have that authority would you be willing to exercise it?

Mr. PRUITT. I would encourage him to do so.

Mr. PETERS. I will take that as a no.

I will yield back.

Mr. SHIMKUS. The gentleman yields back his time. The Chair now recognizes the gentlelady from Tennessee for 5 minutes, Congresswoman Blackburn.

Mrs. BLACKBURN. Thank you, Mr. Chairman.

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

And as a matter of fact, talking with some of my farmers at Mule Day in Columbia, Tennessee, they were talking about the WOTUS rule and I want to ask you about that because they say that they have to move heaven before they can move earth and so they want to get the EPA off their farms. And they are very grateful that we have had the delay in the WOTUS rule and it is important to them, it is important to manufacturers. They feel like they can move forward and do something and they are not fighting with this rule.

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

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

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

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

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

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

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

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

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

Mr. SHIMKUS. The chairman thanks the gentlelady. The Chair now recognizes the gentleman from Texas, Mr. Green, for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

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

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

Mr. PRUITT. Well, I feel very confident at the timing on that, Congressman. Region 6 there in Texas and headquarters, the partnership that existed there working with the local community is exactly how this should work. There was a temporary solution that had been put in place at San Jacinto and it threatened the health of citizens in that area and this is a permanent solution that will be provided within the time period you described and at a cost of \$115 million.

Mr. GREEN. Well, and I know that is expensive. But again this area is developing and for years we have had signs up at the San Jacinto River and the Upper Galveston Bay about expectant moth-

ers and children shouldn't eat the crabs or the fish, but when I go out there, I don't see anybody that is not crabbing or fishing. So it is really important to get it completely cleaned up so it can be restored.

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

Let me go to our—

Mr. PRUITT. If I may, Congressman, I think with the hurricanes that came through last year there was significant concern about those temporary measures being displaced which was really what hastened a solution with respect to a permanent solution.

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

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

The law provides flexibility when it comes to small refineries, however, the press reports that EPA has been given as many as 25 waivers including some that refineries are not experiencing hardship and some may not be that small. The smallest I have in my area is a hundred thousand barrels a day. The other ones have two quarter of a million every day. There is lack of transparency in the small refinery waiver process and we understand and respect confidential business information, but the EPA is a Federal Government Agency, and secrecy is not something that I think the EPA ought to be worried about, and it gives appearance of partiality and unfairness.

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

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

Mr. GREEN. Well, I have said it many times in this committee over the last 10 years, the Chair and I have a difference from southern Illinois to East Houston on the RIN issue. Has the Agency granted any waivers to facilities that output exceeds 75,000 barrels a day?

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

Mr. SHIMKUS. The gentleman's time is expired. The Chair now recognizes the gentleman from Texas again, another one, for 5 minutes, Mr. Olson.

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

But today, right now, you are America's EPA Administrator and my home district of Texas 22 needs you to work hard for our district. We are still trying to recover from Hurricane Harvey. We also have a Clean Air Act that actually works with local officials, local governments, to make our air cleaner instead of pursuing goals that can be never be achieved with technology that doesn't exist.

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

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

My first question is about ozone and air quality. This committee has heard over and over about how the impacts of ozone and pollution some of this happens outside of our control, yet for some reason we have to regulate that. This ozone comes from as far away as China or maybe as close in Texas as forest fires in Bastrop County a couple years ago. These uncontrolled sources, which EPA calls them, can create chaos for compliance with their rules by local governments. They are just frustrated, frustrated, frustrated.

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

Mr. PRUITT. Congressman, thanks for the question. It is a very important question. And I think with exceptional events I think there is probably more latitude we have, but you mentioned some-

thing else that I think is extremely important and that is the international transport, air transport of pollution and ozone. We have nonattainment areas all over this country that are being caused by what is occurring in Asia. There has been much effort, much work done by industry and States and citizens across the country to lower emissions with ozone and we have made tremendous success.

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

Mr. OLSON. One final question, very briefly. We have heard over and over about burdens placed on States from regulation after regulation after regulation. Last administration would save the same life three times with three different laws, different regulations. That puts a huge bite into some local governments and local people trying to comply with the Federal laws.

Do you have the resources you need in the Office of Air and Radiation to issue guidance to make sure working with States that we count one life and make these things actually viable?

Mr. PRUITT. Well, I mean, as I came in to this position, we had 700 State Implementation Plans, SIPs, where States have invested money and resources to actually provide a plan on how to improve air quality, and they were sitting on a shelf. We have moved on 350 of those. I mentioned that in my opening statement. But we need to focus on those priorities partnering with States, and the first place to start is to work with them on those State Implementation Plans.

Mr. SHIMKUS. The gentleman's time is expired. The Chair recognizes the gentlelady from Colorado, Ms. DeGette, for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Chairman.

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

Mr. PRUITT. This is actually not a SCIF.

Ms. DEGETTE. OK. Well, whatever it is, the soundproof booth, you expressed your view that it was appropriate, correct? Yes or no.

Mr. PRUITT. I didn't express that \$43,000 was appropriate.

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

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

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

Mr. PRUITT. The OGC again has indicated that their opinion is it is not a violation.

Ms. DEGETTE. So you are not going to answer that question.

If we can, please give the witness a copy of the April 16th, 2018 letter. Are you familiar with that letter from the GAO, Mr. Administrator? Yes or no.

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

Ms. DEGETTE. Thank you. And in that decision——

Mr. SHIMKUS. Will the gentlelady suspend for a minute? Can we see a copy of that?

Ms. DEGETTE. Certainly. I would be happy to present what is asked unanimous consent that it be placed in the record.

Mr. SHIMKUS. After we look at it, we probably will. And while we are waiting, we are going to—I think we are ready to accept that other letter that you asked to be submitted. Without objection, so ordered.

[The information appears at the conclusion of the hearing.]

Mr. SHIMKUS. The gentlelady may continue.

Ms. DEGETTE. Thank you very much, Mr. Chairman.

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

Mr. PRUITT. Their conclusion is that those statutory requirements were not followed by the Agency.

Ms. DEGETTE. Yes. Now, did you know about that at the time?

Mr. PRUITT. I did not.

Ms. DEGETTE. Did your staff know about that at the time?

Mr. PRUITT. About what, Congresswoman?

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

Mr. PRUITT. As I indicated, the Office of General Counsel, career individuals at the Agency advised——

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

Mr. PRUITT. I am not filibustering, Congresswoman. I am trying to answer your question.

Ms. DEGETTE. OK. Well, let me ask you this. The EPA has the ability to impose penalties for this illegal activity. Will you or your staff be subject to these penalties, yes or no?

Mr. PRUITT. We are investigating this internally with appropriate individuals both here as well as the Inspector General.

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

Mr. PRUITT. I believe that, yes.

Ms. DEGETTE. Yes. Now, in that vein, I want to ask you about two troubling financial housing transactions that you have been involved with as a State then a Federal elected official. In 2003, you were an Oklahoma State senator with a State salary of \$38,400, correct?

Mr. PRUITT. And also an attorney with a law practice.

Ms. DEGETTE. Yes, correct?

Mr. PRUITT. And also an attorney with a law practice.

Ms. DEGETTE. OK. Now you lived in a second home near the State capital purchased by a shell company, Capital House LLC, from a lobbyist, Marsha Lindsey, correct?

Mr. PRUITT. It was not a shell company.

Ms. DEGETTE. OK. But it was an LLC, Capital House, correct?

Mr. PRUITT. Which is normally how you buy real estate in Oklahoma.

Ms. DEGETTE. You know, yes or no would work.

Mr. PRUITT. I am seeking to answer your question, Congresswoman.

Ms. DEGETTE. OK. Now, what was your financial investment in Capital House, LLC?

Mr. PRUITT. It was one-sixth of the purchase price, as I recall.

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

Mr. PRUITT. I do not. I did not negotiate the purchase price.

Ms. DEGETTE. So you actually put that amount into the LLC. Is that right?

Mr. PRUITT. That was the portion that I was responsible for, yes.

Ms. DEGETTE. And did you actually pay that amount into the LLC?

Mr. PRUITT. I did. I did.

Ms. DEGETTE. Thank you. Now, it has been reported that another lawmaker rented a room in that home and paid rent to you although you never listed your share in the shell company or that rent on your financial disclosures. Is that correct?

Mr. PRUITT. I don't ever recall that. No.

Ms. DEGETTE. OK. Was that rental income distributed among the owners of the shell company in the proportion that you contributed to the company?

Mr. PRUITT. K1s were issued to each of the individual members. Those were reported as income through our tax filings, and so all income was reported.

Ms. DEGETTE. Did you pay taxes on that income?

Mr. PRUITT. We did.

Ms. DEGETTE. Can we get that information, sir?

Mr. PRUITT. I can provide you K1—

Ms. DEGETTE. Did you personally pay taxes on your income from that rental?

Mr. PRUITT. I can provide you the K1.

Ms. DEGETTE. That would be great. Did you pay taxes on that income?

Mr. PRUITT. As I indicated, I received a K1—

Ms. DEGETTE. I know you received a K1. Did you pay taxes on that income?

Mr. PRUITT. That was provided to my accountant in our filing.

Ms. DEGETTE. So you are not going to answer that question either.

Mr. PRUITT. I am answering the question, Congresswoman.

Ms. DEGETTE. Yes, OK. Did you pay taxes on the income that you got for your share?

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

Ms. DEGETTE. So you are not going to answer that question. Now I have some other questions about your DC condo, but I am out of

time. And I just want to say to my colleagues on the other side of the aisle and also to you, I am not doing this to hassle you. I am doing this because, as elected officials and appointed officials, we have the public trust. Everything we do has to be to the highest ethical standard, as you just agreed with me. And when we have these transactions, it brings disrespect on us as public officials—

Mr. SHIMKUS. The gentlelady's time—

Ms. DEGETTE [continuing]. And as the job we do.

Mr. SHIMKUS [continuing]. Has expired.

Ms. DEGETTE. So I am just going to continue this, and I would hope you would be forthcoming with this committee. Thank you.

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

[The information appears at the conclusion of the hearing.]

Mr. SHIMKUS. The Chair now recognizes the gentleman from Ohio, Mr. Johnson, for 5 minutes.

Mr. JOHNSON. Mr. Chairman, you know, I served for 26½ years in the United States Air Force, and I do believe that public officials have a standard of conduct that should be beyond reproach, but so should Members of Congress. And, you know, I think it is shameful today that this hearing has turned into a personal attack hearing and a shameful attempt to denigrate the work that is being done at the EPA and with this administration and make this a personal attack rather than focus on what we are here to talk about, which is the budget and the functioning and the policy work being done at the EPA.

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

Today we have an EPA that recognizes the importance of those jobs and is willing to work with the States like Ohio to provide a healthy balance between jobs and environmental regulations. That approach has made a real difference in my State and in my district, and I applaud those efforts at restoring sensibility. Along those lines I would like to talk a bit about New Source Review and the Agency's work to date on some of the issues surrounding New Source Review.

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

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

Mr. PRUITT. Well, it is one of the greatest issues that I think we are dealing with at the Agency to address that which companies want to do across the country which is invest, invest in capital infrastructure to improve the reduction of emissions. And so what we want to do is provide clarity. You mentioned a couple of memo guidances we provided. One is a once-in, always-in approach that we took to this issue along with the project netting approach that was a second step.

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

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

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

Mr. JOHNSON. In regards to the Clean Air Act, how is the EPA striving to provide more flexibility and deference to State agencies?

Mr. PRUITT. Well, as mentioned earlier, we are providing guidance in certain and many programs encouraging States to be active partners there. But one of the things that I think is most essential with respect to air quality is just the utilization of State Implementation Plans and us being responsive, responding to those Departments of Environmental Quality, Departments of Natural Resources, whatever the Agency may be, to really work with them in close partnership to adopt those plans and approve those plans in a timely way. It really sends a bad message when States take those steps, invest, and then don't get a response from the Agency for years, and air quality suffers as well.

Mr. JOHNSON. Well, I have some other questions, but I am running out of time.

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

Mr. PRUITT. Yes, Congressman, absolutely.

Mr. JOHNSON. OK, thank you.

And Mr. Chairman, I yield back.

Mr. SHIMKUS. The gentleman's time is expired. The Chair now recognizes the gentleman from California, Mr. McNerney, for 5 minutes.

Mr. MCNERNEY. I thank the chairman.

Administrator Pruitt, since becoming EPA Administrator your public calendar is filled with meetings with oil and gas companies, trade associations, and lobbyists, but not with environmental groups or public health groups. It seems that deep pockets are a

prerequisite to getting a spot on your calendar. Mr. Pruitt, isn't it true that you and your affiliated political organizations received nearly \$4 million in campaign contributions from fossil fuel interests?

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

Mr. MCNERNEY. Well, I can assure you that it is. And as an example of pay-to-play, on June 5th, 2017, you announced that the EPA halted implementation of the methane rule. This was an attempt to retroactively delay the rule's requirements on oil and gas industry for 90 days. A few weeks prior to that on May 24th, 2017, you spoke to the American Exploration and Production Council.

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

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

Mr. MCNERNEY. So you aren't answering my question. You had a meeting——

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

Mr. MCNERNEY. OK. Well, I ask this because Concho Resources, an oil and gas exploration and production company is a member of the American Exploration and Production Council. Concho Resources also happens to be represented by the Washington, DC, lobbying firm Williams & Jensen. You made these decisions on the methane rule that would directly benefit Williams & Jensen's client while living in a Capitol Hill condo owned by the wife of a then Williams & Jensen lobbyist with a rent of \$50 a night.

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

Mr. Chairman, I have a statement from the American Association for the Advancement of Science on the EPA Administrator's plan to disallow the use of scientific evidence in decisionmaking, and I would like to submit this for the record.

Mr. SHIMKUS. If the gentleman would pass it over to the Chair so I can look at it.

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

Mr. PRUITT. I am sure their opinion is credible.

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

Mr. PRUITT. Well, the actions that we take at the Agency are different than their responsibilities. We actually issue rules of general applicability that apply to people all over the country and we need

to ensure that the science that we use that underpins those rules actually show methodology, data, and conclusions.

Mr. MCNERNEY. Science which disagrees with professional scientists that are practicing professional scientists.

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

Mr. PRUITT. The decision we made on midterm evaluation was a decision based upon the record.

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

Mr. Chairman, I yield back.

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentleman from Texas, Mr. Flores—we got a lot of Texans here—for 5 minutes.

Mr. FLORES. That is right.

Administrator Pruitt, thank you for joining us today. Let me start by echoing Chairman Shimkus' comments regarding the Renewable Fuel Standard. While I am pleased that the Agency is beginning to look at its authorities after 2022, I would like to respectfully remind the EPA that administrative actions prior to that time are limited by statute. Accordingly, I request that the Agency work with Congress, particularly Chairman Shimkus, Mr. Welch, and me as we try to develop interim and long-term solutions, fuel solutions that are good for the environment and good for auto mileage, good for the American consumers, good for the agricultural and ethanol interest, and really good for all impacted stakeholders.

A few minutes ago, Mr. Ruiz was trying to defend the EPA's practice under the prior administration of using hidden science to develop policy solutions, and you weren't given a chance in regard to your efforts to open that process up and become more transparent with scientific studies. Can you spend about 30 seconds describing what you are trying to do to make science inside the EPA more transparent, especially because it is paid for by the American taxpayer?

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

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

Now to my questions, as the American people are well aware the EPA under the Obama administration abused environmental regulatory process by ignoring congressional statutes and by circumventing the U.S. Constitution. Fortunately, the Federal court system stepped in to protect American families from this abuse of the rule of law. In this regard I have the following questions: one—I will go through the questions first, and you all can respond supplementally if you would like to.

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

Mr. PRUITT. Yes, on all fronts.

Mr. FLORES. OK. And I would ask you to do that supplementally in the interest of time.

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

Mr. SHIMKUS. The gentleman yields back his time. The Chair now recognizes the gentlelady from Michigan, Mrs. Dingell, for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman.

Administrator Pruitt, yesterday I sent you a letter on EPA's January 25th, 2018, guidance to reverse the longstanding once-in, always-in policy for major sources of hazardous air pollutants. This document rolls back one of the bedrock safeguards to limit toxic air pollution from factories and industrial operations. The Clean Air Act requires EPA to control hazardous air pollutants to protect public health. These pollutants are the worst of the worst and they include many that cause cancer in children like mercury, arsenic, and lead. The law focuses on limiting these pollutions from industrial sources by requiring them to control their emissions using the maximum achievable control technology, or MACT.

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

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

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

Mr. PRUITT. Yes. There was a review of those issues, Congresswoman.

Mrs. DINGELL. Yes or no, thank you.

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

Mrs. DINGELL. OK, did you—yes or no—did EPA determine the location of these sources?

Mr. PRUITT. That is something that I would have to—I don't know about the locations.

Mrs. DINGELL. Please, for the record—yes or no—did EPA provide that? Yes or no, did EPA assess the magnitude of hazardous air pollution that could increase as a result of the January 25th guidance?

Mr. PRUITT. It is actually a benefit with respect to providing incentive, as I indicated, to those major emitters to get into another category.

Mrs. DINGELL. Yes or no. So—

Mr. PRUITT. I understand that they looked at that, yes.

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

Mr. PRUITT. The work that was done was in support of the guidance that was issued.

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

Mr. PRUITT. That is something we will have to provide and verify.

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

Mr. PRUITT. That is something we will have to assess and provide.

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

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

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

Mr. PRUITT. I would answer the same way.

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

Mr. PRUITT. Again, this was a decision to provide incentive to companies to invest to lower emissions.

Mrs. DINGELL. There are no incentives for pollution. I am going to conclude with one different subject, because this is very impor-

tant to me. You recently concluded the midterm evaluation of fuel economy standards for model years 2022 to '25. It is my deep belief that the auto companies, their workers, and the consumer have benefited from having one national program for fuel economy and that it is critical to preserve that moving forward. The importance of these standards besides saving energy, reducing emissions, is the certainty that businesses need. I am deeply worried about reports that California doesn't matter to you.

Mr. SHIMKUS. The gentlelady's time is expiring.

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

Mr. SHIMKUS. The gentlelady's time is expired.

We are going to accept for submission into the record the statement from the American Association for Advancement of Sciences. [The information appears at the conclusion of the hearing.]

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

The Chair now recognizes the gentleman from North Carolina, Mr. Hudson, for 5 minutes.

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

My concern is that we have a chemical that is spreading that we simply do not know enough about. I am worried that on the EPA's website you state that a management plan for PFOS, the related family of chemicals, won't be developed until the fall of 2018. 2 days ago I received a letter from the Office of Water addressing some but not all of our questions that I have asked about GenX. I understand the EPA has posted comprehensive scientific literature related to GenX on its website, but EPA is also developing human health toxicity information on GenX to aid States and localities in setting or refining public health goals.

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

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

Mr. HUDSON. By the summer.

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

Mr. HUDSON. Great. Well, I appreciate the attention you put on this. What were the updates to EPA's risk management of GenX based upon independent laboratory analysis of compounds found in the Cape Fear River water samples and what about those findings can you discuss now?

Mr. PRUITT. With respect to the toxicity review or other studies, Congressman?

Mr. HUDSON. Well, there were independent laboratory analyses of the compounds that was done.

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

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

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

Mr. HUDSON. Great. Well, I appreciate the seriousness with which you have taken this and the work you are doing with our Governor and also on this. So thank you for that.

Mr. PRUITT. Governor Cooper has been very, very concerned about it and very focused upon it, and it is important that we address it with him and the State.

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

Mr. PRUITT. The policy of taking no enforcement?

Mr. HUDSON. Yes, sir.

Mr. PRUITT. I think it is wise, yes.

Mr. HUDSON. I appreciate that. In 2015, under the previous administration, the EPA slipped a few sentences into a 600-page unrelated rule that proposed to repeal this policy. And after a public outcry and a number of us raised concerns, they backed off, but they sort of left some ambiguity there about the legality of this. Would you support legislation clarifying that vehicles can be modified for racing and that doing so does not violate the anti-tampering provisions in the Clean Air Act as long as those vehicles are not used on public roads or used exclusively for competition?

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

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

Mr. PRUITT. Thank you.

Mr. HUDSON. Thank you.

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

Mr. SHIMKUS. The gentleman yields back his time. The Chair now recognizes the gentlelady from California, Ms. Matsui, for 5 minutes.

Ms. MATSUI. Thank you, Mr. Chairman.

Administrator Pruitt, it is widely reported at this point that most of your patrons and supporters are from the oil, gas, and coal industries. The regulations you have withdrawn, delayed, or weakened, rules on coal ash disposal, water pollution from coal-fired utilities, methane gas emissions from oil and gas operations, air pollution from glider trucks, formaldehyde emission standards, all translate into additional profits for those industries but negatively impact public health.

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

Administrator Pruitt, you have stated many times that you intended to operate at the EPA on the basis of cooperative federalism and the rule of law. But when it comes to California and vehicle emission standards all of a sudden neither of these concepts seem to apply. You have made it clear that you do not favor California's waiver under which the State sets greenhouse gas emission standards for vehicles and you have stated that California should not have, quote, an outsized influence on vehicle standards. But this position is inconsistent with your preference for States' rights, and more importantly it is inconsistent with the law.

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

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

Mr. PRUITT. Not at present. In fact, we work very closely with California officials on that issue. I have sent EPA representatives to California—

Ms. MATSUI. So that is a no?

Mr. PRUITT [continuing]. To meet with CARB and Ms. Nichols. It is important that we work together to achieve, as was indicated earlier, a national standard.

Ms. MATSUI. OK. So it is really not a yes or no. It is a—

Mr. PRUITT. Congresswoman, we are working very diligently and diplomatically with California—

Ms. MATSUI. All right, OK. OK.

Mr. PRUITT [continuing]. To find answers on this issue.

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

If you are, in fact, doing what you were appointed to do, what you said you were going to do, you must uphold the law and set protective standards. So far you have demonstrated little intention to do that. That is why the entire country needs California's waiver to ensure that public health and the environment are protected even in the face of an Administrator who cares maybe more about repaying special interests than about safeguarding the public's interests.

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

Mr. PRUITT. We actually have two responsibilities under this process. One is a midterm evaluation and then proposed rule-making that will occur. And so we will provide the data to you that gave rise to the midterm evaluation.

Ms. MATSUI. Will you provide it at the end of the day, the day that you have—

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

Ms. MATSUI. End of the day, yes.

Mr. PRUITT. I will instruct my team to get that and get that to you as soon as possible.

Ms. MATSUI. As soon as possible, hopefully within a week, then?

Mr. PRUITT. Well, we will get it to you as soon as possible, Congresswoman.

Ms. MATSUI. OK. I will hold you to that, OK.

Mr. PRUITT. It is my intent to do so, yes.

Ms. MATSUI. I will hold you to that. OK, thank you, and I yield back.

Mr. PRUITT. Thank you.

Mr. SHIMKUS. The gentlelady yields back her time. The Chair now recognizes the gentleman from North Dakota, Mr. Cramer, for 5 minutes.

Mr. CRAMER. Thank you, Mr. Chairman. And thank you, Mr. Administrator, for lots of things, first of all, for being here.

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

I also want to thank you for your incredible not just an understanding of, but commitment to, cooperative federalism. It is something that has been lost in previous administrations, including by some of your critics that were predecessors to you, and the restoration of it is no small matter. And I want you to know on behalf of the people of North Dakota how very much we appreciate your approval of our State's application for primacy over class VI wells, which is our CO₂ wells, so I think it was a clear demonstration of the policy.

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

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

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

Mr. PRUITT. And I think what—if I may, for a second.

Mr. CRAMER. Please.

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

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

Mr. CRAMER. Well, it seems to me and I appreciated the inquiry earlier and maybe you could elaborate a little bit on how personal data can be protected and is protected. Nobody is asking for the names of every victim of every, you know, of every pollution source that has ever happened in the world or that has been sourced in any study. They are not asking for personal data, we are asking simply for the science to be revealed. I mean you can protect the personal data, right?

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

Mr. CRAMER. I have to say I think, though, of all of the accusations today, it was interesting after about 4 minutes of defending

the swamp, one of their leaders said, "So much for draining the swamp."

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

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

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

It was talked about earlier with respect to once-in, always-in. That effectively is what that is, because under the category of major emitters and minor emitters in what we said is that, as you are a major emitter and you invest and you actually reduce your pollution down to minor levels, you can actually be rewarded for that and actually, I think, incentivized to do that.

Mr. SHIMKUS. The gentleman's time has expired. The Chair recognizes the gentleman from California, Mr. Cárdenas, for 5 minutes.

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

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

It is tempting to ask why you spent nearly \$68,000 on hotels and travel from August through February, just in 5 months, and 50,000 on modifications to your office including a privacy booth that cost over \$43,000, and an oversized desk with ornate woodworking that cost over \$2,000, but we already know that some of these purchases were made in violation of Federal laws.

When you appeared before the subcommittee in December, this subcommittee, you said that your phone booth is used for classified

conversations and sensitive conversations with the White House. Has this \$43,000 phone booth, has it been certified as a SCIF, and also so are you using it for classified conversations, is that appropriate?

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

Mr. CÁRDENAS. OK, so you are not taking responsibility for the \$43,000 that was spent in your office, you are saying that staff did it without your knowledge?

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

Mr. CÁRDENAS. OK. So you were not involved in that, is what you are saying?

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

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

EPA's budget is far from unlimited. When you commandeer public resources for your personal use, other lifesaving Agency activities do suffer. In another troubling example, Millan Hupp, an EPA appointee who came with you from Oklahoma and was recently awarded with a large raise over the White House's objections, reportedly went out to open houses in search for a condo for you. Mr. Pruitt, I hope you understand that using public employees for your private business is illegal.

Turning now to your highly questionable condo lease from Vicki Hart, I find it highly concerning that you apparently never had an EPA ethics attorney review the lease before you signed it. Did you have an EPA ethics attorney look at that lease before you signed it?

Mr. PRUITT. On the other issue, Congressman, I want to address that I am not aware of any Government time being used by Millan Hupp. She is a friend of both my wife and myself and has been for a number of years, and she is a friend. And the activities—

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

Mr. PRUITT. The review that took place took place afterwards.

Mr. CÁRDENAS. Afterwards, OK. And what did they say about that lease afterwards when they reviewed it?

Mr. PRUITT. They said that the rate paid was comparable to other—what I leased actually was comparable to other arrangements.

Mr. CÁRDENAS. Did they state that in writing or verbally?

Mr. PRUITT. Actually in writing, in writing twice.

Mr. CÁRDENAS. In writing, OK, can you get a copy of that to the committee?

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

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

Mr. PRUITT. I am not aware of what you are referring to, Congressman.

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

Mr. PRUITT. In fact, the Obama administration cut into agents at that office. We have increased the number of agents in that office.

Mr. CÁRDENAS. Thank you. On my time——

Mr. SHIMKUS. The gentleman's time is expired.

Mr. CÁRDENAS. I just want to show you a picture of the——

Mr. SHIMKUS. The Chair recognizes the gentleman from Michigan. The gentleman——

Mr. CÁRDENAS [continuing]. That I grew up in, and that is the new picture here.

Mr. SHIMKUS. The gentleman will suspend. His time is expired. The Chair will recognize the gentleman from Michigan for 5 minutes.

Mr. WALBERG. I thank the chairman.

Mr. CÁRDENAS. I yield.

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

Administrator Pruitt, the last time you were before this committee you told me then, I quote, the Great Lakes Restoration Initiative is something that we should work together to make sure is achieving good outcomes and I think it has and we will continue that discussion as we head into 2018. I appreciate those words, but we have seen a lack of support for the GLRI.

Again in this fiscal year 2019 budget request, the GLRI was funded at 30 million by this administration. Obviously I was and am not OK with that level of funding and worked with my colleagues on both sides of the aisle in the Great Lakes Caucus in an effort to restore full funding, which we did, for that. And I certainly would love to stand on the banks of one of the Great Lakes in my district, Lake Erie, with you, and just have an opportunity to discuss further what is so important about 20 percent of the world's fresh water resources being there in the Great Lakes and what a

job we have attempted to do as Great Lakes States to make that work for us.

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

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

Mr. WALBERG. 300 million.

Mr. PRUITT. And I remain personally and as Administrator of the EPA committed to you to work—

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

Mr. PRUITT. I will continue to do that Congressman.

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

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

Mr. WALBERG. Well, with that, with invasive species and with algae bloom, which has been significant, touching my district, across the line in Ohio as well, when we discussed last time you mentioned that there would be an interest—and let me find—you said it is something that we ought to do going forward and ensure that there is a partnership like that and specifically referring to Agriculture and Interior.

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

Mr. PRUITT. Secretary Perdue and I have actually talked about issues with respect to geographical focal areas, but Ryan and I have not. And I think it is important, you know, as I indicated, for States like the Great Lakes Initiative, you have States that have joined together partnering and collaborating with the Federal Government to achieve better outcomes, and I think that is an example of true federalism.

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

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

Mr. WALBERG. OK, next topic is the constant threat of invasive species. I believe we have an administration right now that isn't committed to some of the shipping interests in Illinois and Indiana that there were before and I don't discredit that. But we have a water resource that could be impacted in many different ways recreationally, commercially as well, if Asian carp, one of those species were to get into the Great Lakes.

Can you please provide an update on what your efforts have been with the Army Corps of Engineers that have been dragging their

oars in the water for too long on this issue? Have you had any significant contact with them in moving this issue forward?

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

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

Mr. SHIMKUS. The gentleman's time is expired. The Chair recognizes the gentleman from Georgia for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman.

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

We started this project in the late 1990s. Since that time, three ports in China have been started and completed, yet this is not completed yet. Back when you were here in December, I brought to your attention the Tier 4 emission standards that are being required for the harbor pilots and for their boats and the problem that it was causing us then. You understand that unless we can get those ships in and out of port, it does us no good to invest a billion dollars into this project. We have to have those harbor pilots and their vessels in order to get these ships in and out of port.

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

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

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

Secondly, as I shared with you recently, we are actually sending representatives, I think, to California to meet with the architect on

the construction of the vessels to determine whether there is a way to modify——

Mr. CARTER. When will they be going to California?

Mr. PRUITT. I think this month. I think it is actually this month.

Mr. CARTER. This month, April?

Mr. PRUITT. May, I am sorry. It is happening in May.

Mr. CARTER. May, so next month.

Mr. PRUITT. Yes.

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

Mr. PRUITT. I am now.

Mr. CARTER. You are now as of today.

Mr. PRUITT. Yes.

Mr. CARTER. But you told me you were in December.

Mr. PRUITT. Yes. My communication——

Mr. CARTER. Now you are telling me today. I want to believe you.

Mr. PRUITT. Yes. So my communications to the team in December were to take steps, and apparently that has not been done.

Mr. CARTER. That has not been done.

Mr. PRUITT. Yes. So I will be personally engaged on this going forward.

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

Mr. PRUITT. I think it is also a competitive situation with other regulations outside of our Agency that are causing a certain type of vessel along with the engine. So there is work to be done.

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

Mr. PRUITT. You have the commitment from me to get engaged on this issue with our Air Office to find answers. We will have answers——

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

Mr. PRUITT. I will find answers to this within 30 days.

Mr. CARTER. OK. I can't stress to you how important this is. Also, the Tier 4 emission standards are causing problems with generators. They are not able to build the large one megawatt generators. And keep in mind now I said I was representing the entire coast of Georgia. We have hurricanes in Georgia, therefore we need generators. In fact, in one 11-month period we had two hurricanes. They cannot make these. Will you commit to reviewing the Tier 4 standards to see if they are practical and if they are rational?

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

Mr. CARTER. The last thing I want to ask you about is bio-butanol. It is my understanding that you have——

Mr. PRUITT. About what, I am sorry?

Mr. CARTER. I am sorry?

Mr. PRUITT. About what, I am sorry?

Mr. CARTER. Biobutanol.

Mr. PRUITT. OK.

Mr. CARTER. This is one of the biofuels that is an alternative fuel, and it is my understanding that you have a comment period that is about to end at the end of April. Is that correct?

Mr. PRUITT. I can verify that.

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

Mr. SHIMKUS. The gentleman's time is—

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

Mr. CARTER. Yes.

Mr. PRUITT. OK.

Mr. SHIMKUS. The gentleman's time is expired.

Mr. CARTER. Thank you, Mr. Chair.

Mr. SHIMKUS. The Chair recognizes the gentleman from Mississippi for 5 minutes, Mr. Harper.

Mr. HARPER. Thank you, Mr. Chairman.

Administrator Pruitt, welcome. It appears that it has become a political blood sport to try to destroy anybody associated with the Trump administration, and I want to say thank you for what your Agency has done and the attention that they have given to the New Source Performance Standards for residential wood heaters. That was very helpful to some, you know, employers that were in real danger of not being able to meet a particular deadline and I appreciate the work that your Agency has done on that.

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

Mr. PRUITT. First, there is no truth to the assertion that decisions have been made about reassignment or otherwise as far as employment status based upon the things that you reference. I am not aware of that ever happening, and it is something I want to make very, very clear. The individuals, I don't know to whom you reference across the board, but the folks that I am aware of, two of those individuals are SES individuals that are serving in other capacities. They are actually still employees of the Agency.

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

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

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

Mr. HARPER. You know, I have had some of my constituents raise an issue regarding oil spill response training and I am told that the funding for certain training courses for Federal and local responders involved in inland oil spill prevention and cleanup have been eliminated and that the EPA Environmental Response Team is no longer able to consistently make these courses available. With an increase in oil production across the country there remains a need for oil spill response training for local, State, and Federal responders.

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

Mr. PRUITT. Yes. Yes, Congressman, I agree with that.

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

So to address this problem in 2015, Congress passed and the President signed a version of my bill, the Grassroots Rural and Small Community Water Systems Assistance Act, solely to stop this problem that was caused by EPA and still continues today. So this bill requires EPA to give preference to the technical assistance that small and rural communities find the most beneficial and effective.

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

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

Mr. HARPER. Thank you very much for what you are doing for the country.

Mr. SHIMKUS. The gentleman's time is expired. The Chair recognizes the gentleman from Illinois, Mr. Rush, for 5 minutes.

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

I understand that EPA is currently considering revisions to the lead and copper rule. This rule was supposed to have been issued last year, but the Agency under your leadership has repeatedly delayed any action on this. You have also delayed action on the lead renovation, repair, and painting rule for commercial buildings. And your recent proposal on scientific data could block the EPA from considering landmark studies, what you misleadingly have termed, quote, secret science, end of quote. These important studies are critical in identifying potential risks to public health including those related to lead contamination, cancer as it related to smoking, as well as the health impacts associated with other dangerous contaminants.

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

Mr. Administrator, as you well know, even your own Agency has declared that there are no safe levels of lead for consumption. According to the Center for Disease Control and Prevention, even consuming tiny amounts of lead can permanently damage the developing brain of children and contribute to kidney failure, heart disease, and other severe health problems. I also understand that this issue of replacing lead piping will require billions of dollars to remediate this problem on a national level. So I am curious to hear from you on ways that the EPA might provide financing and other mechanisms to help address this issue.

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

Mr. SHIMKUS. The gentleman's time has expired.

Mr. PRUITT. If I may, Mr. Chairman?

Mr. SHIMKUS. Just for a short minute.

Mr. PRUITT. There is no safe level of lead in our drinking water. It is something we need to act aggressively upon as an Agency and as a country. We have estimated it is about \$45 billion to replace the lead service lines across the country, and with WIFIA and the authority this Congress has given the EPA, I really believe that we can prioritize funding in the WIFIA program up to 4 billion a year in over a 10-year process, or thereabouts, achieve tremendous results.

Mr. SHIMKUS. OK, the gentleman's time is expired. The Chair now recognizes the gentleman from Virginia, Mr. Griffith, for 5 minutes.

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

As you will recall, in the previous administration there was a regional EPA Administrator who looked the other way. The Flint, Michigan, problem became a problem, but it was exposed by Marc Edwards, a professor at Virginia Tech, because he went out there on his own dime with his own monies and started doing the studies that needed to be done. Now your EPA has granted his group \$1.9 million to have folks test their water and send it in so we can find out exactly where the hot spots are, whether they be in Mr. Rush's district of Chicago or elsewhere.

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

Mr. SHIMKUS. The Democrats have looked at it, and they have approved. Without objection, it is submitted for the record.

[The information appears at the conclusion of the hearing.]

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

All right, I am going to switch now to the final rule for Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy Duty Engines and Vehicles: Phase 2 that was approved in the prior administration. You all are taking some action in regard to one part of that which I want to talk about in a minute, but I first want to talk about trailers. And I asked these questions of the prior folks at the EPA and I don't know how they have authority to regulate trailers when the Clean Air Act clearly says that the term "motor vehicle" means any self-propelled motor vehicle designed for transporting persons or property on a street or a high-

way and a trailer is not self-propelled, nor is it a motor vehicle, nor does it have an engine. It might have a compressor if it is a refrigerator truck.

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

Mr. PRUITT. Yes. We are in process—

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

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

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

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

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

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentleman from South Carolina, Mr. Duncan, for 5 minutes.

Mr. DUNCAN. Thank you, Mr. Chairman.

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

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

The rule has created an unnecessary confusion and suffering for farmers, ranchers, job creators, and private property owners, and in reality the regulations have done very little to benefit environmental stewardship. WOTUS is by far the largest issue for agriculture in South Carolina, and I know on your multistate action tour this past summer hosted by, I think, Super-Sod there in Anderson, you saw the real negative impact that WOTUS regulations had on farmers and local businesses.

These regulations are emblematic of the aggressive and unconstitutional overreach by the Federal Government under the Obama administration and the habitual undermining of State and local authority regarding environmental matters. It is our responsibility in Congress to use our lawmaking power to enact legislative and permanent fix.

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

Mr. PRUITT. Yes. There have been many decisions made at the regional level through delegation, as I was talking about earlier, utilizing that definition historically, you know, that 2015 decision and then even prior to that in 1986 and the 2008 guidance. And so we had inconsistency across the country with respect to what jurisdiction we had, and this was an effort to draw that back to make sure we had uniformity and how we review our responsibility on the Clean Water Act and make sure that every region is implementing that the way that they should.

Mr. DUNCAN. So why is this important to Waters of the U.S.?

Mr. PRUITT. Well, certainty is, certainty and clarity around the Waters of the United States rule is terribly important because, you know, if you have landowners across this country guessing about whether the EPA or the Corps of Engineers or any other Agency at the Federal Government has jurisdiction over their decision, meaning that they have to seek a permit, then they don't want to find out years later that they should have got that permit and then face fines each day for those number of years. So clarity and certainty around where Federal jurisdiction begins and ends really is at the heart of our efforts this year with respect to the Waters of the United States rule.

Mr. DUNCAN. All right. Is there any effort by the Agency to go back and look at these maps that were drawn? Because when I

look at the Waters of the U.S. ruling and I look at streams or dog-gone ditches in my district that were falling under the jurisdiction, these are ditches that only hold water in an increment rain event, that aren't navigable waterways in anybody's opinion. And if you came out there and looked at some of these areas you would go, "Why in the world is that covered?" Is there any attempt by the Agency to go back and review these maps and really pull some of those designated areas back in?

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

So that is something that we are going through that process, providing that clarity, and then those jurisdictional determinations will take effect or maybe change after that.

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

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

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

Mr. DUNCAN. OK, thank you.

Mr. Chairman, I yield back.

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentlelady from California, Ms. Eshoo, for 5 minutes.

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

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

Now you have a solid record of breaking ethics rules from the State level right up to the Federal Government. It is a long list and it includes wasteful spending. I think it is an embarrassment to

our country, and I think it is offensive to constituents. My constituents raise a lot of questions about and say, "How can he be doing this?" So the question that I want to ask you might be a little unusual one: Do you have any remorse for the excessive spending on behalf of yourself, the expensive air tickets, stopping in Paris, the amounts of dollars that you have expended at the Agency for an expensive telephone booth? I know you said it is for a SCIF, but there is a SCIF at the EPA. Do you have any remorse about this? Do you——

Mr. PRUITT. Let me say to you, Congresswoman.

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

Mr. PRUITT. I echo your comments. I think that what you said is absolutely true about the importance of public trust——

Ms. ESHOO. No, I want you to answer me. I have——sir, I have 2 minutes and 38 seconds.

Mr. PRUITT [continuing]. And I endeavor to achieve to live in a way that respects that.

Ms. ESHOO. Do you have any remorse?

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

Ms. ESHOO. All right. Well, sir, you are not going to outtalk me. You are not going to outtalk me. You claim that Steven Hart, the lobbyist who owned the condominium where you paid below-market rent, never lobbied you. However, we now know this isn't true. Mr. Hart's firm disclosed that he met with you regarding cleanup of the Chesapeake Bay. Did you have any other official meetings with Mr. Hart, yes or no?

Mr. PRUITT. The meeting that you referred to was not a meeting——

Ms. ESHOO. Did you have any other meetings with him?

Mr. PRUITT [continuing]. It was with respect to an individual——

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

Mr. PRUITT. There was no other meeting with Mr. Hart except for nonprofit.

Ms. ESHOO. Do you have any other lobbyists or representatives of industries with business before the EPA provide you with similar personal favors that you haven't previously disclosed?

Mr. PRUITT. Congresswoman, as I have indicated with respect to this situation with Mr. Hart and Mrs. Hart, the only event that took place was a meeting with a nonprofit Chesapeake Bay——

Ms. ESHOO. Are there any other instances in which you granted——

Mr. PRUITT [continuing]. And I am not aware of any other instances.

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

Mr. PRUITT. I am not aware of any instances.

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

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

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

Mr. PRUITT. And I have changed that recently.

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

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

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

So the last few questions that I would like to ask with 5 seconds left is, when you traveled to your home State—

Mr. SHIMKUS. The gentlelady's time has expired.

Ms. ESHOO [continuing]. Did you attend political fundraisers during any of these visits?

Mr. SHIMKUS. The gentlelady's time is expired.

Ms. ESHOO. I would like an answer.

Mr. SHIMKUS. The Chair recognizes the gentleman from Pennsylvania. The gentleman from Pennsylvania?

Mr. COSTELLO. Thank you, Mr. Chair.

Mr. Pruitt, I think the opprobrium that you generated on some of these spending decisions is actually warranted, and I have reviewed your answers and I find some of them lacking or insufficient. And I believe you have demonstrated—or, you have not demonstrated the requisite degree of good judgment required of an appointed executive branch official on some of these spending items, and I would like to follow up on a couple of specific instances.

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

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

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

Mr. PRUITT. I am not aware of any employment action taken with respect to anyone and spending-related counsel. These indi-

viduals to whom you refer, I had limited interaction with them. They did not spend meaningful time with me with respect to spending and recommendations around spending. One of the individuals was the head of Advance. Most of the time I spent with him was in the field and not at headquarters. So there is really no factual connection whatsoever in employment status with those individuals and any counsel regarding spending.

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

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

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

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

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

Having said that, it has been reported that, I believe the IG has indicated or at least someone in the IG's Office has not found some of the personal security concerns that you have proffered in relation to the enhanced security that you have received to be either warranted or credible. Would you kindly provide a little bit more detail on why you think you need—and I am just going to be very honest with you. When folks read about trips to Disneyland, professional basketball games, Rose Bowl, and the additional security detail related to that, that doesn't sit well with a lot of people.

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

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

Mr. SHIMKUS. The gentleman's time has expired.

Mr. PRUITT. So these are threats that the IG has documented. We can provide this to you. The IG has said that the threats against me as Administrator—

Mr. SHIMKUS. The gentleman——

Mr. PRUITT. [continuing]. Are unprecedented——

Mr. SHIMKUS. If the Administrator, if you will suspend, I think the point has been made. The gentleman's time has expired. The Chair now recognizes the gentleman from New York.

Mr. ENGEL. Thank you, Chairman Shimkus and Ranking Member Tonko.

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

But what really bothers me perhaps even more, on top of that your Agency is willfully ignoring sound science and stripping the protections that keep millions of Americans safe. You are making our water less safe to drink and our air less safe to breathe. You are increasing our exposure to more dangerous chemicals and you are making our planet less healthy for our children and our grandchildren.

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

You proposed repeal of emission standards for heavy-duty vehicles. You announced a plan to weaken emission standards for brick and tile manufacturers. You proposed a rule reducing air pollutants at sewage treatment plants. You have scrubbed the content of your website, including the page devoted to explaining climate change. You have removed the word “science” from the mission statement of your Office of Science and Technology. You have dismissed 12 of the 18 members of the Board of Scientific Counselors.

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

There is so much here, Mr. Administrator, that I wish I had more time. But instead I will focus on an issue that is in the head-

lines now and has profound implications for our future, the Paris Agreement. By announcing that we will abandon our commitment to the Paris Agreement, and we heard this from Mr. Macron yesterday being critical of it, this administration is setting the clock back on U.S. climate action and forfeiting our Nation's position as the global leader in developing the clean energy economy of the future. The move will only open the door for others to take our place.

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

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

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

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

Mr. SHIMKUS. The gentleman's time has expired.

Mr. ENGEL. You are instead—I am finishing, Mr. Chairman. You are instead—

Mr. SHIMKUS. Finish quickly.

Mr. ENGEL [continuing]. You are going against the tenets of what your job is supposed to do, and that makes me very, very angry.

Mr. SHIMKUS. The gentleman's time has expired. The Chair recognizes the gentleman from New Jersey for 5 minutes, Mr. Lance.

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

Administrator Pruitt, the EPA has a long and distinguished history established by President Nixon as you know better than anybody. I represent a district in northern New Jersey outside New York and we are concerned about some of the allegations regarding the overspending, and in particular the \$43,000 for the security of the phone booth. As you know, this has been criticized by the Gov-

ernment Accountability Office. The general counsel, Mr. Armstrong, said that you had a responsibility to notify lawmakers. You have indicated that you believe this is not part of renovations.

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

Mr. PRUITT. First, on the GAO matter, we have in fact notified the GAO with respect to those issues and rightfully so, based upon their determination. And I do want to say that the Office of General Counsel at the Agency, career individuals, interpreted the expenditure as not being within the guidelines of the statute, and that is the reason the Agency acted as they did. And those were all individuals, career individuals, that were part of that process.

Mr. LANCE. The GAO disagrees with you, the General Counsel disagrees with you?

Mr. PRUITT. That is right. But steps were taken to notify irrespective of that.

Mr. LANCE. I tend to agree with the GAO General Counsel. I want that on the record. Why did we need another SCIF or SCIF-like facility when there was already one at your Agency?

Mr. PRUITT. So it is not a SCIF, and it was not intended to be. As I shared earlier, Congressman, in an earlier question, I simply requested for a secure communication, a secure line in my office based upon phone calls that occur that are confidential in nature. And so, based upon that instruction, a process ensued where this investment took place. And that is—

Mr. LANCE. Did any of your predecessors suggest that this be needed, Republican or Democratic?

Mr. PRUITT. I am not sure, Congressman.

Mr. LANCE. Well, I think the answer is no. It is either a yes or a no. And I don't demand just a yes or no, you are willing to elaborate. But did any of your predecessors suggest this?

Mr. PRUITT. I am not sure.

Mr. LANCE. And I am not a person here who requires a yes or no. I would like you to answer in detail, did any of your predecessors require that?

Mr. PRUITT. I am just not aware of any requests of previous—

Mr. LANCE. Well, I have the honor of representing a predecessor of yours, Christine Todd Whitman. She is a constituent of mine. She was the Administrator for the second President Bush, and she has indicated that she saw no need for such an enhanced telephone system when she was Administrator and there was secure communications then, and she has indicated that she did not think this was appropriate. And respectfully, I do not think it is appropriate. And I think that there are already secure locations, and I think it was a waste of funds.

Regarding a completely different issue: In a March 30th memo, you stated you signed a directive to give more authority to your office over environmental regulations for a project near regional waterways. It is my view that taking this authority may supplant the role of local representatives and experts, water quality boards. You have relied heavily and when you were Attorney General of Oklahoma on federalism and perhaps appropriately so for local and State control over suits against the EPA. Yet, it appears to me that

your directive supplants local control and that it would give you as Administrator final decision-making authority over the protection of streams, ponds, and wetlands under the Clean Water Act.

I would be interested in your views. It impresses me that your views may have changed, Administrator, now that you are the Administrator, from your position as Attorney General of Oklahoma.

Mr. PRUITT. They haven't changed with respect to the collaboration with the States in that regard. I think what you are referring to is a decision to bring that delegation back from the regions. And what we have seen, Congressman, is a great variation, inconsistency from one region to another with respect to the issues that you have described. And so this is an effort at the Agency to get uniformity and to get consistency across the regions. Collaboration, consultation will continue both at the regions and with the States.

Mr. LANCE. Thank you. I end my questioning by saying that I am concerned about what I believe is overspending. I am particularly concerned about the secure location. It is my judgment that that was not needed and that is the judgment certainly of at least one of your predecessors, a constituent of mine, Christine Todd Whitman.

Mr. PRUITT. And, Congressman, I agree with your statement. I believe that that was an amount of money that should not have been spent and was never authorized by myself.

Mr. SHIMKUS. The gentleman's time is expired.

Mr. LANCE. Thank you very much, Mr. Chairman.

Mr. SHIMKUS. The Chair recognizes the gentlelady from Illinois, Ms. Schakowsky, for 5 minutes.

Ms. SCHAKOWSKY. Thank you. I would like to thank the Chair and ranking member for allowing me, a member of the committee but not this subcommittee, to be here today.

There is a lot of interest, Secretary Pruitt, in your testimony. And I also have been troubled by certain behaviors. And it has been reported that your decision to abandon the planned fuel efficiency standards was heavily influenced by Samantha—is it “Dravis” or “Dray-vis”?—one of the employees you brought with you from Oklahoma who is now under investigation for receiving a salary from taxpayers despite not coming to work for 3 months. You personally brought Ms. Dravis on the job at EPA when you became Administrator. Is that correct?

Mr. PRUITT. She is not from Oklahoma, and yes, she came in upon the start of our administration. And are you referring to the midterm evaluation, the decision reached on the midterm evaluation?

Ms. SCHAKOWSKY. I am going to continue with my questions, and maybe I will get to that. She was hired using the same Safe Drinking Water Act authority that was used to give unapproved raises to other staff that you did bring from Oklahoma. Is that correct?

Mr. PRUITT. I am not aware if she was hired under that Safe Drinking Water Act authority. There is authority on the Safe Drinking Water Act to administratively determine certain individuals. It is legal, authorized, it has been used by previous Administrators, and it could have been used in that instance. I am just not aware.

Ms. SCHAKOWSKY. How much was Samantha Dravis paid for the 3 months during which she did not report to work?

Mr. PRUITT. Well, I am not aware. There is a pending investigation, as you have indicated, review of that and I am not aware that she did or did not appear for work. So that is something that is being reviewed at this point.

Ms. SCHAKOWSKY. Senator Carper has stated on the basis of information, I believe, from a whistleblower, has stated that he worked with you on a deal to preserve fuel efficiency standards. He has said that you abandoned that deal at the urging of Samantha Dravis. Did Samantha Dravis urge you to abandon the potential deal with Senator Carper?

Mr. PRUITT. I am just not aware. I don't know if you are speaking of the midterm evaluation or another issue. I just don't, I am not sure what you are asking.

Ms. SCHAKOWSKY. Well, regardless of what the source of the—I mean these are pretty straightforward questions about her and the 3 months that she—are you contesting that she did not work for 3 months?

Mr. PRUITT. No, I am not speaking to that at all. I am not—

Ms. SCHAKOWSKY. So I don't know what your point is about asking where it came from. I am asking if she worked for 3 months without any—she did not work for 3 months, with pay.

Mr. PRUITT. But your question was about fuel efficiency and I am not entirely sure what the question was with respect to her influence in that regard. So that is what I was trying to determine, what area you were talking about. I am not aware of—

Ms. SCHAKOWSKY. OK.

Mr. PRUITT. I will just say it to you this way: I am not aware of any decision around fuel efficiency, CAFE or otherwise, was an influence in that way.

Ms. SCHAKOWSKY. Are you aware that she was paid and did not work for 3 months?

Mr. PRUITT. I am not aware of any. I know it is under review at this point, and those facts will bear out.

Ms. SCHAKOWSKY. I wanted to ask you also, I have a little time left, about your vehicles. At the same time that the EPA has moved to increase fuel costs for American households, you have reportedly asked taxpayers to cover the cost of a luxury SUV for your use. Is it true that as Administrator you upgraded from a Chevy Tahoe, which I know your predecessor used, to a Chevy Suburban with leather interior and other luxury features?

Mr. PRUITT. As I understand it, the decisions to add a vehicle to the fleet was something that was in process prior, and they asked for input about the vehicle, that I did not give direction to start that process or end that process, they just asked for consultation.

Ms. SCHAKOWSKY. It isn't the first time in public service that you have upgraded your official vehicle. As Oklahoma Attorney General you upgraded to a big, black SUV when your predecessor used a sedan. Is that correct?

Mr. PRUITT. The sedan was something that went out of service and we had to replace that with an SUV, yes.

Ms. SCHAKOWSKY. You had to replace it with an SUV?

Mr. PRUITT. There was a replacement that occurred because of the other one coming out of service.

Ms. SCHAKOWSKY. So it is not just that it had to be replaced. It had to be replaced with a bigger, less fuel-efficient and larger, more expensive car. So it just seems to me that this pattern that we have been hearing today of behavior—

Mr. SHIMKUS. The gentlelady's time—

Ms. SCHAKOWSKY [continuing]. Is very concerning. And I thank you for your answers.

Mr. SHIMKUS. The gentlelady's time is expired. The Chair recognizes the gentleman from southwest Missouri, Mr. Long, for 5 minutes.

Mr. LONG. Thank you, Mr. Chairman, and thank you, Administrator Pruitt, for being here today. And I think that it has been well established today that you have the most famous cone of silence since Agent 86.

But that is not where my questioning is going to go today. I have a 30-year career—had a 30-year career—as a real estate broker before I came here, and part of being a real estate broker, it was very important to people the energy efficiency of their homes. And when they were looking for a new home they looked at that Energy Star certified program, things that complied with that. In your testimony you talk about the Energy Star program and how it helps businesses and consumers save money by reducing their energy use. The Energy Star program provides consumers with accurate information about what products and systems deliver high quality energy savings, as you know.

I am wondering if you can talk about the process involved with updating the Energy Star standards to include the most innovative and up-to-date technologies such as high performance HVAC systems which can outperform current Energy Star-approved equipment.

Mr. PRUITT. Well, the program to which you refer, Congressman, has been extremely successful from the public-private partnership and there is actually a rulemaking schedule that will occur in January of next year, as I understand, to establish fees that will, you know, support that program. I think the concern has been just the long-term stability and viability of the program. So we are in the process now of preparing for that and it is something we are committed to and I think it has been very successful.

Mr. LONG. OK. I think that it is important to both the regulating community and the public that the Government speak with one consistent voice. I know from experience, you talk to people—if they call an IRS office, they may call seven different days and get eight different answers, depending on which office they call. What are your plans for ensuring the EPA's policy positions are implemented consistently across Government, including the EPA headquarters and the EPA regional offices in litigation and enforcement? And I was just using IRS as an example, because that is somewhere a lot of people get a lot of different answers, so for the EPA.

Mr. PRUITT. It is a very important question because we have 10 regions across the country, and what we have seen from a compliance and assistance perspective—enforcement, permitting, many,

many issues—a great inconsistency. And so we are in the process of going through a Lean program at the Agency evaluating metrics.

Mr. LONG. I am sorry, what program?

Mr. PRUITT. It is a management program to ensure that we are committed to metrics.

Mr. LONG. What did you call it? What was the——

Mr. PRUITT. It is Lean.

Mr. LONG. Lean, OK.

Mr. PRUITT. Yes. It is a private—but I have a person, a COO, that is dedicated to ensuring that we are setting metrics objectives at each of the regions and that there is verticality, uniformity from headquarters to the regions and across the country to ensure on compliance, assistance, permitting, all these various issues that we don't see this dispersion and great variety.

Mr. LONG. On these EPA proposed rule revisions which recognize the importance of the States overseeing the implementation of the program regulating coal combustion residuals, I believe that oversight is critical. Has your Agency given more thought to adjusting deadlines imposed under the existing Federal rules so the States have time to get their programs developed and approved by the EPA?

Mr. PRUITT. There has been consideration of that, yes, and I think you make a great point about the timeline, that States need to develop their own programs. We provide a guidance in that regard to the States, but they need time to adopt and implement those programs. And so both are very important trying to address the impending deadlines but also work with the States to achieve the startup of their programs.

Mr. LONG. With Oklahoma being a neighbor to Missouri, I am sure that you know that electric power providers in Missouri rely on a balanced portfolio of energy inputs including a large amount of coal for our energy. Is it still your plan to undertake a timely repeal of the carbon regulations for power plants?

Mr. PRUITT. If you are referring to the Clean Power Plan of the previous administration, you know, that is in the marketplace today, yes.

Mr. LONG. OK. And those regulations were dependent on the last EPA's official finding that carbon endangers the environment. Is EPA planning on revisiting that endangerment finding also?

Mr. PRUITT. You know, our focus has been in the Clean Power Plan and addressing that from a rulemaking perspective. So that has been our focus today.

Mr. LONG. OK. And Mr. Chairman, I yield back.

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentleman from North Carolina, Mr. Butterfield, for 5 minutes.

Mr. BUTTERFIELD. Thank you very much, Mr. Chairman.

Mr. Administrator, I have been listening to your testimony here in the committee room, and back in my office I have been watching it very constantly on television. And I must tell you this is very disturbing, what I am hearing today. One of the most alarming aspects that I have heard concerns your expenditures. I am going to call them your outlandish expenditures on security.

And what is even more alarming to me is the fact that there has been an obvious practice of retaliation against EPA employees who question your spending. And you are a lawyer, I read your bio. You have been a civil servant for many years and you have done a lot of great things. You must certainly know that whistleblower protections are essential to ensuring fairness and good government. But according to press accounts, five EPA staff members were fired or reassigned after questioning your spending or advising you that you need to notify Congress of expenditures over \$5,000.

Now, the nonpartisan GAO office has now validated those employees finding that you broke the law. That is not the Democrats or any other political group. That is the nonpartisan Government Accountability Office has now validated those employees, finding that you broke the law in failing to notify the Congress. Now do you intend to hold yourself or your staff accountable for this action?

Mr. PRUITT. First, I want to say I know of no instances, Congressman, where a decision has been made on employment status related to spending or any recommendations regarding spending. I have said that earlier and I will say it again to you now.

With respect to the accountability—

Mr. BUTTERFIELD. But my point is notifying Congress.

Mr. PRUITT. That is an issue that I have addressed already a couple of times here. Office of General Counsel, career individuals at the Agency advised those folks going through the expenditure process that they did not need to notify Congress. GAO came out recently and said otherwise. That notification has taken place. Those individuals, those career individuals that made the decision on that expenditure, were following the advice of counsel and the direction of what they knew to be right at the time.

Mr. BUTTERFIELD. So it is your position that you had no responsibility to notify Congress of these expenditures?

Mr. PRUITT. No, I believe that the decision has been remedied, and it should have been done at the beginning. But it was not done, and the question is, as they made those decisions, who guided that? And it was career individuals at the Agency.

Mr. BUTTERFIELD. I was further alarmed that the pattern was extended to the head of the Office of Homeland Security at EPA, who signed off on a February memo finding that you did not face direct death threats. That person was removed from his role, I am told, the day that the Senate Democrats revealed the existence of the memo. The timing of the move clearly suggests an effort to intimidate, in my opinion, and to deter staff who might share their concerns with Congress. Any truth to that?

Mr. PRUITT. And I think Donna Vizian at the office, who heads our Human Resources area, would say the contrary to that. The reference I made earlier to a previous question about the Inspector General and their actual recitations of threats I can provide to you, Congressman. The person to whom you refer does not have all the information with respect to the collection of threats.

Mr. BUTTERFIELD. Let me take you to question 2, I am running out of time. Last month, you moved to weaken protections from toxic coal ash, which poses serious risks to human health and the environment. I had a coal ash spill in my State of North Carolina and they are still mitigating that damage. The spill that occurred

in Kingston, Tennessee caused 30 premature deaths, 200 serious illnesses among workers who cleaned up the spill.

Amazingly, you have proposed weakening the protections despite the hard science proving the dangers caused by the spills. This is unacceptable. Were you aware of these severe worker impacts when you proposed weakening the coal ash rule?

Mr. PRUITT. The specific examples that you refer to, no, I was not aware of those specific examples.

Mr. BUTTERFIELD. Last January, you delayed the essential protections for farm workers from dangerous pesticides, including delaying protections for minors. That delay has now been thrown out. My staff says thrown out. You and I as lawyers, I guess we would call it something different, dismissed by the courts. Is that true or not true?

Mr. PRUITT. No, it is my understanding that there is a proposal to deal with those age requirements that are being considered but there has not been any final action on that. States, as you know, have age requirements as well and we are contemplating in that process whether those age requirements should be deferred to in this process. But I am not aware of it being final at this point, Congressman.

Mr. BUTTERFIELD. Well, let me thank you for your testimony. I have listened to as much as I could today and, again, I say I am very disappointed with your record at the Agency. It is not commensurate with your record over many, many years in other capacities, and your lack of concern for workers is what concerns me most of all. You have wasted taxpayer money. You—

Mr. SHIMKUS. The gentleman's time has expired. The Chair recognizes the gentleman from Florida, Mr. Bilirakis, for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it. And thank you for allowing me to sit on this subcommittee. Of course, as you know, I sit on the full committee.

Administrator Pruitt, I want to talk about the environmental review and approval process for local projects. With the significant portion of my constituents living on Florida's west coast, I am always concerned about hurricanes as you can understand as well as flooding. However, our area only has two evacuation routes to move residents inland during an emergency. To alleviate this problem, the Pasco County government initiated the Ridge Road Extension Project to create a third evacuation route, but you know they have been working on this since 1997. Can you believe that? Since 1997, for over 20 years, the county has been treading through regulations, filling out forms, and meeting with Federal officials to get this public safety project up and running. OK, so we are talking about again a public safety project we need to save lives, God forbid we had a disaster.

So while they have met with some recent success, and I have been working to help them out, the project still has not received final approval. Administrator Pruitt, what has the Agency done under your leadership to streamline the review of projects particularly when they involve public safety where lives could be on the line, in this case they definitely are on the line, and is permitting improvements something that your EPA workforce assessment, are they addressing these issues?

Mr. PRUITT. It is absolutely a priority. In fact, we began an effort last year before we arrived at the Agency. They didn't know how long it took to actually go through the permitting process, in fact I asked that question upon arrival to give me an idea about the length that it took for permitting and they didn't know the answer. So we have evaluated that data. And I know this won't surprise you but it takes a long time. You have already cited your example.

And so by the end of 2018 we are making changes internal to the Agency. The decision that we make on permits up or down will occur within 6 months starting in January of '19. So that is the effort that we are engaged in. But as you know this is an interagency approach as well and we are collaborating with the Corps of Engineers around some of these issues in making sure that we have consistency in working with them.

Mr. BILIRAKIS. OK, so you say within 6 months beginning in 2019?

Mr. PRUITT. At the end of this year, we will have a plan in place to execute upon as we begin January of '19.

Mr. BILIRAKIS. OK. On the same point, the President released an infrastructure plan, of course as you know, which included sections on permitting improvement. One of the proposals is that one Agency, one decision. Is that what you are referring to, environmental review structure? Another is allowing for localities to complete a single environmental review document for a project. Are these things that you could support?

Mr. PRUITT. I do support and I think these are great recommendations that have been made as part of the infrastructure package the President made and something I hope Congress adopts. But whether it is adopted or not, we are advancing this 6-month review process internal to the Agency.

Mr. BILIRAKIS. OK. As far as, you know, there are a lot of local governments that can't afford to hire high priced consultants, as you know. So this is very, very important to them and they shouldn't be penalized because they can't afford to hire these high priced consultants. You know, in my area over the years they have spent a lot of money on this project and but I am sure that there are examples all over the country where it has taken many, many years. So I appreciate you working with me on this and hopefully we get approval soon.

Mr. PRUITT. Thanks, Congressman.

Mr. BILIRAKIS. I thank you very much and I yield back.

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentlelady from Florida, Representative Castor, for 5 minutes.

Ms. CASTOR. Well, thank you, Chairman Shimkus, for allowing me to participate in the hearing today.

Mr. Pruitt, your pattern of unethical conduct and conflicts of interest are now very well known, but I am very troubled by your failure to take personal responsibility for your actions. You simply dismissed all of the ethical lapses at the beginning of your testimony as troubling media reports so I think that is a failure in leadership.

But the point I want to make today is that those costs, your wasteful spending, those costs pale in comparison to the damage

you are doing to the health of American families and the assault on our clean air and clean water protections, our protections against dangerous chemicals and pesticides. Mr. Pallone highlighted the issue of the dangerous paint stripper, methylene chloride, at the beginning, that is known to have caused over 50 deaths and yet the EPA under your administration now has, you say we are stalled, we don't have a final decision, but in essence you have turned a blind eye to those families.

There is also the case of chlorpyrifos which is a dangerous nerve agent. It is in the same chemical class as sarin. There was a recommendation by EPA scientists when you came in, in fact the last administration had said we are going to propose very significant restrictions especially to protect babies, children, young people under 18. You came in and turned that around. You said, "Oh, well, this, well, it is not final."

But you have set a pattern here. America's pediatricians are outraged. Public health advocates are outraged and so am I, because we are talking about the development of brain in babies and children. We are talking about not just children that might be in farmlands, but they live and work or they live and play in those areas. There were a lot of kids in the audience today and parents who care about this a great deal. It is Take Your Child to Work Day. That was good to have them in here.

So my first question is why are corporate polluter profits more important to you than the health of families and children?

Mr. PRUITT. Well, on the issue that Ranking Member Pallone brought up and this issue that you have raised, I would ask you not to jump to conclusions, that there is a final process there. As you know, the previous administration—

Ms. CASTOR. But there is a pattern. There is a pattern. And—

Mr. PRUITT. I am trying to respond.

Ms. CASTOR. And, you know, your actions belie what you say when your EPA scientists and public health advocates and pediatricians all say here is the ban and you come into office and time and time and time again you are siding with the special interests and not with the public.

Mr. PRUITT. Yet that solvent that you are referring to is actually one of the 10 priority chemicals that we are reviewing under TSCA that you authorized. And so we are—

Ms. CASTOR. You are right. And that was a recommendation that was the action of this committee and you have set the pattern. And, really, whatever you could say today, I think people need to look at your actions rather than your rhetoric.

But in addition to your failure to take any responsibility, I have to say that I am disappointed in a lot of my colleagues on the other side of the aisle that have let the Administrator off the hook today by barely asking any tough questions. There were a few exceptions, and my hat is off to them. Maybe they are trying to save his job because they are worried, if he doesn't perform well today, he could be fired.

Several congressional Republicans have already publicly called for your firing, but unfortunately not on this committee. Either way it is embarrassing that most of the Republicans refuse to take this committee's oversight responsibility seriously and hold you ac-

countable. They claim to have requested documents from the administration regarding Administrator Pruitt's misconduct and conflicts of interest, but there is no evidence of any investigation.

Meanwhile, the Democrats on this committee, we have sent numerous inquiries to EPA, the Office of Inspector General, the GAO, the Office of Special Counsel, and some of those have borne out and you have been found in violation of the law. Unfortunately, we have yet to see any real effort from my colleagues on the other side of the aisle.

So I have been keeping a list today as well, Mr. Administrator, of the unanswered questions, because you often say it is not final, we are looking at this, the jury is out. But you failed to give direct responses on a number of questions.

So, Mr. Chairman, I would like to submit this list for the record of the endless string of questions that Administrator Pruitt has not answered today.

Mr. SHIMKUS. Let us look at that. Pass it over here, please.

Ms. CASTOR. Will do.

And finally close out by saying—

Mr. SHIMKUS. The gentlelady's time has expired.

Ms. CASTOR [continuing]. Mr. Pruitt, you violated—

Mr. SHIMKUS. The gentlelady's time has expired. The Chair recognizes the gentleman from Maryland for 5 minutes.

Mr. SARBANES. Thank you, Mr. Chairman.

Thank you for being here, Mr. Pruitt. I have been watching you during the hearing and you certainly have the bearing of a man who thinks he is untouchable. I don't know if that is true or not, but I would be careful of that because I don't think Americans go for that, and in your position they just want you to protect their air, they want you to protect clean water, and they want you to conserve the land.

As has been said by many of my colleagues, EPA under your tenure has been cloaked in secrecy and swamped with ongoing legal and ethical failures. You have refused to release detailed information from your calendar, often provide no advanced notice of where you are going to be, Agency career staff, we are told, have been instructed not to take notes or carry their cell phones, and this level of secrecy has forced a lot of citizens to take the avenue of filing Freedom of Information Act requests. I understand that EPA political leadership has added a new layer of so-called awareness reviews to those requests, which can delay the release of information to the public and also limit the amount of information redacted in the responses.

Are you aware that your political appointees are conducting these reviews before information is released to the public, yes or no?

Mr. PRUITT. First, let me say that there has been no instruction not to take notes or to carry phones. That is simply fabricated. With respect to the process you are referring to, the FOIA process is governed by statute. And—

Mr. SARBANES. But you have set up these political appointees to do reviews, are you aware of that?

Mr. PRUITT. The Office of General Counsel is conducting FOIA reviews.

Mr. SARBANES. OK, all right. You are not aware of that. I am going to move on because, as you know, we are limited here. But if that was done, that is a pretty clever move. We wrote to you last year with concerns about Carl Icahn's role as special advisor on regulations, potential conflict of interest due to his financial holdings and outspoken positions on the Renewable Fuel Standards programs. So here we are a year later, the EPA's implementation of the RFS programs, specifically the small refinery waiver provision, is under fire from both farmers and refiners.

My colleague Mr. Green raised the issue of secret waivers. I want to build on that a little bit. I want to know about CVR Energy in which Carl Icahn owns a majority stake. Administrator Pruitt, you met with representatives from Carl Icahn's company, CVR Energy, in June of 2017. Is that correct?

Mr. PRUITT. If that is what the calendar represents.

Mr. SARBANES. OK. Did Carl Icahn's company apply for a waiver from ethanol blending requirements for any of its refining facilities?

Mr. PRUITT. I am unsure.

Mr. SARBANES. OK. We will look at the record for that. And did Carl Icahn's company receive a waiver for any of its refining facilities?

Mr. PRUITT. These exemptions are governed by statute, as you know.

Mr. SARBANES. OK. Well, you are going to find that out for us and we appreciate your following up because that is important to know because it raises serious questions about conflicts of interest. I have had the privilege of chairing here in the Congress the Democracy Reform Task Force. We have been trying to keep up with the ethical lapses of the Trump administration, which I will tell you is kind of a full-time job, and you certainly have been at the center of some of that focus. To date, five independent Federal investigations have been initiated at this committee's request and more than eight independent Federal reviews are currently underway with respect to your office.

Yesterday, the Democracy Reform Task Force released another report in a series that is looking at failures and ethical lapses within the Trump administration. This one was detailing your wasteful spending and favors for your friends. It put the interests of dirty polluters ahead of the American people. So this is now available for people to take a look at. It goes through the litany of ethical violations that have come to characterize and be the hallmark of your time in office.

You have really become—I mean, it is sad to say it—but you have become in many respects, and you ought to take this to heart as somebody who holds an office in the public trust, you are wearing that mantle today, that office of public trust as head of the EPA, something people care deeply about. If you are going to wear that mantle, you have to exercise the office with attention to the public interest and not to private interest.

But, unfortunately, you have become the poster child for the abuse of public trust and this goes back a long way. You brought your way of approaching these public offices to the EPA and it has undermined the credibility of that organization. But it is a hall-

mark of the Trump administration, and we are going to continue to demand answers and we are going to continue to hold you accountable in every hearing that you choose to be up here.

I give you credit for coming today, but we are going to continue to hold you accountable for the dereliction of duty that we see. With that, I yield back my time.

Mr. SHIMKUS. The gentleman's time has expired. The Chair recognizes the gentleman from Vermont for 5 minutes, Mr. Welch.

Mr. WELCH. Thank you, Mr. Chairman. Mr. Chairman, you, with Mr. Flores, and I have been working on ethanol.

Mr. Pruitt, I have heard reports, read reports that, as a result of the pressure on Midwest ag in response to the retaliatory tariffs by China, that there is a move by some to increase ethanol usage. Can you comment on that very briefly?

Mr. PRUITT. Well, are you referring to the RVP waiver?

Mr. WELCH. That is correct.

Mr. PRUITT. Yes. We have been actively evaluating the legal authority under the statute to grant the RVP waiver for the last several months. And the reason it is taking some time, Congressman, is because—

Mr. WELCH. I want to interrupt because actually what I am talking about, I appreciate the work on ethanol that my colleagues have done, but what is reported is that as a result of the tariffs that China is imposing on soybeans and grain that there is going to be a concession from the Trump administration to go to E15, so I will just leave it there.

I do want to ask you some questions along the lines of how you have been running your department. Is it the case that any of your predecessors, Republican or Democrat, who have had the high responsibility as Administrator of the EPA have had a 20-person security detail?

Mr. PRUITT. I am unaware of previous considerations in that regard.

Mr. WELCH. Is it not at all relevant to you what the precedents have been with Republican and Democratic Administrators in the past?

Mr. PRUITT. I am just not aware, Congressman, of processes prior to my time at the Agency on what was considered and what wasn't considered.

Mr. WELCH. All right. Did the taxpayers spend \$30,000 for a security detail to accompany you on the trip to Disneyland?

Mr. PRUITT. I am unsure about that. I mean, we took—

Mr. WELCH. That is knowable.

Mr. PRUITT. Yes. The records show that.

Mr. WELCH. All right. So you can determine this. It is not like secret stuff.

Mr. PRUITT. The detail, the law enforcement make those determinations on what type of security should be provided, whether—

Mr. WELCH. You know, I have been listening to a lot of the answers, and the answers are "somebody else knows it," and it really is starting to seem like there is something on your desk with a motto that says "The Buck Stops Nowhere," and you are the guy who is in charge.

Mr. PRUITT. Yet, Congressman, I have made decisions to switch and make sure to make changes from first class back to coach, I rescinded the pay raises to those individuals.

Mr. WELCH. No, I get it.

Mr. PRUITT. In fact, that has happened.

Mr. WELCH. Let me ask you just about this phone booth, because it is a metaphor. Are you aware that at the EPA headquarters there are two secure facilities where private phone calls could be secure?

Mr. PRUITT. And, again, I didn't request a SCIF. I requested a secure communication that was not accessible to my office and—

Mr. WELCH. I understand that. But you are the boss. So you tell your folks that you want a secure way of communicating, reasonable request, they are going to accommodate it. The boss is the one who has to make certain that it is a reasonable imposition on taxpayers, or do you disagree with that?

Mr. PRUITT. And in this instance the process failed. As I indicated in my opening statement, those processes will be changed going forward.

Mr. WELCH. Did you ask the question—here is the question that I think a lot of people would ask, Republican or Democrat, how can I make a secure phone call, and the answer would be well, Mr. Pruitt, there happens to be two places in this building right close to your office where you can do that. Had you asked that—

Mr. PRUITT. They are not right close to my office.

Mr. WELCH. Pardon me?

Mr. PRUITT. They are not right close to my office.

Mr. WELCH. Well, how often do you have to use your secret phone booth?

Mr. PRUITT. It is for confidential communications, and it is rare.

Mr. WELCH. OK. So on those rare occasions, is it too much to ask you to walk whatever distance it takes for you to get to that secure line?

Mr. PRUITT. I guess it depends on the nature of the call and how urgent the call is.

Mr. WELCH. The point is that you have two locations that you can go to when you have to make those rare secure phone calls. This is taxpayer money. It is taxpayer money. Let me ask you this. Did you have installed or were there installed biometric locks on your office?

Mr. PRUITT. There were problems with locks on two of the three doors and changes were made to those locks. No instruction was given for biometric locks, but that was a decision made by those individuals.

Mr. WELCH. So these things just happen.

Mr. PRUITT. There was a process at the Agency in that regard, and there was an evaluation.

Mr. WELCH. Well, what is a biometric lock?

Mr. PRUITT. I am not entirely sure.

Mr. WELCH. So do you know, is it the case you don't know how to open your door?

Mr. PRUITT. I just know how to put a code in. Excuse me?

Mr. WELCH. No, seriously. What is a biometric lock?

Mr. PRUITT. I don't know. I just put a code in.

Mr. WELCH. A biometric lock, it responds, as I understand it, to like fingerprints or some other—your eyes, some physical characteristic.

Mr. PRUITT. That is my understanding as well.

Mr. WELCH. All right, so you have them, right?

Mr. PRUITT. Those are on, those have been added to the office, yes.

Mr. WELCH. Why?

Mr. SHIMKUS. The gentleman's time has expired. The Chair recognizes the gentleman from Iowa for 5 minutes, Mr. Loeb sack.

Mr. LOEBSACK. Thank you, Mr. Chairman. Thank you for allowing me to waive on to this subcommittee. I do appreciate that.

Mr. Pruitt, I share a lot of the concerns my colleagues have voiced today on the ethics front, but I am actually here to talk about an issue that, as you might imagine, I am from Iowa, so of utmost importance to my State, to my district. During your confirmation process you stated that you would work to uphold the Renewable Fuel Standard and over the last 2 years President Trump has pledged on numerous occasions to support the RFS, in fact time and time again he has pledged to support it. However, over the last several weeks, information has been revealed that makes me question that commitment as you might imagine.

Various reports have indicated that the EPA has granted so-called economic hardship exemptions to numerous refiners who appear to be neither small nor financially distressed. You know what the law says, it has to be 75,000 gallons or less to be granted that economic hardship waiver. I can tell you I have heard directly from my constituents, farmers and many others, and from farmers across the country who are extremely troubled by this action. And this comes at a particularly difficult time in farm country as you know when we have had low prices, we have seen farm income trending downward, and industry profits are soaring.

I am extremely disappointed in the action as you might imagine and the lack of transparency and accountability in the process is also unacceptable. Under section 211 of the Clean Air Act, the EPA Administrator is required to reassign gallons that are waived under the small refinery exemption to other obligated parties. Because this entire waiver process has happened, really, without any transparency whatsoever, I am disappointed, my constituents are disappointed, and we really have no idea whether those gallons have been reassigned as required by law.

So my first question, Mr. Pruitt, yes or no, have you reassigned these gallons as required by law?

Mr. PRUITT. It is my understanding that the process has happened as it is supposed to under the statute.

Mr. LOEBSACK. Well, we are going to need that. And how do you plan to reassign then the gallons you waive for going forward for the 2019 RVO?

Mr. PRUITT. And I do think your question is very important with respect to the volume obligation, Congressman. And when you think about the commitment of this administration to the RFS, the point of obligation was denied as you know. That was a big issue.

Mr. LOEBSACK. But that is not my point. I am talking about the waivers.

Mr. PRUITT. No, I know. I understand.

Mr. LOEBSACK. And I would like to move on to my next question if I could. Yes or no, do you intend to inform this committee and the public about the details behind these waivers such as which refiners received a waiver?

Mr. PRUITT. Subject to the confidential business information or other information that would be the only thing that would not be available.

Mr. LOEBSACK. Well, Mr. Pruitt, we just want to know who got these waivers, not why necessarily, and I can't understand why that would be considered confidential business information. Reports have indicated that 25 refiners received waivers from their obligations. Is that number accurate?

Mr. PRUITT. That was actually in 2017, I think. The applications are still pending in 2018.

Mr. LOEBSACK. What is the number at the moment?

Mr. PRUITT. It is over that number for 2018, as I understand it.

Mr. LOEBSACK. Did you discuss these exemptions with the White House?

Mr. PRUITT. There is ongoing discussions with the White House on various issues around the RFS program.

Mr. LOEBSACK. Who at the White House specifically was involved?

Mr. PRUITT. I think the NEC in consultation with the Air Office.

Mr. LOEBSACK. Did you brief the President on these waivers?

Mr. PRUITT. Well, as I indicated this was a dialogue amongst staff members, NEC and Air Office, at our shop. So.

Mr. LOEBSACK. Has anybody explained to the President the substantial impact that these waivers have on the ethanol industry? Some have estimated a billion gallons.

Mr. PRUITT. I am sure it has come up in many discussions.

Mr. LOEBSACK. And moving on, you told me and many others that EPA is studying whether it has the legal authority to grant the RVP waiver. That was the last time that I waived on to this committee and we talked about that issue. And that seems like it is taking quite a while as you might imagine for many of us in corn country, and with the President's recent remarks which were referenced here about his interest in year-around E15, I am wondering what the holdup is on this at this point.

Mr. PRUITT. It is just trying to ensure that the legal basis is solid because there will be litigation that will ensue.

Mr. LOEBSACK. Well, do you plan to move forward and grant the RVP waiver and allow year-round sales of E15?

Mr. PRUITT. I intend to finish that process very soon to make—

Mr. LOEBSACK. Yes. Hopefully, the sooner the better because this is something that obviously is very important not only to my State and my district, many folks around the country. So we are looking forward to that. And of course refinery executives have called your action on the hardship waivers, to go back to that, quote, "giving out trick-or-treat candy," unquote, to their industry. And I am here to tell you that farmers are very disappointed by this. They have been waiting for years for the E15 waiver year-round.

And, Mr. Chairman, I think this program is in need of substantial oversight, the waiver program and certainly the E15 as well.

And these actions I don't think can happen in secret. I know that was addressed earlier in this hearing. We need to make sure that these waivers are not abused as a financial windfall for special interests and I look forward to working with you, Mr. Chairman, on this further. And I yield back. Thank you very much.

Mr. SHIMKUS. The gentleman yields back his time. The Chair recognizes the gentleman from New Mexico, Mr. Luján, for 5 minutes.

Mr. LUJÁN. Thank you, Mr. Chairman.

Administrator Pruitt, you seem to view the EPA budget as a personal slush fund, redirecting resources to your personal travel that should go to environmental protection. During your tenure you have spent more than \$160,000 on travel in first class, on private jets, and on military craft. Public office is a public trust and I think flying coach is the least we can do to deserve that trust.

My question for you is this. When you are paying for your own airfare with personal funds do you fly coach?

Mr. PRUITT. I follow the security recommendations of my team when I pay for it personally as well.

Mr. LUJÁN. Will you commit to reimbursing taxpayers for your luxury travel?

Mr. PRUITT. You refer to it as luxury travel, and the \$160,000 that you refer to pales in comparison to the previous administrations. I think you are referring to international travel. I took two international trips. Previous administrations took multiple trips and spent far more than that. These decisions about security detail, who attends and what they do to provide protection, happened according to law enforcement recommendations and that is what I followed.

Mr. LUJÁN. It has been recently reported by EPA ethics officials that on at least two personal trips you flew in coach on Southwest Airlines using a companion pass from Ken Wagner, your subordinate at the EPA. Clearly a plane ticket has more than nominal value. Are you aware that Federal ethics rules prohibit you from accepting gifts from subordinates?

Mr. PRUITT. And that is not represented accurately, what you said. We actually flew like carpooling. We shared costs from Oklahoma—

Mr. LUJÁN. Did Ken Wagner give you the boarding pass?

Mr. PRUITT. There was no gift whatsoever.

Mr. LUJÁN. All right, well, I think that those ethics officials will continue to look into that.

Mr. Pruitt, your travel since becoming Administrator has taken you to Morocco, Italy, and to luxury resorts around the United States. We have even heard from Kevin, a political appointee who worked in your office, that you told staffers to, quote, "find me something to do," close quote, in order to schedule travel to your desired destinations. Unfortunately, it seems your desired destinations have rarely included low-income communities and communities of color facing serious environmental risks.

The biggest problem with the pay-to-play system is that those most at risk are also the most unable to pay for your attention and concern. Of your extensive travel spending, how much would you

say you spend visiting low-income communities and communities of color?

Mr. PRUITT. I would consider East Chicago—which I have made trips there, I was in Region 5 recently this week, and San Jacinto in Houston, as indicated earlier. The trip to Italy was a G7 trip occurring a week after the Paris decision. I was there for 4 days around the G7. There is a free trade agreement that is in existence in Morocco, and the ambassador of Morocco invited me to Morocco to negotiate the environmental chapter on that free trade agreement. Both of those things are very important to the scope of our duties at the EPA.

Mr. LUJÁN. Mr. Administrator, you have gone to great lengths to keep your calendar secret, but what has come out is it is clear that most of your meetings and stakeholders have been with industry and not impacted communities. I think we can agree with that. Do you see the problem with granting greater access to polluting industries than impacted communities?

Mr. PRUITT. I have met with stakeholders across the country on these issues, people that we regulate that their voices have not been heard for many years. Those farmers and ranchers that I have met with, they are our first environmentalists and first conservationists.

Mr. LUJÁN. Do you understand that you have a responsibility to protect the health and environment of low-income, minority, tribal, and indigenous communities?

Mr. PRUITT. Absolutely.

Mr. LUJÁN. Throughout your brief tenure as EPA Administrator you have directed significant policy changes made with disproportionate harm to low-income, minority, Tribal, and indigenous communities. The repeal of the once-in, always-in policy mentioned by my colleague, Ms. Dingell, for example, the weakening of coal ash regulations is another. But Mr. Pruitt, today you repeatedly blamed your chief of staff, your chief counsel, career officials, and others. Yes or no, are you the EPA Administrator?

Mr. PRUITT. I said that in my opening statement, Congressman. And I didn't blame anyone. I just simply shared facts with you as—

Mr. LUJÁN. Mr. Administrator, it is just a simple yes-or-no question, sir. Are you the EPA Administrator?

Mr. PRUITT. I said in my opening statement that I take responsibility. I have made changes historically and making changes going forward, and I simply have not failed to take responsibility. I have simply recited the facts of what has occurred.

Mr. LUJÁN. It is a simple question, Mr. Pruitt. Are you the EPA Administrator?

Mr. PRUITT. Yes.

Mr. LUJÁN. Just to be clear, do you run the EPA?

Mr. PRUITT. I do.

Mr. LUJÁN. Yes or no, are you responsible for the many, many scandals plaguing the EPA?

Mr. PRUITT. I have responded to many of those questions here today with facts and information.

Mr. LUJÁN. Are you able to answer that in yes or no?

Mr. PRUITT. That is not a yes-or-no answer, Congressman.

Mr. LUJÁN. It is pretty simple that it is a yes-or-no answer here. There is clear concern with what has been happening not just by the entire Congress. And I appreciate you being here today, but these questions need to be asked and answered.

Mr. PRUITT. And we have answered them today.

Mr. LUJÁN. And you are not the only one that has been doing these ugly things, these horrific things, these scandal-plagued things in this administration, and I hope this is one of many hearings that this committee will have so we can get to the bottom of this and make sure taxpayers are made whole.

Mr. SHIMKUS. The gentleman's has expired.

Seeing there are no further Members wishing to ask questions, I would like to thank our witness for being here today. Before we conclude, I would like to ask unanimous consent to submit the following documents for the record. I just want to make sure I get them all in: letter to the chairman and ranking member from Lauren Atkins; report from GAO on EPA's use of fiscal year 2017 appropriations; letter from the American Association for the Advancement of Science; Mr. Rush Holt; article from the Roanoke Times; questions from Ms. Castor; letter from the American Geophysical Union; letter from 985 scientists.

In pursuant to committee rules, I remind Members that they have 10 business days to submit additional questions for the record, and I ask that witnesses submit their questions within 10 business days upon receipt of the questions.

Without objection, the subcommittee is adjourned.

[Whereupon, at 1:41 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

United States Government Accountability Office
Washington, DC 20548

B-329603

April 16, 2018

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Tom Udall
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

The Honorable Betty McCollum
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
House of Representatives

Subject: *U.S. Environmental Protection Agency—Installation of Soundproof
Privacy Booth*

This responds to your request for an opinion regarding the U.S. Environmental Protection Agency's (EPA) use of its fiscal year (FY) 2017 appropriations to install a soundproof privacy booth in the EPA Administrator's office. Specifically, you ask whether EPA obligated FY 2017 funds in a manner consistent with section 710 of the Financial Services and General Government Appropriations Act, 2017 (section 710) and the Antideficiency Act.¹

¹ Letter from Representative Betty McCollum, Ranking Member of the Subcommittee on Interior, Environment, and Related Agencies, to Comptroller General (Jan. 12, 2018); letter from Senator Tom Carper, Ranking Member of the Committee on Environment and Public Works, to Comptroller General (Jan. 9, 2018); letter from
(continued...)

Section 710 prohibits an agency from obligating or expending an amount in excess of \$5,000 to furnish, redecorate, purchase furniture for, or make improvements for the office of a presidential appointee during the period of appointment without prior notification to the Committees on Appropriations of the House of Representatives and the Senate. Pub. L. No. 115-31, div. E, title VII, § 710, 131 Stat. 135, 379 (May 5, 2017). The Antideficiency Act prohibits federal agencies from incurring obligations in excess of the amount available in an appropriation. 31 U.S.C. § 1341(a).

As explained below, we conclude that EPA violated section 710 when it obligated \$43,238.68 for the installation of a soundproof privacy booth without providing advance notice to the Committees on Appropriations of the House of Representatives and the Senate. Further, because EPA obligated appropriated funds in a manner specifically prohibited by law, we conclude that EPA violated the Antideficiency Act.

Consistent with our practice for legal opinions, we requested and received from EPA's Office of General Counsel information regarding the factual circumstances of this matter, as well as its legal views regarding whether EPA's actions complied with section 710 and the Antideficiency Act. Letter from Principal Deputy General Counsel, EPA, to Managing Associate General Counsel, GAO (Mar. 23, 2018) (EPA Letter); Letter from Managing Associate General Counsel, GAO, to Acting General Counsel, EPA (Dec. 21, 2017); GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/products/GAO-06-1064SP.

BACKGROUND

EPA obligated \$43,238.68 from its FY 2017 Environmental Programs and Management (EPM) appropriation account for the installation of a soundproof privacy booth for the Administrator's office.² EPA did not send advance notice of this obligation to the Committees on Appropriations of the House of Representatives and the Senate.³

(...continued)

Representative Peter DeFazio, Ranking Member of the House Committee on Transportation and Infrastructure, to Comptroller General (Jan. 9, 2018); letter from Senator Tom Udall, Senate Committee on Appropriations, Ranking Member of the Subcommittee on Interior, Environment, and Related Agencies, to Comptroller General (Nov. 9, 2017).

² EPA Letter, at 2.

³ *Id.* at 4–5.

EPA stated that the amounts obligated included \$24,570 for "Privacy booth purchase, delivery, and assembly," \$3,470 for "Concrete Floor Leveling," \$3,360.97 for "Drop Ceiling Installation," \$3,350 for "Prep and Wall Painting," \$7,978 for "Removal of CCTV Equipment," and \$509.71 for "Infrastructure Cabling and Wiring."⁴ The contract for the privacy booth itself required that the booth "be assembled by modular components."⁵ According to EPA, the area in which the privacy booth is located, a former storage closet in the Administrator's office, is assigned to the Administrator.⁶

EPA provided that its "Security Management Division requires that a classified telephone must be located in an area where the employee can have private conversations. That is, a classified phone cannot simply be put on an office desk or in a conference room."⁷ According to EPA, the booth "not only enables the Administrator to make and receive phone calls to discuss sensitive information, but it also enables him to use this area to make and receive classified telephone calls (up to the top secret level) for the purpose of conducting agency business."⁸

DISCUSSION

Section 710: Statutory Notification Requirement

Section 710 provides:

"During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term 'office' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual."

⁴ *Id.* at 2.

⁵ EPA, Order No. EP-17-H-000248, at 3 (Aug. 29, 2017).

⁶ EPA Letter, at 4.

⁷ *Id.*

⁸ *Id.* at 3–4. EPA did not state whether the booth has been certified as a "Sensitive Compartmented Information Facility" (SCIF).

Pub. L. No. 115-31, div. E, title VII, § 710. As relevant here, section 710 requires that an agency notify the appropriations committees before it (1) obligates in excess of \$5,000 to (2) furnish, redecorate, purchase furniture for, or make improvements for (3) the office of the Administrator, with the word "office" having a specific statutory definition for the purposes of this section.⁹

It is clear that two of the three elements of the section 710 notification requirement have been met. First, EPA obligated in excess of \$5,000 by obligating over \$24,000 for the booth itself and over \$18,000 for the associated space reconfiguration costs.¹⁰ Second, the privacy booth is, for purposes of section 710, located in the Administrator's office. EPA states that the "area where the privacy booth is located is assigned to the Administrator" and that the "privacy booth is located in the Administrator's office as that term is defined under section 710."¹¹ Thus, at issue here is whether EPA obligated these funds to furnish, redecorate, purchase furniture for, or make improvements for the Administrator's office.

As with any question of statutory interpretation, a section 710 analysis begins with the statute's text. *Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009). Where, as here, the language of a statute is unambiguous, the ordinary meaning of the statute controls. *Carcieri v. Salazar*, 555 U.S. 379, 387 (2009); B-326013, Aug. 21, 2014. When a term is not defined in the legislation itself, a court may turn to the dictionary definition for its common meaning. *United States v. Lehman*, 225 F.3d 426, 428–29 (4th Cir. 2000). See *NLRB v. Canning*, ___ U.S. ___, 134 S. Ct. 2550, 2561 (2014); *Bilski v. Kappos*, 561 U.S. 593, 603, 607 (2010); *Carcieri*, 555 U.S. at 388; *Dodd v. United States*, 545 U.S. 353, 358 (2005); *MCI Telecommunications Corp. v. AT&T Co.*, 512 U.S. 218, 225–27 (1994); *United States v. Vargas-Duran*, 356 F.3d 598, 602–03 (5th Cir. 2004).

⁹ As provided, section 710 applies "[d]uring the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office." Pub. L. No. 115-31, div. E, title VII, § 710. Because the EPA Administrator is appointed by the President of the United States, the circumstances in this opinion satisfy this criterion for the application of section 710. See Reorganization Plan No. 3 of 1970, *Environmental Protection Agency*, § 1, 35 Fed. Reg. 15623, 15623 (Oct. 6, 1970), reprinted in 5 U.S.C. app. at 189 (2006), and in 84 Stat. 2086 (1970) (providing that the President appoints the Administrator).

¹⁰ EPA Letter, at 2.

¹¹ *Id.* at 4.

In analyzing statutory language, we must assume that each word has meaning and that Congress was aware of such meaning when it included each term in the legislation. *Duncan v. Walker*, 533 U.S. 167, 174 (2001) (citing *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 698 (1995) (noting the Court's reluctance to treat any statutory language as surplusage); *United States v. Menasche*, 348 U.S. 528, 538–39 (1955) (citing *Montclair v. Ramsdell*, 107 U.S. 147, 152 (1882)); *Reiter v. Sonotone Corp.*, 442 U.S. 330, 339 (1979); *Disabled in Action v. SEPTA*, 539 F.3d 199, 210 (3rd Cir. 2008). Accordingly, we construe statutes "such that no word is left without operative effect." *Vargas-Duran*, 356 F.3d at 602. These canons of statutory interpretation are to be applied in conjunction with the longstanding rule that "distinct words have distinct meanings:" *Jama v. Immigration & Customs Enforcement*, 543 U.S. 335, 358 (2005).

In accordance with these principles, we conclude that Congress intended for each of the four limitations in section 710 to have distinct operative effect. The four types of obligations that require notification under section 710 are: (1) to furnish; (2) to redecorate; (3) to purchase furniture for; or (4) to make improvements for. By using the word "or," Congress created a disjunctive list. Thus, an obligation that falls under any one of these conditions will trigger the notification requirement. See *Azure v. Morton*, 514 F.2d 897, 900 (9th Cir. 1975).

As used in ordinary English, the verb "furnish" means "to equip with what is needed, especially to provide furniture for." *American Heritage Dictionary of the English Language* 713 (4th ed. 2009) (definition of "furnish"). In drafting section 710, Congress included both the verb "furnish" and the phrase "purchase furniture for." Because interpreting "furnish" as referring merely to furniture would render the phrase "purchase furniture for" surplusage, to "furnish" must include not only buying furniture, but also, consistent with its definition, supplying the office with other equipment.

In its letter to our Office, EPA stated that "[t]he agency's installation of a soundproof privacy booth and the outfitting of space to house it constitute a change to the functionality of unused space in order to support specific mission requirements."¹² According to EPA, the privacy booth "serves a functional purpose" by allowing the Administrator to carry out agency business "without concern that classified, deliberative, privileged, or sensitive information might inadvertently be disclosed to those who are not intended to receive such information."¹³ EPA also maintained that the "privacy booth is analogous to other functional items an employee might require to perform his job duties such as a high speed computer, high speed copier/scanner, or television."¹⁴

¹² *Id.* at 3.

¹³ *Id.*

¹⁴ *Id.* at 4.

Thus, by EPA's own terms, the installation of the privacy booth equips the office with a new, practical addition to the office: a space in which the Administrator may conduct official telephone calls concerning classified, deliberative, privileged, or sensitive matters. Indeed, EPA states that its "obligation of funds for the installation of a privacy booth was an expense necessary to ensure that the Administrator's office was equipped with an item that enables the Administrator to conduct agency business in a private space"¹⁵ and that installation of the booth "allow[s] [the Administrator] to perform his official duties."¹⁶ EPA's statements place the privacy booth squarely within the meaning of "furnish," as the booth equipped the office with something that EPA asserts it needed. Accordingly, section 710 applied to this obligation and EPA was required to notify the appropriations committees of its proposed obligation.

EPA argues that section 710 does not apply to the obligation of funds for the installation of the privacy booth because the privacy booth "does not constitute an aesthetic improvement contemplated by section 710."¹⁷ According to EPA, the "purpose of the \$5,000 redecorating limitation is to ensure that Congress is aware of any funds (above \$5,000) that are being spent for items to accommodate the individual preferences of the appointee, rather than for items to conduct official agency business."¹⁸ This interpretation is inconsistent with the plain meaning of section 710. As discussed above, section 710 requires notification for each of four distinct types of obligations: (1) to furnish; (2) to redecorate; (3) to purchase furniture for; or (4) to make improvements for. The common meaning of the verb "redecorate" is "to change the appearance or furnishings of." *American Heritage Dictionary* at 1463 (definition of "redecorate"). The root of that term—"decorate"—means to "adorn with something ornamental." *Id.* at 472. EPA improperly attributes the aesthetic root of the term "redecorate" to the remaining three phrases, each of which involve functional changes for an office. By using four separate terms and requiring advance notification for each, Congress enacted a provision that applies not only to changes that are primarily aesthetic, but also to changes that provide a practical benefit for an office.

In accordance with the plain meaning of the statutory language and EPA's own statements regarding the privacy booth, section 710 applies to this obligation and, accordingly, EPA was required to notify the appropriations committees of its proposed obligation. By failing to provide such advance notice, EPA violated section 710. We draw no conclusions regarding whether the installation of the privacy booth

¹⁵ *Id.* at 1.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 3.

¹⁸ *Id.*

was the only, or the best, way for EPA to provide a secure telephone line for the Administrator.¹⁹ EPA's failure to make the necessary notification is the only subject of this opinion. However, we recognize the requirement to protect classified material and the need for employees to have access to a secure telephone line when handling such information in the course of conducting official agency business. After making the required notification, section 710 would have presented no bar to EPA's activities.

Application of the Antideficiency Act

An agency violates the Antideficiency Act if it incurs an obligation in excess of legally available amounts. 31 U.S.C. § 1341(a); B-327432, June 30, 2016; B-319009, Apr. 27, 2010. In B-327432, we held that, in violating a similar notification requirement (section 711) in the Consolidated Appropriations Act, 2010, the Federal Maritime Commission (FMC) also violated the Antideficiency Act.²⁰ B-327432, at 3–4. As we explained in that decision, Congress had conditioned the availability of funds on the agency's compliance with the notification requirement and, because FMC had failed to notify the appropriations committees of Congress of its proposed obligation, the funds were not legally available. *Id.* at 3 (noting that "Congress has the right to predicate the availability of appropriations on compliance with specified notification requirements"); see also B-319009, Apr. 27, 2010.

In this case, EPA violated the FY 2017 version of this same notification requirement when it obligated funds in excess of \$5,000 without providing the appropriations committees with advance notice of its proposed obligation. Because EPA did not comply with the notification requirement, the funds were not legally available at the time EPA incurred the obligation. By obligating in excess of the amount available, EPA violated the Antideficiency Act. 31 U.S.C. § 1341(a). EPA should report its Antideficiency Act violation as required by law. 31 U.S.C. § 1351.

¹⁹ In addition to the privacy booth in the Administrator's office, there are two SCIFs in the EPA headquarters building. E-mail from Associate General Counsel for Civil Rights and Finance, EPA, to Assistant General Counsel, GAO, *Subject: EPA Response to letter* (Mar. 28, 2018). These are operated by EPA sub-organizations and are located three floors away from the Administrator's office. *Id.* The SCIF must be reserved to conduct an individual call. *Id.*

²⁰ Section 711 of the Consolidated Appropriations Act, 2010 is the FY 2010 version of the FY 2017 section 710 statutory notification requirement at issue here; the language of these provisions is identical. Pub. L. No. 115-31, div. E, title VII, § 710; Pub. L. No. 111-117, div. C, title VII, § 711, 123 Stat. 3034, 3207–08 (Dec. 16, 2009).

CONCLUSION

EPA violated section 710 of the Financial Services and General Government Appropriations Act, 2017 when it failed to notify the Committees on Appropriations of the House of Representatives and Senate prior to obligating in excess of \$5,000 to install a soundproof privacy booth for the office of the Administrator during his period of appointment. Because EPA used its appropriations in a manner specifically prohibited by law, EPA violated the Antideficiency Act. EPA should report its Antideficiency Act violation as required by law.

If you have any questions, please contact Julia C. Matta, Managing Associate General Counsel, at (202) 512-4023, or Omari Norman, Assistant General Counsel for Appropriations Law, at (202) 512-8272.



Thomas H. Armstrong
General Counsel



25 April 2018

The Honorable Greg Walden
2185 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone
237 Cannon House Office Building
Washington, DC 20515

The Honorable John Shimkus
2217 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Paul Tonko
2463 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Walden and Shimkus and Ranking Members Pallone and Tonko:

On behalf of the American Geophysical Union (AGU) and its 60,000 scientist members, I am writing to express concerns about a rule proposed by the Environmental Protection Agency (EPA) regarding transparency and accuracy of scientific information.

On 24 April 2018, EPA Administrator Scott Pruitt signed a proposed rule to implement new policies that would require the agency to ensure that scientific data and information underlying regulatory action is publicly available in a manner that allows for independent validation. The legislation this policy is based on, the HONEST Act¹, has received significant opposition from the scientific community and other organizations because of the potential for this policy to exclude data vital to informed decision-making.²

AGU is fully committed and would be willing to provide assistance to efforts to ensure that scientific information is communicated openly with policymakers and the public. However, the policies presented in this proposed rule have the potential to exclude vital scientific information from consideration and endanger the agency's ability to fulfill its mission of protecting human health and the environment.

Among our concerns, the policy proposes that scientific information used in "significant regulatory action" must be independently verified – a plan that undermines the peer review process. The peer review process, which remains the global gold standard of academic achievement, affords the type of informed discourse necessary for the objectivity, rigor, and legitimacy of scientific information. Additionally, AGU encourages the open access to data while understanding limitations that may exist in doing so, such as confidential or proprietary information³. Such limitations should not.

¹ H.R. 1430, sponsored by Rep. Lamar Smith (R-TX-21), passed the House on 29 March 2017. Sen. Rounds introduced a companion bill, S. 1794

² <https://sciencepolicy.agu.org/files/2013/07/AAAS-Secret-Science-letter-McCarthy-2015.pdf>

³ <https://sciencepolicy.agu.org/files/2013/07/AGU-Data-Position-Statement-Final-2015.pdf>



impede the use of peer-reviewed science from informing decision-making and ensuring that the agency is able to promote the health and well-being of our nation.

The Congressional Budget Office previously estimated that implementing a secret science policy like the one proposed by EPA would be costly.⁴ At a time when the Administration is proposing significant cuts to EPA funding, this policy would become an unnecessary burden on the agency and further hamstring its ability to protect public health and the environment. In general, to exclude vital scientific information from consideration would put our communities' health and well-being at risk.

AGU and its members work each day to promote discovery for the benefit of humanity. We welcome the opportunity to work with you on these critical issues and ensure that science can continue to appropriately inform decision-making.

Respectfully,



Lexi Shultz
Vice President, Public Affairs
American Geophysical Union

⁴ <https://www.cbo.gov/publication/50025>



April 20, 2018

AAAS Statement on EPA Administrator's Plan to Disallow Use of Scientific Evidence in Decision-Making

"We are very concerned with recent news reports that Environmental Protection Agency Administrator Scott Pruitt has sent a proposed rule to the White House to soon end the use of scientific studies that have underlying data that is not publicly available. Epidemiological studies often contain patient information and must maintain individual privacy. Other studies rely on public and private-sector funding sources that may limit access to underlying data. The administrator's latest attempt to reject valid scientific evidence fundamentally mischaracterizes the way science is conducted and made available for decision-making. If put into practice, EPA could prohibit, or make it incredibly costly, for the agency to use a wide swath of high-quality scientific research. Despite the political rhetoric, there are existing federal guidelines that require access to the scientific information used for federal policies and regulations. This proposal appears to be an attempt to remove valid and relevant scientific evidence from the rule-making process."

— Rush Holt, chief executive officer, American Association for the Advancement of Science (AAAS)

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The American Association for the Advancement of Science (AAAS) is the world's largest general scientific society and publisher of the journal *Science*, as well as *Science Translational Medicine*; *Science Signaling*; a digital, open-access journal, *Science Advances*; *Science Immunology*; and *Science Robotics*. AAAS was founded in 1848 and includes nearly 250 affiliated societies and academies of science, serving 10 million individuals. *Science* has the largest paid circulation of any peer-reviewed general science journal in the world. The nonprofit AAAS is open to all and fulfills its mission to "advance science and serve society" through initiatives in science policy, international programs, science education, public engagement, and more. For additional information about AAAS, see www.aaas.org.

4/26/2018

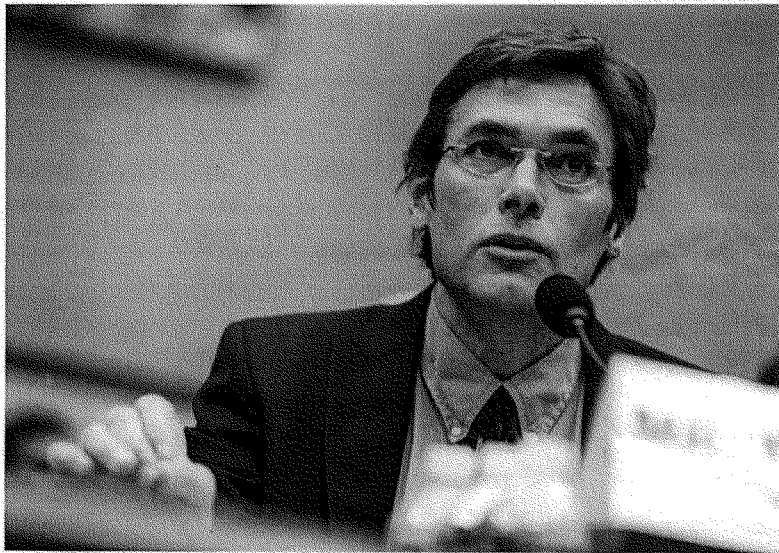
Virginia Tech team gets EPA grant to engineer citizen-science water quality project | Virginia Tech | roanoke.com

http://www.roanoke.com/news/education/higher_education/virginia_tech/virginia-tech-team-gets-epa-grant-to-engineer-citizen-science/article_82c202c5-1491-56a8-8190-ea68c0a0cd89.html

TOP STORY

Virginia Tech team gets EPA grant to engineer citizen-science water quality project

By Robby Korth robby.korth@roanoke.com Apr 25, 2018



Professor Marc Edwards and his Virginia Tech research team detected dangerous levels of lead in the public water supply that served residents of Flint, Michigan.

The Roanoke Times | File

Buy

Virginia Tech's Flint Water Study Team will take its influential scientific detective work to more communities, thanks to an Environmental Protection Agency grant.

http://www.roanoke.com/news/education/higher_education/virginia_tech/virginia-tech-team-gets-epa-grant-to-engineer-citizen-science/article_82c202c5-1491-56a8-8190-ea68c0a0cd89.html

4/26/2018

Virginia Tech team gets EPA grant to engineer citizen-science water quality project | Virginia Tech | roanoke.com

University Professor Marc Edwards received a nearly \$2 million grant from the EPA to detect and control lead levels in public drinking water, while getting community members involved as ongoing monitors.

Edwards said the funding, which was announced Wednesday, will enable what he called the "largest engineering citizen-science project in American history."

The three-year grant will support his team, along with researchers from North Carolina State and Louisiana State University.

Edwards, who teaches civil engineering, has been widely recognized for his work exposing a public water crisis in Flint, Michigan, caused by lead contamination. He intends to create a widely applicable model that will encourage people to test their own water.

"In the end, it seems good work does get recognized," Edwards said. "All the work we did with consumers over the years and the students at Virginia Tech created this bottom-up organic science phenomena. It created a tidal wave of understanding that couldn't be ignored.

"This is how science is supposed to work, to me."

His lab already receives water samples around the country for testing. With the additional money, Edwards hopes to identify more — and thus far neglected — communities with poor water quality that put people at risk.

Additionally, the funding will test home kits to determine which are the most effective in identifying water problems.

Edwards was in Washington, D.C., Wednesday readying for a meeting with EPA and LeeAnne Walters about the project.

Walters, who recently won the \$200,000 Goldman Environmental Prize for grassroots environmental activism, was the first person to reach out to Edwards about Flint's water issues.

She has since moved to Virginia, according to the Associated Press, but continues to be an active voice as aftershocks from the water crisis continue to resonate four years later.

4/28/2018

Virginia Tech team gets EPA grant to engineer citizen-science water quality project | Virginia Tech | roanoke.com

Edwards faced opposition from state and federal agencies by arguing that Flint's water was inundated with lead particulate after local officials switched municipal water sources in 2014 to the economically depressed city as a strategy to save money.

Edwards and a team of Tech students, faculty and researchers worked with local residents to test the water and identify the source of lead contamination.

Michigan pediatrician Mona Hanna-Attisha conducted tests on children to show elevated blood lead levels around the city.

The work resulted in national attention on aging water infrastructure, a state of emergency, criminal charges against public officials and a switch back to an old water system.

Moving forward, Edwards said he and his research team will rely "on the Flint model."

Edwards joked that the grant would cause his operation "to lose money a little less quickly."

However, he said the funding would make a big difference.

Robby Korth

Robby Korth covers higher education at Virginia Tech and Radford University.

Unanswered Questions

Pallone

1. Mr. Pruitt, it has been reported that at least five EPA employees were recently reassigned, demoted, or otherwise retaliated against after they raised concerns about your spending. Is that correct, yes or no?
2. I was further alarmed that you removed the head of the EPA office that found you did not face direct death threats. Has it always been your practice to fire people who disagree with you?

DeGette

1. What income did you receive from the sale of the Capital House LLC home, and did you pay taxes on that income? (Yes or No)

Peters

1. Has Albert Kelly's Superfund financial conflict been reviewed by EPA ethics officials, and if so, were they provided with all of the necessary information to conduct that review?
2. You brought in Jeff Sands, directly from Syngenta, which was facing a very large fine from EPA for failing to protect workers from the dangerous pesticide, chlorpyrifos [*clor-PEER-i-foss*]. During his brief tenure at EPA, this fine was reduced from \$4.9 million to \$400,000. Were you personally involved in the decision to reduce this fine?

Ruiz

1. Do you now deny that fine particle pollution has health impacts? Yes or no?
2. I mentioned risks of lead in drinking water—those risks were shown by epidemiological studies. Do you now deny that lead in drinking water is dangerous? Yes or no?

McNerney

1. Yes or No, as Administrator have you met with any of the trade associations or companies that opposed or challenged the methane rule, or petitioned EPA to revise or delay its requirements?

April 23, 2018

The Honorable Greg Walden
Chairman
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone, Jr.
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Walden and Ranking Member Pallone:

Joshua Atkins, my only child, had just turned 31 years old in November of 2017. He was a multifaceted man with many interests. His first love and lifelong passion was BMX biking, and it was like his third leg since he was in second grade. He was also an avid photographer, musician and outdoor sports enthusiast. Anything he was interested in, he went for it. He played the banjo, guitar and mandolin, and had just started learning the violin and flute.

Joshua had a heart of gold. He was one of the most generous people you could ever meet. One time he drove from his house to mine and back—a six and a half hour trip each way—just to cut my lawn.

He was the picture of health, eating organic food and getting out to exercise all the time. If he didn't have a BMX bike under his butt, then he had a snowboard under his feet. He also went skateboarding, rock climbing, fishing and did yoga and archery. He embraced life and truly lived it to the fullest.

Joshua had lived in Louisville, KY for years and was planning his next adventure—a move to the northwest. But before his move, he came to stay and visit with me for a few months. It was truly wonderful to get to spend that time with him.

It all ended on February 12, 2018. When I came home from work, I found Joshua slumped over. He was already gone. Nearby was a can of paint stripper that he had been using to refinish the fork of his BMX bike.

I learned later that this type of paint stripper, which you can pick up at just about any hardware store, contained a dangerous chemical called methylene chloride. I learned that methylene chloride fumes can make a person pass out and die within minutes—even someone as healthy as Joshua.

I learned that family after family across the country had lost loved ones to this chemical. I learned that the Environmental Protection Agency had proposed banning it in paint strippers but hadn't followed through. I learned that advocacy organizations had urged top retailers to stop selling this deadly chemical but they had refused.

It's impossible for me to describe my anguish and heartache, or how the loss of my son has shattered my heart and changed my life forever. Joshua and I were like peanut butter and jelly—we were just meant to be a part of each other's lives. I would do anything for him and he was there for me the minute I needed him.

Not one more mother should go through what I've been going through. The Environmental Protection Agency should protect Americans from this dangerous chemical and ban it in paint strippers. Retailers should protect their customers and stop selling these products. Manufacturers should stop making them. My son shouldn't have died this way and no one else should lose a loved one to these deadly products.

Respectfully,
Lauren Atkins
South Connellsville, PA

April 23, 2018

The Honorable E. Scott Pruitt
 Administrator
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, NW
 Washington, D.C. 20460

Re: Don't Restrict EPA's Ability to Rely on Science

Dear Administrator Pruitt,

As scientists and technical experts, we urge you to cease any plans to restrict the types of science that the Environmental Protection Agency (EPA) can use in regulatory decisionmaking. EPA can only adequately protect our air and water and keep us safe from harmful chemicals if it takes full advantage of the wealth of scientific research that is available to the agency.

Recent news reports¹ suggest that you plan to adopt restrictions on research similar to those contained in two pieces of proposed legislation (the Secret Science Reform Act and the HONEST Act), which have both repeatedly failed to pass Congress for several years for good reason.² Multiple major scientific societies repeatedly came out strongly against the legislation at the time. "We urge caution in setting laws that submerge science beneath politics," they wrote.³

Proponents for these radical restrictions purport to raise two sets of concerns: reproducibility and transparency. In reality, these are phony issues that weaponize 'transparency' to facilitate political interference in science-based decisionmaking, rather than genuinely address either. The result will be policies and practices that will ignore significant risks to the health of every American.

First, many public health studies cannot be replicated, as doing so would require intentionally and unethically exposing people and the environment to harmful contaminants or recreating one-time events (such as the *Deepwater Horizon* oil spill). Second, there are multiple valid reasons why requiring the release of all data does not improve scientific integrity and could actually compromise research, including intellectual property, proprietary, and privacy concerns. Further, EPA has historically been transparent in demonstrating the scientific basis of its decisions, so the public can hold the agency accountable to establish evidence-based safeguards; any changes should be made with the full consultation with and support of the scientific community.

There are ways to improve transparency in the decisionmaking process; but restricting the use of science would improve neither transparency nor the quality of EPA decisionmaking. If fully implemented, this proposal would greatly weaken EPA's ability to comprehensively consider the scientific evidence across the full array of health effects studies. This would negatively impact EPA public protections that reduce levels of lead, harmful chemicals, and fine particle pollution, among others.

Again, we urge you to stop any plans to restrict the science that EPA can use in decision-making across the board or on any specific issue, and instead to protect the integrity of science at EPA. We stand by ready to help EPA fulfill its science-based mission to protect public health and the environment.

Sincerely,

The undersigned,
 985 scientists

Cc:

Matthew Z. Leopold, General Counsel

William Wehrum, Assistant Administrator, Office of Air and Radiation

Dr. Jennifer Orme-Zavaleta, Principal Deputy Assistant Administrator for Science

Neomi Rao, Administrator, Office of Information and Regulatory Affairs

¹ <https://www.epa.gov/newsreleases/daily-caller-scott-pruitt-will-end-epas-use-secret-science-justify-regulations>

² <https://blog.ucsusa.org/gretchen-goldman/scott-pruitt-will-restrict-the-epas-use-of-legitimate-science>

³ <https://mcmprodaas.s3.amazonaws.com/s3fs-public/HR%201430%20HONEST%20Act%20Multisociety%20Letter%20of%20Concern.pdf>

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May 30, 2018

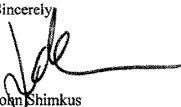
The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

Thank you for appearing before the Subcommittee on Environment on April 26, 2018, to testify at the hearing entitled "The Fiscal Year 2019 Environmental Protection Agency Budget."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. Also attached are Member requests made during the hearing. To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on Wednesday, June 13, 2018. Your responses should be mailed to Kelly Collins, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to kelly.collins@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely

John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachments

[Mr. Pruitt's response to submitted questions has been retained in committee files and also is available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=108218>.]