

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2020

WEDNESDAY, APRIL 3, 2019

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 8:55 a.m., in room SD-124, Dirksen Senate Office Building, Hon. Lisa Murkowski (Chairman) presiding.

Present: Senators Murkowski, Blunt, Capito, Hyde-Smith, Daines, Udall, Tester, Merkley, and Van Hollen.

ENVIRONMENTAL PROTECTION AGENCY

OPENING STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Good morning, everyone. The subcommittee will come to order.

We are kicking off the first of our hearings as they relate to Interior appropriations, and you are our invited guest. Congratulations, Administrator Wheeler, on your recent confirmation. Thank you for being here this morning, along with Holly Greaves, to discuss the fiscal year 2020 budget request for the Environmental Protection Agency.

For those on the subcommittee, I think it is always good to set the order of process around here. We have always followed the early bird rule as long as I have been Chairman. So we are going to call on Members in order in which they arrive, going back and forth, for 5 minutes.

Senator UDALL. Tester is a serious early bird.

Senator MURKOWSKI. He is a very serious early bird, and we recognize that and appreciate that. You are correct about that. I am the one that is late. I am not the early bird this morning. So I am going to defer to you, in fact, when we start off.

But the goal this morning and the reason we did start a little bit earlier, as we all know, we have a joint session that we are required to be at 10:40. I know the Administrator is hoping to attend that as well. So I would like to be able to wrap this up by 10:30.

I know that there are a lot of different appropriations subcommittee meetings at the same time. We may both be popping in and out of them. So it is good to be able to start a little bit earlier.

When I am home, I certainly see firsthand the impacts of EPA on the lives of Alaskans and the health of our communities. From

restoring contaminated sites to ensuring clean drinking water, the EPA touches the lives of Americans across our Country every day, and that is why supporting EPA's core responsibilities of clean air, clean water, and clean land is so important.

I do appreciate, Administrator Wheeler, the work that you have done on returning EPA to more of a back-to-basics management approach instead of pushing a one-size-fits-all regulatory agenda that exceeds the statutory authority of the EPA.

We have seen within this administration a shift back to prioritizing programs with actual on-the-ground cleanup and real environmental benefits. I think you are on the right track there.

The agency under your leadership must continue to implement a regulatory agenda that supports responsible development and robust environmental protections, achieved through a cooperative Federalism approach with the States and in consultation with the Tribes. Whether it is the work that the agency has done in revising the WOTUS rule or addressing the important issue of climate change, we must be partners in supporting the responsibilities of the agency.

Turning to the fiscal year 2020 EPA budget, the budget request totals approximately \$6.1 billion, nearly a 30 percent reduction. The agency's proposal is similar to past requests from this administration, and I underscore that it is just that. It is a proposal, and while I appreciate this budget's recognition of numerous programs that do have bipartisan support, many of the reductions would, in my view, be inconsistent with some of the back-to-basics approach that I just mentioned.

Many of the grant programs that are critical to EPA's core mission of protecting the health of our communities are proposed for significant reductions. These grant programs lead to tangible environmental and human health benefits by supporting contaminated site cleanup, financing drinking water and sanitation infrastructure, and much more.

I have worked hard with folks in my State over the years to really make sure that we are doing right by some of these smaller programs that have on-the-ground benefit and impact. The Targeted Airshed Grants program, which is helping to reduce air pollution for Alaskans, particularly in Fairbanks, is eliminated in this budget, and is a program that has a very direct and immediate benefit.

In fact, I received a letter of support from one of the agencies up north reminding us that this is one of the few areas where they have been able to make some headway.

The Alaska Native Village program is proposed for an 85 percent reduction, even though this funding is critical to supporting the water infrastructure needs of Native Alaskans who face, as you know, pretty incredible costs of living based on transportation, just due to the remoteness. But EPA programs like this help meet those challenges. So I am going to continue to provide my attention and support to them.

The agency's budget request makes large reductions to State grant programs, such as the Clean Water and Drinking Water State Revolving Funds, which I know is a concern to many of my colleagues here.

I do appreciate that this request includes a proposal for a new \$50 million grant program to study and resolve environmental hazards at our Nation's schools. I think this is something that is a mission well deserving of our support, so I am pleased that it is in there.

While I do understand the tough budget environment this proposal was crafted in, the final budget for EPA, as crafted by Congress, I think will look substantially different than this request.

As I mentioned earlier, Congress is a critical partner of the EPA on protecting the health of our communities and addressing the many environmental needs of our country.

I look forward to working with you on implementing the budget that Congress will provide the EPA for fiscal year 2020.

To close, I would like to thank you for your commitment to continue working with me on a number of the more parochial issues that face our State, such as fish grinding, small remote incinerators, and PM_{2.5} in Fairbanks. You have heard about all of them many, many times, and know that I will be asking some questions about them this morning.

Now I will turn to my Ranking Member, Senator Udall, and as I do, I just want to acknowledge, with your announcement that you are going to be retiring at the end of this Congress, know that it has been a privilege and a pleasure to work with you and your team on this subcommittee.

I know we have a lot of work to do before we do real serious thank-yous, but as we are kicking off the beginning of this appropriations cycle, know how much I appreciate the good working relationship we have.

STATEMENT OF SENATOR TOM UDALL

Senator UDALL. Thank you, Madam Chair. A real pleasure always to work with you.

Administrator Wheeler, welcome today at your hearing as the EPA Administrator.

I am sure it is a different day from when we sat here 1 year ago with your predecessor, so I first want to acknowledge your efforts to restore basic communication with the Congress. While we have our disagreements, I do appreciate that today we can focus on the mission of the EPA.

Now, it is no secret that I opposed your nomination to lead the EPA. I just do not think it is in the best interest of this Country for a former industry lobbyist to be in charge of agencies that regulate their former clients on environmental policy or anything else, a lobbyist who has advocated for easing and even dismantling protections for public health and the environment.

While you have promised that your previous work poses no conflict of interest with your current position, your actions in leadership indicate that public health and the environment do not come first in your decisionmaking.

But, Mr. Wheeler, you have been narrowly confirmed by the Senate, and today you testify before us as the Administrator of the EPA. And after nearly a year of experience as Acting Administrator, now it is time to examine the record.

I am relieved that your predecessor is no longer dominating the news cycle with daily scandals, but the bottom line is that I do not see much of a change in terms of policy. I am deeply troubled that as Acting Administrator and now as the confirmed Administrator, you are continuing to implement this administration's devastating environmental agenda.

First and foremost, this administration has abandoned all efforts to fight climate change, and you have personally doubled down on that by denying climate change is even a major crisis.

Administrator Wheeler, climate change is a major and very real crisis. In fact, climate change is by far the most pressing crisis of our time.

People are losing their homes, their land, their farms. We now have a new kind of refugee, "climate refugees," displaced from their homes by catastrophic weather disasters, like drought and floods.

In the West, we have less precipitation. Rivers and reservoirs are running at historic lows. Dry conditions are creating more wildfires.

Look at the historic, devastating floods in the Midwest happening as we speak. In Puerto Rico, the death toll from the destructive Hurricane Maria was 2,975 American lives.

The planet and the people living on it are suffering, especially those who can least afford to adapt.

Yet instead of recognizing reality, right out of the gate, this administration began an all-out assault on efforts to fight climate change by blocking commonsense proposals to limit emissions from power plants, by halting efforts to control methane from oil and gas operations, by weakening fuel economy standards, and by walking away from the Paris Climate Accords.

If you do not change course, this will be your legacy, and I do not think history will look upon this record very kindly.

And it is not just climate policy that is so devastating. It seems there is not one rock overturned at the EPA where this administration has not taken an opportunity to roll back public health and environmental protections to benefit corporations and industry.

Just recently, the agency dramatically scaled back proposed limits on a deadly chemical in paint strippers. While the chemical will be taken off the shelves in home improvement stores, the people who face the most risk, workers exposed to this neurotoxin every day, still have zero protections.

At the center of this administration's action plan to protect the public from Perfluorooctane Sulfonate (PFOS) and related chemicals, which are associated with cancer, autoimmune diseases, and even resistance to vaccines, is a vague promise to start thinking about setting health standards sometime soon.

Meanwhile, an estimated tens of millions of Americans are drinking water that contain these substances at levels much higher than what independent scientists and even the Centers for Disease Control consider to be safe.

And that is not to mention impacts like the farmers in New Mexico who are being forced to destroy hundreds of thousands of gallons of contaminated milk and euthanize thousands of cattle.

EPA also recently declared that it is no longer appropriate and necessary to limit mercury and other toxic air pollution, pollution

that is known to poison fetuses and children. EPA's decision paves the way to undermine basic public health standards. That is why it immediately drew bipartisan opposition in Congress.

And contrary to a court order, EPA recently decided to let the hard-rock mining industry shirk financial responsibility for the environmental cost of doing business, even though damages from abandoned mines have cost taxpayers billions of dollars.

The nonpartisan Government Accountability Office just recently reported that EPA political appointees directly interfered with EPA scientists' important work related to evaluating the hazards of chemicals we come in contact with every day.

And we are still waiting for EPA to make good on its promise to take care of people and farmers, including New Mexicans and members of the Navajo Nation who were harmed by the Gold King Mine spill. Another promise broken.

When it comes to the budget, it is just one more of the same. The administration for the third year in a row proposes devastating cuts to the EPA.

It is unconscionable to me that the agency responsible for protecting public health would propose to scale back on the very scientific research that helps us identify threats and understand to minimize them. But this budget requests a cut of 43 percent to EPA research.

The budget also proposes a cut of 12 percent to the enforcement laws designed to protect the water we drink and the air we breathe. The proposed cut to enforcement even includes criminal activities like illegally dumping sewage into drinking water sources. I fail to understand how we need less investment in keeping environmental cops on the beat.

The budget exposes the administration's rhetoric about deferring to State-level environmental efforts is completely phony. The budget proposes to cut more than a third, a total of \$1.5 billion, from States and Tribes.

Yet another fake promise from this administration is infrastructure funding. A quick look at the budget request shows an \$875 million cut to water infrastructure. That is more than a 30 percent cut.

I would like to talk about these proposed cuts today, but to be honest, I am tired of the now commonplace responses from the representatives of this administration in budget hearings. We hear repeatedly, year after year, that they would be "happy to work with Congress on final spending levels." It is a wink and the nod that the budget request is not really real. But that, I submit to you, makes a mockery of the process.

Budgets are statements of policy priorities, and proposed cuts of this terrible degree show us in clear print what this administration is about: Industry comes before public health and environmental protection. There is no wink or nod or announcement at a rally that can undo that.

I continue to be thankful that this subcommittee has stuck together, really appreciate working with the Chairman on priorities that the American people really care about, and doing things on a bipartisan basis and rejecting these drastic proposals.

But the agency is still suffering. Morale is at an all-time low among EPA scientists and other experts, and staffing levels are waning because despite Congress rejecting budget cuts, the agency is not hiring new staff when previous staff depart.

I know, Administrator Wheeler, you have a lot to say today on your funding priorities for EPA, important things we can all agree on like improving the health of school facilities and reducing lead in drinking water, but I want to be clear that these should not and will not distract the American people from the failures of this administration to fight climate change and protect public health.

I look forward to our discussion today, and thank you, Madam Chair, for those very kind comments early on and look forward to working through this budget process with you.

Senator MURKOWSKI. Thank you, Senator Udall.

Administrator Wheeler, you have got a lot that goes on within the Department, a lot that is, as you know and we know, very important to people throughout the Nation. So if you would please commence your comments this morning with regards to the President's fiscal year 2020 budget.

**STATEMENT OF HON. ANDREW WHEELER, ADMINISTRATOR
ACCOMPANIED BY HON. HOLLY GREAVES, CHIEF FINANCIAL OFFICER**

Mr. WHEELER. Thank you, Chairman.

Good morning, Chairman Murkowski and Ranking Member Udall and Members of the subcommittee. I am joined today by Holly Greaves, my CFO, and we are here today to discuss EPA's proposed 2020 budget.

The budget request ensures that the agency can continue President Trump's bold agenda and the tremendous progress we have made over the past 2 years. The U.S. is a global leader in clean air and access to safe drinking water, and we are cleaning up contaminated lands at the fastest pace in over a decade.

At the same time, EPA has finalized 38 deregulatory actions, saving Americans more than \$3 billion in regulatory costs. We have an additional 39 actions in development to save billions more. The Trump administration is proving that environmental protection and historic economic growth can go hand in hand.

My testimony will highlight how the President's budget would continue this progress. I believe that water issues, from drinking water to marine litter to infrastructure, are the largest and most immediate environmental issue affecting the world today. The budget request provides critical support for water quality protection.

One challenge we face is lead exposure. Through the new Federal Lead Action Plan, EPA is coordinating with our Federal counterparts to reduce childhood lead exposure.

On Monday, we issued a status report to hold ourselves accountable to the public and clearly communicate the steps we are taking to implement the action plan. To bolster these efforts, the budget proposes \$50 million to establish a new Healthy Schools Grant program to reduce exposure to lead or other toxics in schools.

We are also moving forward to update the lead and copper rule for the first time in over two decades. Our proposal will ensure that

we address the most corrosive pipes in the most at-risk communities first.

Another challenge is addressing potential sources of contamination. In February, EPA released its Polyfluoroalkyl Substances (PFAS) Action Plan, the most comprehensive multimedia research and action plan ever issued by the agency to address an emerging chemical of concern.

On the marine litter issue, billions of pounds of waste enter our oceans each year, harming marine life and coastal economies. EPA's Trash Free Waters program is stepping up to help the international community capture marine litter or prevent it from reaching the ocean.

On infrastructure, the President's budget includes a 25 percent increase to Water Infrastructure Finance and Innovation Act (WIFIA) from last year's request. This new program is already producing tremendous results. To date, EPA has issued eight WIFIA loans totaling more than \$2 billion in Federal credit assistance.

Last week, we announced our third round of funding, which could support \$12 billion in water infrastructure projects and create more than 180,000 jobs.

To expand on these efforts, President Trump signed America's Water Infrastructure Act, AWIA. While funding for AWIA was not included in the fiscal year 2019 appropriations that Congress enacted, EPA proposes funding of \$83 million in this budget request to begin implementation of the law.

The budget request also includes approximately \$2 billion in Federal dollars towards the two State Revolving Funds (SRFs). The combination of Federal grants, State matches, repayments, and interest all flow back into each revolving fund, creating \$80 billion in the nationwide fund as of today, well beyond the annual SRF investments.

Regarding the Great Lakes Restoration Initiative, as the President stated, this is a unique and important program. I fully support his decision as it relates to funding the program.

When it comes to reducing air pollution, we are moving forward with commonsense reforms that will help more communities reach attainment of the National Ambient Air Quality Standards (NAAQS) standards. For example, we are set to announce that the Cleveland area is now meeting the standards for particulate matter later this week.

The cleanup of contaminated lands also plays a crucial role in revitalizing communities throughout the country. In fiscal year 2018, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in 1 year since fiscal year 2005.

Our next responsibility is ensuring that chemicals used in commerce and sold in the marketplace are safe for public use. I am proud to report that EPA continues to meet the major statutory deadlines of the amended Toxic Substances Control Act (TSCA).

Earlier this month, we finalized a ban on the retail sale of methylene chloride for consumer paint and coating removal, the first risk management action under Section 6 of the amended TSCA.

To ensure our efforts are effective and durable, EPA has a healthy and robust enforcement program. At one end of the spectrum, we are increasing compliance through self-audits, which are

often the quickest way to correct environmental harms. At the other end of the spectrum, we are deterring noncompliance by increasing the number of new criminal cases, reversing a downward trend that began in 2011.

We want the public to know that when they encounter environmental threats, we will address them head on, and we want the world to know that when they encounter environmental threats, we are ready to help, this type of leadership, that gives confidence to the public, the regulated community, and our allies around the globe.

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

[The statement follows:]

PREPARED STATEMENT OF HON. ANDREW R. WHEELER

Good morning, Chairman Murkowski, Ranking Member Udall, 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's) proposed fiscal year 2020 budget, which supports the goals and objectives in the *Fiscal Year 2018–Fiscal Year 2022 EPA Strategic Plan*.

The fiscal year 2020 budget request reflects President Trump's vision of responsible stewardship of taxpayer dollars and critical investments in the Nation's health, safety, and long-term prosperity. The Budget supports ongoing work at EPA to reduce unnecessary regulatory burdens while investing in areas that demand greater attention, such as protecting children from lead exposure and other environmental harms through a new Healthy Schools Grant Program and providing funding to begin implementing the America's Water Infrastructure Act (AWIA).

The proposed budget ensures that the Agency can continue the President's bold agenda and the tremendous progress we have made over the past 2 years. The U.S. is a global leader with respect to clean air and access to safe drinking water, and we are cleaning up contaminated lands at the fastest pace in over a decade. At the same time, EPA has supported the President's record economic gains by finalizing 38 deregulatory actions and saving Americans more than \$3 billion in regulatory costs. We have an additional 39 actions in development projected to save billions more in regulatory costs. The Trump administration is proving that environmental protection and historic economic growth can go hand-in-hand.

In my testimony, I will highlight how the President's budget would continue this progress.

I believe that water issues, from drinking water to marine litter to infrastructure, are the largest and most immediate environmental and public health issues affecting the world right now. The budget request provides critical support in the area of water quality protection.

Right now, over 2 billion people worldwide lack access to safe drinking water and proper sanitation, leading to anywhere from 1 to 3 million deaths every year. And those most likely to die from a lack of safe drinking water are young children. According to the United Nations, nearly a thousand children die every day due to preventable water and sanitation-related diseases. We believe that these children deserve our immediate attention, and we are elevating our work with our Federal partners, like USAID, to improve global water security.

Here in the U.S., we have made tremendous progress on this front. In the 1970s, more than 40 percent of our Nation's drinking water systems failed to meet even the most basic health standards. Today, over 92 percent of community water systems meet all health-based standards, all the time.

We still face challenges, however. Our Nation's children are particularly vulnerable to the health impacts of unsafe drinking water, especially lead exposure. Through the new *Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts*, EPA is coordinating with our Federal counterparts to reduce exposure to lead where children live, learn, and play.

To bolster these efforts, the fiscal year 2020 budget proposes \$50 million to establish a new Healthy Schools Grant Program. This flexible grant program will help our State and local partners, including school systems and administrators, minimize asthma triggers, reduce exposure to lead or other toxics, and ensure children have access to clean and safe learning environments. This new program is a top priority

for the Agency, and we look forward to partnering with Congress to advance this effort.

We are also moving forward to update the Lead and Copper rule for the first time in over two decades. We will get this rule out in the summer of 2019, and we will get it done right. Our proposal would ensure that we address the most corrosive pipes in the most at-risk communities first. These communities can't afford to wait 5, 10, or 20 years to have their lead pipes replaced. EPA staff is currently monitoring and mapping the location of the highest-risk lead pipes so we can focus our work on the most impacted areas of the country first.

The other dimension of our water challenges is our ability to identify and address potential sources of drinking water contamination. Source protection can reduce the need for additional drinking water treatment and avoid the associated costs. EPA is stepping up its leadership on this front as well.

In February, EPA released its Per- and Polyfluoroalkyl Substances (PFAS) Action Plan. We utilized each of our program offices to produce the most comprehensive, multi-media research and action plan ever issued by the Agency to address an emerging chemical of concern. And for the first time ever, we held simultaneous press conferences in all 10 of our Regional Offices to roll out the plan. This will be our approach moving forward on issues of emerging concern.

On the marine litter issue, billions of pounds of waste enter our oceans each year, harming marine life and coastal economies. Through programs like Trash Free Waters, EPA is helping foreign governments and organizations capture marine litter or prevent it from reaching the ocean in the first place. When I travel to the G7 in France in May and the G20 in Japan in June, I will make the issue of marine litter a priority.

On infrastructure, we estimate that more than \$700 billion will be needed to upgrade water infrastructure in the U.S. alone over the next 20 years. The President understands that modernizing our Nation's aging infrastructure is critical to public health and prosperity. At EPA, this means that we will continue to make investments in water infrastructure that not only safeguard our Nation's precious water resources but also create well-paying jobs and ensure taxpayer dollars achieve the maximum return on investment.

The fiscal year 2020 budget includes a 25 percent increase to the Water Infrastructure Finance and Innovation Act (WIFIA) program from last year's request. The \$25 million, including \$20 million in credit subsidy, provided for WIFIA could deliver more than \$2 billion in direct credit assistance, which, when combined with other funding resources, could spur over \$4 billion in total infrastructure investments.

This new program is already producing tremendous results. To date, EPA has issued eight WIFIA loans totaling more than \$2 billion in Federal credit assistance. Not only will these funds improve public health for hundreds of thousands of Americans, it is also estimated these projects will create over 6,000 jobs. This is just the beginning. This past year, we invited an additional 39 projects across the Nation to apply for WIFIA loans, which, when approved and combined with other funding sources, could help finance over \$10 billion dollars in water infrastructure and create up to 155,000 jobs.

While most water systems consistently provide safe and reliable drinking water, many small systems face their own unique challenges. To address these needs, President Trump signed the bipartisan America's Water Infrastructure Act of 2018 (AWIA) on October 23, 2018. While funding for these important new mandates was not included in the fiscal year 2019 budget Congress recently enacted, EPA proposes funding of \$83 million in this budget request to begin implementation of the law, including five new grant programs. Funding AWIA would expand EPA's ability to invest in water infrastructure in even more communities across the country.

The budget request also includes approximately \$2 billion in Federal dollars towards the two State Revolving Funds (SRFs) to assist our implementing partners in rebuilding aging water infrastructure. The combination of the Federal capitalization grants provided over more than 20 years, required State match, loan repayments, and interest flows back into each State revolving fund, creating approximately \$80 billion currently revolving at the State level. This recycling of funds results in additional funding available well beyond the annual Federal investment in both SRF programs. Across the SRFs, WIFIA loans, and the new AWIA programs, we are providing robust support for water infrastructure project investments.

When it comes to reducing air pollution, we are moving forward with common-sense reforms that will help more regions throughout the Nation reach attainment of the National Ambient Air Quality Standards (NAAQS).

Areas in nonattainment face a variety of consequences, including increased regulatory burdens and restrictions on infrastructure investments. The Agency is work-

ing across multiple fronts to bring these areas into attainment, such as converting Federal Implementation Plans (FIPs) into State Implementation Plans (SIPs) or aggressively tackling the backlog of SIPs we inherited. The Agency has converted an average of almost one FIP into a SIP each month since March 2017. The Trump EPA inherited a backlog of more than 700 SIPs, and we've taken final action on over 400 SIPs to date.

We are also moving forward with the Cleaner Trucks Initiative. Since 2000, nitrogen oxide (NOx) emissions in the U.S. have been reduced by 52 percent. However, it is estimated that heavy-duty trucks will be responsible for one-third of NOx emissions from transportation in 2025, and it's been nearly 20 years since EPA last set NOx emissions standards for heavy-duty trucks. By working closely with States and the private sector, we will reduce NOx emissions from heavy-duty trucks, which is not required by statute or court order, but will help nonattainment areas reach attainment.

The cleanup and redevelopment of contaminated lands play a crucial role in revitalizing communities throughout the country. I'm proud to report that in fiscal year 2018, EPA deleted all or part of 22 sites from the National Priorities List (NPL), the largest number of deletions in 1 year since fiscal year 2005. We believe that a site on the National Priorities List should be just that—a national priority. If it has languished on the NPL for decades, then it was not a priority. We are changing that. We are in the process of cleaning up some of the Nation's largest, most complex sites and returning them to productive use.

While the Agency continues to request robust funding to revitalize lands, it's important to remember that annual appropriations are just one source of funding to help facilitate the cleanup and restoration of contaminated lands. In 2018 alone, the Superfund Enforcement program secured private party commitments totaling \$613 million. Approximately 60 percent of ongoing remedial construction projects are performed by Potentially Responsible Parties. EPA's enforcement program continues to encourage private investment in the cleanup and reuse of sites.

Our next responsibility is ensuring that chemicals used in commerce and sold in the marketplace are safe for public use. I'm proud to report that EPA continues to meet the major statutory deadlines of the amended Toxic Substances Control Act (TSCA).

We've issued rules addressing the prioritization process, the risk evaluation process, and the TSCA inventory, while also developing a new fees program.

Not only that, we are well on our way to completing draft risk evaluations for the first 10 chemicals; we published a final strategy to reduce animal testing; we published a final mercury reporting rule; we released three sets of guidance regarding confidential business information; and we released an updated Chemical Substance Inventory.

We recently announced the next 20 high and 20 low existing chemicals that we will prioritize for risk evaluation. In fiscal year 2020, the Agency will begin risk evaluations for the next round of 20 high-priority chemicals.

In terms of risk management, earlier this month, we finalized a ban on retail sales of methylene chloride for consumer paint and coating removal—the first risk management action under Section 6 of amended TSCA. After analyzing the health impacts and listening to affected families, we took action to protect retail consumers.

As for new chemicals, we are reviewing submissions consistent with the statute while increasing the transparency of our decisions. We are committed to reducing our backlog of approximately 400 new chemical submissions within 6 months. What EPA is accomplishing should give confidence to American consumers and certainty to the manufacturers.

To ensure that our actions are effective and durable, EPA is assisting the regulated community in attaining and maintaining compliance with environmental laws and, where necessary, punishing actors that do not comply with those laws.

At one end of the spectrum, we are increasing compliance through self-audits, which are often the quickest way to correct environmental harms. At the other end of the spectrum, we are deterring non-compliance by stepping up criminal cases. We increased the number of new criminal cases in fiscal year 2018, reversing a downward trend that began in 2011.

In fiscal year 2018, EPA enforcement actions required the treatment, disposal, or elimination of 809 million pounds of pollutants and waste—almost twice as much compared to 2017. And in January, EPA and the Department of Justice announced a \$490 million settlement with Fiat Chrysler for cheating U.S. emissions standards. We will vigorously enforce our Nation's environmental laws, and we will ensure that hardworking Americans that follow the law and play by the rules do not suffer a competitive disadvantage.

Within the Agency itself, we are improving how efficiently and effectively we carry out our core responsibilities. In fiscal year 2018, the Agency introduced the EPA Lean Management System (ELMS), which has enhanced the Agency's performance management framework. For the first time, EPA is reviewing its performance via new measures and taking corrective action on a monthly, rather than annual, basis. We created over 600 performance measures across all national programs and regional offices. We're already beginning to see dramatic improvements, such as reducing the backlog of new permit applications older than 6 months by 34 percent between June and November 2018. The deployment of ELMS will help us maximize the skill sets of EPA staff and ensure that we are agile and responsive to the needs of all Americans.

We want the public to know that when they encounter environmental threats, we will address them head on. And we want the world to know, that when they encounter environmental threats, we are ready to help. This is the type of leadership that gives confidence to the public, certainty to the regulated community, and reassurance to our allies around the globe. This is the type of leadership you can expect from President Trump and his administration. Thank you for the opportunity to speak with you today. I look forward to answering your questions.

PFOS AND PFOA CONTAMINATION

Senator MURKOWSKI. Thank you, Administrator.

Let me begin my questions. This relates to something that Senator Udall has raised. I have raised it by way of letter. I think many of us on the subcommittee have because so many around the country are realizing the challenges that our communities are facing when it comes to PFOS contamination.

In my State, we have communities like Utqiagvik, Fairbanks, Dillingham, Gustavus, that are seeing groundwater that has been contaminated with PFOS, largely due to the use of this chlorinated firefighting foam.

So you have released this PFAS Action Plan. There are some promises out there with regards to declaring certain compounds as hazardous, but can you give the committee some estimate in terms of EPA's timeline for listing PFOS or any of the compounds as hazardous substances, and really what are these comprehensive steps?

You have indicated in your testimony here this morning that there is going to be a media rollout. What are we going to see?

Mr. WHEELER. Senator, first of all, I want to assure you and the subcommittee that while we are developing the hazardous waste for PFOS, PFOA, and the different compounds, as well as looking at the groundwater standards to include under Toxics Release Inventory (TRI) for releases, we are still enforcing. We are still enforcing our health advisory of 70 parts per trillion. We have taken, I believe, eight enforcement actions along with the States, and have assisted the States and local communities in dozens of other enforcement actions.

Where we see PFOS, where we find it, where it is a threat to drinking water, we are ensuring that it is cleaned up. We are actually using state-of-the-art Geographic Information System (GIS) mapping technologies to determine where we believe it is. We know the chemicals were produced, in large part, in Parkersburg, West Virginia, as well as Cape Fear, North Carolina. We also know the areas where it was used the most—airports and Department of Defense facilities.

So we are using our GIS tracking to map where we believe PFOS is laying on top of groundwater and drinking water systems, to identify the communities that may be at risk and then helping

them look to see if they do have a problem with their drinking water, and where we are finding it, we are enforcing.

So we are not stopping enforcement of cleaning up PFOS and PFOA, where we find it, while we work on additional tools. We have a number of tools that we already are using, such as the health advisory of 70 parts per trillion.

At the same time, our research office is doing more research on identifying where the chemicals are and identifying which types. There is over, I believe, 2,000 different PFOS/PFOA substances, long chain, short chain. We are trying to determine which of those have the most health risk.

It is also important to note that the cleanup technologies differ depending on the type of PFOS and PFOA chemical compound itself. We cannot use the same cleanup technology for all of the PFOS/PFOA compounds.

I have been at our Research Triangle Park (RTP) lab in North Carolina and met with our researchers there. I have also met with our researchers in some of our other regional labs. Last week, I was at our Cincinnati lab, where they are doing some groundbreaking research on how to clean up the PFOA/PFOS chemicals, how to identify where they are and how to identify which ones are the most harmful to the public health.

So we are setting the standards. We are working with the States and other agencies that have the standards and other health advisories for PFOS/PFOA.

We are still enforcing our health advisory. We are actually actively looking to see where we are able to help those communities. We are also conducting important research that will help us identify which ones are the most harmful, how we clean up, and the best technologies to clean them up when we find them.

DIESEL GENERATORS—TIER 4 REQUIREMENT

Senator MURKOWSKI. Well, I appreciate that update. Folks that I am talking to say, "We know that we have a serious issue here, but how do we even get started?" So being able to identify, map, and obviously address it is going to be critically important going forward. I know you are going to have other questions on that.

Let me just ask one more quick question, and this is something that I never thought that I was going to have to ask.

I was born down in Ketchikan, Alaska. It is a rainforest down there. It is truly a rainforest. Well, in this rainforest, in the Tongass, we are seeing a drought this past year. The communities of Ketchikan, Wrangell, and Petersburg are communities that primarily rely on hydroelectric power, and they have faced some significant energy shortages resulting from these drought conditions in a rainforest, crazily enough.

This is something that we hope is not a new normal. All of these communities are not connected by any kind of a power grid or a transmission system; they are all islands there. They rely on diesel generation as backup for the community.

EPA gives Title V air quality permits to power plants that allow them to operate during certain hours, establishing allowable diesel generation operating hours, and many of these plants in southeast Alaska normally only use a fraction of these permitted operating

hours in a year. But because of this drought and our water reservoir levels being so low, we are seeing increased diesel generation use.

What I need from you this morning is a commitment to work with us to see if there is any relief for these affected communities that are dealing with challenges with regard to the operating hours, whether it is the city of Ketchikan or some of the others.

I do not know if there are other options out there, but I would like you to be working with us on this because it is a serious challenge for them right now.

Mr. WHEELER. Absolutely, Senator. We are working to provide regulatory relief for the owners and operators of these diesel generators in remote areas of Alaska, and we do plan to take action shortly to amend the regulations to remove the problematic Tier 4 requirements that apply for remote areas of Alaska.

Senator MURKOWSKI. Well, I appreciate that, and I know the communities will look forward to that as well.

Let me turn to Senator Tester, the early bird.

PFOA/PFOS COMPOUNDS

Senator TESTER. Yes. Well, thank you, Madam Chair, and thank you for being here, Mr. Wheeler. I appreciate you being here.

I was not going to ask about PFOS, but the chairlady has brought it up.

You guys said you were detecting it, and you are cleaning up where found. Has it been banned?

Mr. WHEELER. Yes. There was——

Senator TESTER. So you are saying——

Mr. WHEELER [continuing]. Some of the material——

Senator TESTER. Some of the material has been banned, but they are still using PFOS in firefighting?

Mr. WHEELER. Yes. Some of the PFOS/PFOA compounds, but there are thousands of them. The worst ones were banned a number of years ago.

Senator TESTER. So I guess what I am saying is that if you are looking on detecting it and cleaning it up, that is fine, but why are we not banning the cause so you do not have to do that, so it is done? It causes cancer. Is there a problem with it? I mean, if the problem——

Mr. WHEELER. The worst substances were banned a number of years ago. They are ubiquitous in consumer products and the environment——

Senator TESTER. So what you are saying is today, the stuff that has been used in the firefighting foam does not cause cancer or liver disease?

Mr. WHEELER. I would have to get back to you on the exact ones that are in the firefighting foam. There is a number——

[The information follows:]

NUMBER OF PFOA/PFOS IN FIREFIGHTING FOAM

PFAS chemicals continue to be used in firefighting foam (AFFF—Aqueous Film Forming Foam), although the types of PFAS used in AFFF appear to be changing. At this time, EPA does not have all the information needed to provide a comprehensive list of all PFAS chemicals that are potentially used in AFFF.

Senator TESTER. So the point here is that I think it is much easier to do preventative medicine than to do post and—

Mr. WHEELER. We are looking at a Significant New Use Rule for the PFOS/PFOA as well to make sure that as the substitutes come to the marketplace that we are reviewing those substitutes before.

Senator TESTER. Thank you.

Are you familiar with Libby?

Mr. WHEELER. Yes, I am.

RISK EVALUATION REPORT—FINALIZATION

Senator TESTER. Montana. Okay. So you know that its asbestos, incredible impacts, serious problem.

You have a document coming out called the “Problem Formulation of Risk Evaluation for Asbestos.” You are familiar with that, I assume?

Mr. WHEELER. Yes, Senator.

Senator TESTER. Okay. So it lays out how devastating asbestosis is, mesothelioma, cardiovascular, pulmonary, immunodeficiency disease. The list goes on.

Do you plan on finalizing that risk evaluation by December of this year?

Mr. WHEELER. Asbestos is one of the first 10 chemical substances that we are looking at under TSCA.

Senator TESTER. Yes.

Mr. WHEELER. We find it very important.

Senator TESTER. Yes.

Mr. WHEELER. We noted—

Senator TESTER. Do you plan on finalizing that report by December of this year?

Mr. WHEELER. That is the goal. With the—

Senator TESTER. Okay.

Mr. WHEELER [continuing]. Shutdown in January, we are a little behind on that, but—

Senator TESTER. But your budget also cuts that review account by 28 percent, nearly one-third. Is that going to have any impact on finalizing the Risk Evaluation Report?

Mr. WHEELER. No, it should not have an impact on finalizing it. We are also doing a Significant New Use Rule because we noted that there is a gap where some—

Senator TESTER. When do you anticipate—

Mr. WHEELER [continuing]. Asbestos products could be imported.

Senator TESTER. How long after the—how long after the Risk Evaluation Report has been finalized do you anticipate it will take to pull asbestos off the market?

Mr. WHEELER. Well, as I noted, we also have a Significant New Use Rule to try to stop the importation of new asbestos products into the United States.

Senator TESTER. Yes, but that is not the question.

Mr. WHEELER. It is the first time any administration—

Senator TESTER. I want to know when it is going to be—

Mr. WHEELER [continuing]. Has addressed this—

Senator TESTER [continuing]. Pulled off the market.

Mr. WHEELER [continuing]. Since the early 1990s.

Senator TESTER. We got people dying from this, okay? And it is not a pleasant death. Why is it out there? Everybody knows what the problem is. Why are we not pulling it off the market? You are doing a risk evaluation.

Mr. WHEELER. We are.

Senator TESTER. You said it would be done by December. Should it not be pulled off the market?

That risk evaluation, by the way, I think is going to be absolutely rock solid, no brainer, because the evidence is there. How long will it take you to pull it off?

Mr. WHEELER. I cannot prejudge a risk assessment before it is finished.

Senator TESTER. I can.

Mr. WHEELER. We get into people——

Senator TESTER. And so if it is rock solid, how long will it take to pull it off?

Mr. WHEELER. If it is rock solid, we will move quickly to pull it off the market.

Senator TESTER. Is that a month?

Mr. WHEELER. I will have to get back to you on the exact timing of how long. We are dealing with a new TSCA which has never been implemented before.

[The information follows:]

RISK EVALUATION REPORT—FINALIZATION

Section 6 of the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, provides EPA with the authority to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of a chemical if EPA evaluates the risk and concludes that the chemical presents an unreasonable risk to human health or the environment. EPA shares your concern about potential risks from asbestos and is currently reviewing asbestos as one of the initial 10 existing chemicals for review under amended TSCA. If EPA's risk evaluation identifies unreasonable risk for one or more of the uses considered in the risk evaluation, TSCA requires EPA to finalize a regulation to address those risks identified within 2 years with an option to extend the final regulation by an additional 2 years.

Senator TESTER. Gotcha.

Mr. WHEELER. This is the first set of 10 chemicals ever put through the program.

Senator TESTER. I gotcha. All right. Asbestos has been around for a long time, though. Clean air——

Mr. WHEELER. We are the first administration to address this in 25 years.

Senator TESTER. All right. I got it, and I appreciate that. But because they did not does not mean we should not, okay?

Mr. WHEELER. Right.

BUTTE SUPERFUND CLEANUP

Senator TESTER. All right. Clean air and clean water is something really important. We are just talking about air with Libby. Let us talk about water.

Your predecessor said that Superfund cleanup was going to be one of his top priorities, and by the way, for all the criticisms put on your predecessor, he actually was moving forward with the Butte Superfund cleanup and Berkeley Pit in a positive way, talking with people on the ground, doing some things that are positive.

Is Superfund cleanup still a priority for you?

Mr. WHEELER. Absolutely. I am the first EPA Administrator to visit Butte—

Senator TESTER. Thank you.

Mr. WHEELER [continuing]. And Anaconda in over 20 years.

Senator TESTER. Appreciate that.

Right now, Butte has got one employee on the site for a few days a week. Your Superfund budget is going to be cut by over \$100 million. How do you square that with cleaning up a Superfund site?

Mr. WHEELER. Looking at our budget and looking at the resources, we have the people and the resources we need to get it cleaned up. Butte is on schedule to be cleaned up with deletion by 2024. We do not believe the budget will impact that at all.

Senator TESTER. Okay. So you are telling me that one employee on the site for only a few days a week now with this budget and the budget coming up for next year being \$100 million less is going to keep that on schedule for cleanup?

Mr. WHEELER. That one employee is not the only employee working on this site. We have a Montana field office with four or five employees. Last week, I was in Denver, and I had a conference call with the Butte and Anaconda teams—

Senator TESTER. Yes.

Mr. WHEELER [continuing]. Along with our Denver staff who are working on cleaning it up and our Washington, D.C., staff. We probably had 30 staff involved in both of those sites on the call.

CLARK FORK RIVER

Senator TESTER. Good. I appreciate your attention to it.

I just want to make a real quick comment because I am over time, but there is a piece of land that was operated by Smurfit-Stone, west of Missoula, Montana, on the flood plain of the Clark Fork River. I would ask you to put that on your radar if it is not already on your radar.

This is a piece of property that has chemicals buried on it. We do not believe the barrels have broken open yet and dumped into the Clark Fork, but at the point they do, it becomes a much more expensive cleanup. And if there is an opportunity for you guys to get in there—and there are still people alive that know that site—and find out where that stuff is, as much as you possibly can, it may save a lot of heartache down the road.

Thank you for being here, Mr. Wheeler.

Mr. WHEELER. Thank you, Senator.

Senator MURKOWSKI. Thank you, Senator.

Senator HYDE-SMITH.

FLOODING IN MISSISSIPPI

Senator HYDE-SMITH. Thank you, Madam Chairman, and thank you, Mr. Wheeler, for being here for sure. Thank you for taking the time to speak with me on the telephone—I think it was March the 21—about the catastrophic flooding that we are having in Mississippi.

You have been so excessive, and you have been—I have been—had the opportunity to visit with you for—at length on the telephone. So I appreciate you being accessible to me during that time.

Unfortunately, the flooding, which began on February the 15, continues today, and we had Acting Administrator for EPA Region 4, Mary Walker, to join me on a flight on March the 19 to fly over with the Corps of Engineers to observe the damage, and I certainly appreciate that time there because it has gotten worse since our conversation. And at best, it will be another month before the flood waters full recede, assuming the best of conditions.

Today more than 510,000 acres in this highly productive agricultural region is under water. To put that into perspective, that is about 789 square miles, an area of more than 11 times the size of the District of Columbia. It is affecting homes, roads, bridges, churches, schools. There are snakes swimming in these facilities right now, and overall health and public safety to all of the area residents—I have been over there more than once, and what we are experiencing is truly catastrophic.

Hundreds of thousands of acres of prime agriculture and timberland will suffer significant damage and go unplanted this season. I am talking to farmers almost daily that are in ruins there.

The economic impact on agriculture alone will be in the hundreds of millions.

Similar flooding has occurred not once but 10 separate times, 10 since EPA in 2008 prohibited the Corps from completing the final aspects of a 78-year-old comprehensive flood control effort. It has been going on as long as I can remember.

Because of this, residents have lost their homes and businesses. Roads and bridges have been destroyed. Wildlife is dying. Flying over, we saw all the wildlife on the levee because that was the only dry land that they could get to, and their habitat lost to contaminated floodwaters.

We can all agree that decisions made in 2008 have not only failed to meet the intent with respect to the environment, wildlife, and habitat, but also placed a tremendous burden on the lives and properties of thousands in Mississippi.

I am so grateful that you are giving this the attention that you have given us. We have been looking forward to this day for a long time. You have been, as I said, very responsive to us, and you are certainly a light in a very dark area to us right now. And I am grateful, and I appreciate you for that.

But what comments will you give me that EPA will work in good faith with the Corps of Engineers who are providing the adequate level of flood protection promised to Mississippians literally since 1941?

Mr. WHEELER. Thank you, Senator. My heart goes out to your constituents and the people in Mississippi with the flood that has been going on. We are trying to help in the emergency response side, and I will talk about that in a second.

We are working with the Army Corps of Engineers. We are reviewing the decision that was made in 2008 to veto the Army Corps plan for the Yazoo pumps, trying to determine if in particular with the latest flooding if that changes our determination in the work that went on in 2008 on reviewing that project. We are reviewing more recent data and talking to the Army Corps on a near daily basis to try to figure out how we can be helpful to you, your con-

stituents, and the Army Corps to make sure that the flooding is addressed, and that we do not have floods like this going into the future.

I would be remiss, however—we have incredible emergency responders across the agency, at our headquarters, and in all of our regions, and they respond to emergencies almost on a daily basis. Most of them are very small that most people are not aware of, when a train derails, when there is a small spill someplace. But I would be remiss if I did not point out that we have not had a head of our Emergency Response Office for this administration. We are waiting on the Senate confirmation for the head of our Emergency Response.

He was nominated 394 days ago, and that is absurd that we have waited so long to have the head of our Emergency Response. I really hope he will be confirmed before we hit the next hurricane season this year.

Senator HYDE-SMITH. Well, thank you very much for your response, and I really look forward to working with you because I do think we can come up with some reasonable solutions. But thank you for your work.

Mr. WHEELER. Thank you.

Senator MURKOWSKI. Thank you, Senator Hyde-Smith.

Senator Udall.

Senator UDALL. Thank you, Madam Chair.

REPROGRAMMING AND REORGANIZATION REQUIREMENTS

Mr. Wheeler, before we get into the budget, I want to start with some housekeeping. This subcommittee requires our agencies to submit reprogrammings and reorganizations for approval. Sometimes that process can take time, depending on the scope of the proposal, and on time it takes the agency to respond to our request for information.

We require that our agencies wait to implement any reprogrammings or reorganizations until the subcommittee has completed our evaluations.

Can you commit in this fairly simple yes or no that you and your staff will continue to follow these longstanding requirements?

Mr. WHEELER. Yes, I believe we have. We are working on a regional reorganization with you, where we first briefed your staff last September.

Senator UDALL. And can you commit to continue responding to requests from the Minority?

Mr. WHEELER. Yes. I believe we have responded to all of your requests, and we will continue to do so.

GREAT LAKES PROGRAM—BUDGET

Senator UDALL. The budget request cuts nearly all funding for EPA's geographic programs. These programs have made real measurable differences in environmental quality of water bodies, such as the Great Lakes. This subcommittee has for 3 years running rejected the President's proposal to eliminate these programs.

Last week, at a rally in Michigan, the President announced he now supports full funding, \$300 million, for EPA's Great Lakes program. I consider that a remarkable reversal. I have to wonder if

the President will make more announcements reversing his budget request.

You testified in the House yesterday that an amended budget request is in progress for the Great Lakes program; is that correct?

Mr. WHEELER. I believe what I said was that we are talking to OMB about what we need to do to convey the President's—

Senator UDALL. Well, the proper—you know the proper thing to do is to submit an amended budget request, and we would expect you to do that for any of the others that he is planning on doing, rather than playing favorites and going to particular places that are important in next year's presidential elections.

Mr. WHEELER. We are working with OMB on that. They are the ones who submit the actual amended budget request.

STAFFING CRISIS

Senator UDALL. I just do not like the idea of playing favorites. I think all of these big national programs are funded because they are important on a regional basis, and I know that your position generally is to say, oh, the States should do that. The reality is the States were not doing it. Congress stepped forward as a partner, and that is the reason we keep funding these.

So I would like you to keep that in mind when you brief the OMB and brief the President about the importance of these programs.

I want to talk a little bit about the staffing crisis. This subcommittee is constantly hearing evidence that morale is at an all-time low among EPA scientists, engineers, and other experts, and the agency staffing levels are dropping because despite Congress rejecting proposed budget cuts, the agency is not hiring new staff when previous staff depart.

I see this as an intentional effort to cripple the EPA so badly that effects last well past this administration. Since the end of the previous administration, EPA has lost 8.5 percent of its employees. EPA's Research Office alone has lost a staggering 14 percent of staff and staffing in the field is suffering especially.

The region that includes my home State of New Mexico has lost nearly 12 percent of its staff, and those numbers are from January. I do not have more recent data because EPA has refused to respond to your request for more recent updates.

Mr. Wheeler, when you took over as Acting Administrator nearly a year ago, you and I discussed the need for EPA to maintain and cultivate experienced and qualified staff. You said one of your personal priorities was to make sure that happened, but here we are a year later. And the numbers show that staffing levels are falling deeper into crisis, and that we also sit here examining a budget request to cut another 1,800 staff. Is that really where you are going to take the agency, another 1,800 level? That is where you think in terms of public health and the environment? That is where the EPA should be? Eighteen hundred people lower?

Mr. WHEELER. I am—

Senator UDALL. You know, that is what your budget says.

Mr. WHEELER. I am more concerned about making sure we have the right experts.

I hired the first human right—sorry.

Senator UDALL. The question is——

Mr. WHEELER. Human Resources Director.

Senator UDALL [continuing]. Do you want to be 1,800 people lower? That is what your budget, you have put before the Congress.

Mr. WHEELER. If we are focusing on our core missions at the agency and protecting public health and the environment, that is the number that we believe we can accomplish those goals.

Senator UDALL. Well, I do not think—Mr. Wheeler, with all due respect——

Mr. WHEELER. But my main concern is making sure——

Senator UDALL [continuing]. I do not think you can do that

Mr. WHEELER [continuing]. That we have the right expertise.

Senator UDALL. Yes. I do not think you can do that with 1,800 fewer employees, and if you look at the history of the EPA over the last couple of years, I mean, we have been dropping down dramatically. And there are a number of areas where you are not, on public health issues and environmental issues, stepping up to the plate and doing the right thing.

Are you aware, Mr. Wheeler, that Congress has rejected the President's proposals to cut EPA's budget and that we have provided nearly steady funding for EPA's operating programs?

Mr. WHEELER. Yes, I am aware.

Senator UDALL. Yes. And I do not think there is any doubt that the staff is the key. I mean, these career people—you should realize it by now. If you really get into an issue, that is where you have to turn to find out what is going on, and I just think it is deplorable that we have dropped so far and that you are on a trend right now with this budget you presented, you are here defending, where you are going to cut another 1,800.

I hope, as we have done in the past—I have not asked a question yet. I hope, as in the past on a bipartisan basis, that we continue to see the good work that is being done and that we do not engage in this cutting just for the sake of cutting.

And I yield back, Madam Chair.

STAFFING ISSUES

Senator MURKOWSKI. Administrator Wheeler, you looked like you were going to have one more comment there, but if you do not, I am going to go to Mr. Van Hollen.

Mr. WHEELER. Just a quick comment that the downward trend did start before this administration, but the biggest issue we have is 40 percent of our workforce is eligible to retire over the next 5 years.

Last year, we hired 30 new people to work on TSCA, but we also lost 30 people in the same year that were working on TSCA. So we have—the challenge that we have is the high number of, compared to other agencies and departments, people who are eligible to retire and are retiring and trying to bring on the people to replace them. The hiring process is a very long process to bring on new people in the Federal Government. It takes months to bring on a qualified scientist, and as I said, we brought on 30 new people last year to work on TSCA. We thought we were going to have enough people to work on it, and then at the same time, we had 30 people leave the agency.

So we have a challenge, and I am working very hard to address that challenge.

Thank you.

Senator MURKOWSKI. Let us go to Senator Van Hollen, please.

Senator VAN HOLLEN. Thank you, Madam Chairman.

Welcome, both of you.

Administrator Wheeler, when you were up for your nomination hearing before the Environmental and Public Works Committee, you said for the record that "The EPA is fully committed to the Chesapeake Bay program." You have not changed your position, have you?

Mr. WHEELER. No, Senator.

Senator VAN HOLLEN. You remain fully committed to that program and think it is a good program, right?

Mr. WHEELER. Yes, sir.

CLIMATE CHANGE

Senator VAN HOLLEN. I appreciate that because, as you know, in the President's budget, he slashes the program from \$73 million a year to \$7.3 million.

Senator Udall mentioned that when the President was out at the Great Lakes, he on the spot restored the \$300 million cut.

The other day, after Secretary DeVos defended the cut to Special Olympics, the President reversed that.

It does indicate that the whole process on the executive side of the ledger is a bit of a sham here, but I am pleased that on a bipartisan basis, this subcommittee has continued to fund these important projects.

You indicated that the mission of the EPA was to protect the public health and the environment, and I assume you would agree that we should do that using the best science and the best evidence; is that right?

Mr. WHEELER. Yes, Senator.

CLIMATE CHANGE WEBSITE—INDICATORS PAGE

Senator VAN HOLLEN. So my question is when it comes to climate change—and we just heard Senator Hyde-Smith talk about the catastrophic flooding in Mississippi. There is no doubt that we see more frequent and more intense extreme weather events.

Why you continue—the EPA continues to have taken down the EPA—the portion of the EPA website dealing with climate change. When you go to epa.climate these days, you got a little headline saying "We want to help you find what you are looking for," and it goes on. It disappeared, the previous climate change portion of the website.

Mr. WHEELER. It is my understanding that everything—and I have asked this question of our career technical people multiple times—that everything that was ever on the website on climate change is still available on the website.

Senator VAN HOLLEN. So what you did—

Mr. WHEELER. It is not highlighted to the same extent that President Obama's EPA highlighted it.

Senator VAN HOLLEN. So if you wanted—

Mr. WHEELER. But it is still on the website.

Senator VAN HOLLEN. Mr. Administrator, if you want to be taken seriously as an agency that believes in science, you would not disappear the climate change website. Yes, you have archived what was there before the Trump administration.

My understanding is when you look at your climate indicators page, you have not been updating the graphs with the newest information. Will you commit today that you will do that, the agency?

Mr. WHEELER. I will have to look into that. Yes.

Senator VAN HOLLEN. Would you be surprised to learn that the climate indicators page does not allow the graphs to be updated with the most recent information?

Mr. WHEELER. I would have to look into that.

BERNARD GOLDSTEIN'S WASHINGTON POST ARTICLE

Senator VAN HOLLEN. Well, I would hope—I would hope that—the credibility of the agency seems to me is on the line on these issues. People can have their own views, but when you have the scientific community very clear on this, the evidence is overwhelming.

Which leads me to another question because I am worried about the fact that science is being displaced by sort of political science and political pressure in a number of places around the agency.

There is an article. I do not know if you saw it this morning. Its headline is “If I Worked at the EPA, I Would Resign.” It is a column in the Washington Post by Bernard Goldstein.

Bernard Goldstein was the chair of the Clean Air Scientific Advisory Board in the Reagan administration. He was then appointed by President Reagan to be the head of EPA's Office of Research and Development, and there are seven members of the Scientific Advisory Board. And he points out that they rely a lot on the scientific information provided by subcommittees to the board.

And then he writes that is how it is supposed to work. In other words, they are supposed to get input from the subcommittee experts. But last October, Wheeler suddenly and highhandedly terminated the subcommittees working to develop recommendations for their particulate standards as well as the standard for ozone pollution, which is what this advisory board is going to review next. And he says for the first time, this advisory committee will lack a single epidemiologist.

So my question is why. Why eliminate the panel of experts? It seems to me it looks like another step to eliminate outside independent expert opinion.

Mr. WHEELER. Absolutely not, Senator.

First of all, the Clean Air Act 1990 amendments requires us to review the NAAQS every 5 years. We took a hard look at what was causing the delay because the agency has never met the 5-year timeframe for ozone or particulate matter (PM).

Part of the problem was the subcommittees, which are not required under the statute, took a lot of time to go back and forth between the subcommittee and the full Clean Air Scientific Advisory Committee (CASAC).

So we streamlined the CASAC review so we will get both of those reviews for ozone and done within the 5 years. They will be done

by the end of next year, which is the requirement under statute, and as I sat down with——

Senator VAN HOLLEN. If I could just ask—if I could just ask——
Mr. WHEELER. Certainly.

CASAC 5-YEAR REVIEW

Senator VAN HOLLEN. I understand. Why not say to the subcommittee experts, “Here is your deadline. If you do not get us the information in time, then we are not going to be able to consider it”——

Mr. WHEELER. Previous administrations have done that.

Senator VAN HOLLEN. Right. I am asking why this administration wiped it out.

Mr. WHEELER. They were never able to meet the 5-year deadline.

I have assured the head of CASAC that if they need outside technical assistance, outside scientific review, they are still allowed to reach out to epidemiologists and get additional input. It is that formal subcommittee review process that took literally months and years at——

Senator VAN HOLLEN. So are you wiping out all the subcommittees?

Mr. WHEELER. Yes, for the ozone and PM, and then we will see how that goes as far as the NAAQS.

Senator VAN HOLLEN. No, but you have not wiped out the other ones?

Mr. WHEELER. Those subcommittees are just for the NAAQS review process under CASAC for the NAAQS standards. As soon as the 5-year review period is over, we start the next 5-year review. The agency has never met the 5-year deadline that is required under the Clean Air Act.

We tried to reform the process in order to meet the deadline given to us by Congress.

Senator VAN HOLLEN. I think the concern is this combined with another policy you have where people who are providing contracts to the EPA scientists, you are not allowing them to participate, but you are allowing other sort of industry lobbyists to participate.

I think I would like to continue with this conversation.

Mr. WHEELER. I would be happy to.

Senator VAN HOLLEN. The credibility of the agency clearly is being hurt here when you disappear the climate page, when it appears that the important subcommittees of scientists are being eliminated.

And just to end with a point that Senator Udall made, as I understand it, the Assistant Administrator for Research and Development position, which is what this gentleman held during the Reagan administration, is unfilled, is that correct?

Mr. WHEELER. It is. We have had a hard time filling positions because people look at how long the process takes, and they have told us no.

When you have the head of our Superfund and Emergency Response waiting 394 days for confirmation, we literally have had people say, “We do not want to go through the Senate confirmation process.” This confirmation process is broken, and I really hope it can be fixed on a bipartisan basis.

Senator VAN HOLLEN. Well, there is the——
Mr. WHEELER. We are losing qualified people.

POLITICAL CONFIRMATION

Senator VAN HOLLEN [continuing]. Confirmation part of it. There is the confirmation part of it. There is also the reality that lots of people have not been appointed. We cannot go through a confirmation process——

Mr. WHEELER. We have had people to turn down because they look at how long the process is.

Senator VAN HOLLEN. The suggestion in this article from the person who held this position in the past is the reason scientists are not applying for the job is because they think that their work will be subject to political oversight and not scientific peer review.

Mr. WHEELER. I have never met him, and I do not know how he has formed these opinions about me. We have never had any conversations. So I am not sure why he believes that.

Senator VAN HOLLEN. Thank you.

STATE IMPLEMENTATION PLAN

Senator MURKOWSKI. Thank you, Senator.

I want to talk about some of the programs that have made a difference.

I am listening to the comments from my colleague here, and while I respect the line of inquiry, what is on the website is not what people in Alaska are talking about. They say, "What are you doing to fix PM_{2.5}? What are you doing on our fish grinding issue? What are you doing on these things that are making a difference?"

I want to talk you about some of them because there is frustration here with EPA. We have that in Alaska. We have that throughout all of our States.

But to know that we are making a little bit of headway there is important. I mentioned in my opening that when it comes to the PM_{2.5} issue, and how Fairbanks is located in a geographically constrained area with really no viable options for folks to keep their homes warm in the wintertime so they turn to wood burning, we have got some real particulate issues.

The Borough has been reclassified for non-attainment. The State is required to formulate and submit this air quality plan to demonstrate attainment by December 31. We have been struggling with this for years.

That is why I mentioned the Targeted Airshed Grants. That has been the one thing that has been somewhat helpful to the Fairbanks North Star Borough doing these woodstove change-outs.

I am working with Senator Carper now on our bill, the Wood Heaters Emission Reduction Act. That is another little bright glimmer of hope.

Right now EPA has been providing some technical assistance to the Borough in formulating this plan that is due at the end of the year. People are very nervous. They are very anxious because there are very real on-the-ground repercussions. How is EPA taking into account the unique situation that Fairbanks faces with its geography, an area with extremely low temperatures in the winter, and

lack of access to cleaner fuels like natural gas? How are you working with the Borough to address a plan by year-end?

Mr. WHEELER. Fairbanks, as you know, has very unique issues, problems with the air quality. A lot of it is geographic, the way the city sits, and of course, the wood burning heat sources as well.

We are working very closely with not only the City of Fairbanks, but also the State to try to make sure that they can submit a State Implementation Plan before the end of the year.

As you know, we have been sued. The EPA has been sued over this. If we cannot get the State Implementation Plan by the end of the year, we will be forced to work on a Federal Implementation Plan, which is something we do not want to do.

Senator MURKOWSKI. We do not want it either.

Mr. WHEELER. Yes. The Obama administration issued more Federal Implementation Plans than the previous four administrations combined. Since March of 2017, we have turned one FIP into a SIP on a monthly basis, working with the States. So we have a very good track record of working with States and local communities to avoid FIPs and to change FIPs back into SIPs. The State Implementation Plan is where we want to be.

I know my Region 10 regional administrator has been up in Alaska multiple times with the City of Fairbanks and the State trying to provide additional tools, additional assistance, technical assistance as well. We will continue to do that because our goal is to make sure that there is a SIP in place before the end of the year.

SMALL REMOTE INCINERATORS

Senator MURKOWSKI. Well, that is definitely what the Borough is looking for. We need your help there, and again, the sooner the better. So we look forward to some of these important conversations moving forward.

One of the things that we have dealt with in this Committee, in this subcommittee, is the issue of small remote incinerators up North in very remote areas that are inaccessible by road. They are critical for solid waste disposal. The options for using solid waste disposal are substantially more difficult, really unfeasible up North in some of these areas.

Year after year, we have included language within our appropriations subcommittee bill that gives us just yet a little bit more time. I have gone to my colleagues on the subcommittee on the House and the Senate side, and I have promised them, "EPA is working with us to resolve this. It is going to be resolved this year, and we will not need to worry about this."

I cannot keep going back to my colleagues and saying it is going to be resolved, it is going to be resolved. I really need to know that we will have an administrative solution on these very few small remote incinerators.

Can you give me some assurance that we are going to resolve this, this year?

Mr. WHEELER. We are certainly trying. This is another area where we have to work with the State for a State Implementation Plan.

Senator MURKOWSKI. Right.

Mr. WHEELER. We are trying to make sure that they have the data that they need to submit a plan to us.

Senator MURKOWSKI. Well, I know that Senator Udall and Congresswoman McCollum will be really pleased when I come to them and say, "We do not need this anymore because we have resolved that."

So we will be working with you and the State on that.

Mr. WHEELER. My ultimate goal is to make sure that all four of you are very pleased.

Senator MURKOWSKI. Well, that sounds like a good goal.

Let me turn to Senator Udall.

ENFORCEMENT OF ENVIRONMENTAL LAWS

Senator UDALL. I just want a brief comment about the staffing issue that you talked about.

First of all, labor economists have been predicting baby-boomer retirement effects for decades. This is not news. Your agency has simply failed to plan and prepare and deal with the staffing deficit.

My opinion is you have known this was coming. The people in the Department have known it is coming. You promised us you were going to be on top of it, and you failed on that front.

One of the fundamental responsibilities of the EPA is to enforce our Nation's environmental laws, but this administration is literally taking the cops off the beat. Administrative and civil penalties in fiscal year 2018 declined to the lowest level since EPA established a dedicated enforcement office 25 years ago.

EPA also initiated roughly 1,800 civil enforcement cases in fiscal year 2018, the lowest level in a decade.

I know the administration's party-line response is that it is focusing on compliance ahead of problems rather than after-the-fact enforcement, but the numbers do not tell that story.

EPA's own data indicates that the agency conducted 10,600 inspections in 2018, which is the lowest number in the last decade and less than half of the inspections conducted in the peak year of 2010.

With fewer inspections, there are fewer opportunities to identify facilities that are out of compliance. It really is not more complicated than that, and this focus on compliance, the budget request you bring us today asks for a \$12 million cut to compliance. That is a full 12 percent cut.

This administration's money is not where its mouth is, and, Mr. Wheeler, the staffing levels for the headquarters enforcement office has plummeted by 19 percent. That is more than double the loss of the rest of the agency, and this subcommittee has not cut one dollar from EPA enforcement.

It is clear to me that this administration is turning its back on enforcing our environmental laws, and while that is friendlier to industry, it is a five-alarm fire for air quality and our water quality.

Mr. Wheeler, if the administration's focus is on compliance and not enforcement, what are your specific goals and metrics to show that this approach will result in cleaner air and water, specific metrics and goals?

Mr. WHEELER. Absolutely. First of all, when a State has primacy on the environmental programs, they are the ones that generally

do the inspections, which is why the inspection numbers have been doing down since 2010. But we have——

METRICS

Senator UDALL. But also, mind you, the budgets that have come up here have savaged money to the States. The budgets you have been presenting year after year, this administration, and your partners are the straights. You have delegated, but then you do not want to give them money to do the job. I do not know how you can get in this situation where you say, “Oh, we are going to let the States do it,” but then when they are vital partners, it is very important for you to give them the money to do that.

Focus in on the metrics.

Mr. WHEELER. Sure.

Senator UDALL. Show me that what you are doing is providing cleaner air and water to the American public.

Mr. WHEELER. The past metrics have focused on targeting industry sectors as a sector. What we are now targeting is non-attainment areas to get them to attainment. We are targeting impaired waters to get them to be safe drinking water. So we are focused on the environmental outcome.

The pounds of pollution reduced because of our enforcement actions went up last year dramatically.

We have stopped over, for example, 1 million after-market defeat devices from being used in the cars here in the United States, which helps us on the non-attainment side because of the auto emissions contributing to non-attainment.

In 2019, we have already stopped approximately 2,200 illegal vehicles and engines at the border. So what we are doing is trying to focus on areas where there is not attainment, to get those areas to attainment, using our enforcement tools.

I would point out that last year, the number of criminal cases went up for the first time since 2011. It has been on a downward trend, and we are reversing that trend.

So, yes, we are focusing on compliance and audits at the beginning of the process, but we are making sure that if people are violating the law, we are taking actions, including criminal action against them, so at both ends of the enforcement spectrum. But in the middle, we are working with the States to provide them more tools so that they do inspections.

When we do inspections—and, actually, we just started this last year, and Region 8 is a pilot. Our inspectors are going out inspecting. Now we do the inspection, and then we provide a written report back to the facility afterwards. That has actually cut down in some of the inspection times of our people because they are spending extra days working on the reports to give the facility so that they reach compliance faster.

Senator UDALL. But, mind you, you have also sent a budget up here to cut your compliance 12 percent.

Thank you, Madam Chair.

Senator MURKOWSKI. Thank you, Senator.

Senator Blunt.

Senator BLUNT. Thank you, Chairman.

Administrator, it is good to see you here.

In September of 2018, really in your first few weeks on the job, you dealt with a big problem that has been a problem in our State, a big enough problem that it had been on the Superfund Priority List for 29 years. Hard to imagine anything that is really a priority that is on the Priority List for 29 years.

Mr. WHEELER. Absolutely.

WEST LAKES LANDFILL

Senator BLUNT. And you and your predecessor worked from day one when you were the Deputy Administrator and now the Administrator to come to a conclusion and did. The local feedback from West Lakes Landfill, that area has been very positive. I think you have hit the right spot here to get this done.

This morning, though, would you give me an update on what is going on there now and what are the next steps we need to take to get to the end of your planned way to deal with that?

Mr. WHEELER. We have been working on the ground. We have already started the remediation. We are continuing to keep the local citizen groups updated on our progress, and at this point, we are still on track of getting the site cleaned up and completed.

Senator BLUNT. Is this a process of bidding someone to remove the things that are going to be removed or to—

Mr. WHEELER. I believe so at this point. I can give you a better update afterwards, but I believe so.

Senator BLUNT. If you want to, take that for the record—

Mr. WHEELER. Sure.

[The information follows:]

WEST LAKE LANDFILL UPDATE

- On February 6, 2019, EPA finalized an enforceable agreement with the potentially responsible parties (PRPs) to perform an investigation of the groundwater beneath and around the site.
- The EPA is working to reach a legal agreement with the PRPs to perform remedial design for the operable unit that contains radiologically impacted materials.
- The Agency is engaging the PRPs regarding their implementation of the remedial action after the design is complete.
- As a site on the Administrator's Emphasis List, the EPA met the commitments to citizens by releasing a record of decision amendment by September 2018. EPA also made improvements to the proposed plan to reduce exposure to the community and cleanup workers, shorten construction time, and allow the flexibility to more efficiently remove contamination from the landfill.

SMALL REFINERY EXEMPTION PROGRAM

Senator BLUNT [continuing]. And then I would like a sense of where you are now and maybe your projected calendar, how you are going to deal with those issues.

Let me talk about one more thing while you are here. Under the Renewable Fuel Standard (RFS) volume obligations, EPA grants retroactively waivers. I think we have talked about this when you were confirmed.

When you retroactively grant waivers and do not reallocate the volume that those waivers would have represented effectively, you decided on your own to reduce the volume of ethanol that is out there.

I think whenever we had your confirmation hearing, you said you are going to look at how that exemption process works and make

sure that the exemptions are warranted. I think you also were going to outline the process for review and really look seriously at what happens when you give a waiver and there is no reallocation of that amount.

I think you have got 39 pending waivers, and I would just like you to talk a little bit about how you are going to look at those waiver issues, and if there is a way you can do this so that the legislated volume or the volume actually that you have determined should be the right volume actually is either the volume that year or added on to the volume for the next year.

Mr. WHEELER. Well, Senator, the Small Refinery Exemption Program, which is our process of providing waivers to the small refineries, which decreases the gallons on the RFS program, is set up by statute.

Previous administrations did not implement the program, and EPA was sued three times and lost three times. So we now have three court orders and how to run the program in addition to the statute as well as appropriations language at one point.

But once we set the Renewable Volume Obligation (RVO) for the year, for the following year——

Senator BLUNT. Right.

Mr. WHEELER [continuing]. Which we have done on time the last 2 years, first time that has ever happened——

Senator BLUNT. Right.

Mr. WHEELER [continuing]. After that, when we receive the small refinery waivers and those come in after the RVOs are set, we do not have a process to go back to readjust the RVO.

If we were to try to do that, that would probably send more small refiners into financial hardship based on the number of gallons that would then be spread out over fewer refineries.

We have taken the move to be more transparent with small refineries.

Senator BLUNT. But when you exempt the small refiners, do not you spread out the gallons over the larger refiners?

Mr. WHEELER. No, we do not. I believe that is the crux of the issue is we are not redistributing the small refinery gallons back into the marketplace.

Senator BLUNT. Into the system.

Mr. WHEELER. Into the system, right.

We do not have a mechanism to do that because we have already set the RVO for the compliance year, and that would throw all of the——

Senator BLUNT. You need to give yourself a mechanism, or do we need to give you one? Or is it just unreasonable to have that mechanism?

Mr. WHEELER. I think we would need to be given that mechanism, but I also think it would be very hard to try to implement something like that after the fact.

On the 39 that you referred to, we have not actually received those yet from the Department of Energy. The way the process works is that they apply to the Department of Energy. The Department of Energy reviews the small refinery exemption applications. They have given us a list of the small refineries that have applied

this year, but they have not given us their underlying rationale and recommendations yet for those refineries.

So, as soon as we receive those, we then process them and either move forward to either grant or deny the small refinery.

Senator BLUNT. And when you do that, by the time you get to that, it is retroactive because the year is basically already behind us; is that right?

Mr. WHEELER. Yes, that is correct.

Senator BLUNT. All right. You can I can talk about this more, and we will. Again, thank you for your leadership on West Lakes, and thank you for the last 2 years of getting that RFS number out on time.

Mr. WHEELER. Thank you.

Senator BLUNT. Thank you, Chairman.

Senator MURKOWSKI. Thank you, Senator.

Senator Merkley.

CLIMATE CHANGE PROGRAMS—BUDGETS

Senator MERKLEY. Thank you very much, Madam Chair, and thank you, Administrator Wheeler, for coming before the subcommittee.

When you were being considered for nomination, I asked you on a scale of 1 to 10, with 10 being very concerned, how concerned were you about climate change, and you responded an 8 or 9, which means it is a pretty significant concern.

So did you increase or decrease funding for climate programs in the 2020 budget as a result of your high level of concern about climate?

Mr. WHEELER. Which climate programs are you referring to? Because we are still moving forward on our two big climate regulations. We should finalize those this summer, the——

Senator MERKLEY. Did you increase financing or decrease financing for the Global Change Research Program?

Mr. WHEELER. That has been eliminated, but we believe we can address those through our regulatory programs and other programs at the agency.

Senator MERKLEY. And did you increase or decrease funding for the Atmospheric Protection Program?

Mr. WHEELER. That has been decreased. Yes.

Senator MERKLEY. Was that the \$365 million decrease for air quality programs, or also you decreased other programs as well?

Mr. WHEELER. I am sorry. I will have to get back to you on that specifically.

[The information follows:]

CLIMATE CHANGE PROGRAMS—BUDGETS

Our agency will provide a response as part of the “Additional Committee Questions” at the end of the hearing.

Senator MERKLEY. Okay. So if you have a high level of concern, how come you are cutting the funding for key climate programs?

Mr. WHEELER. Because we are moving forward on our two regulations, our ACE regulation would reduce CO₂ from power plants by 34 percent, and our CAFE standard, which we also plan to final-

ize later this spring or early summer, will reduce CO2 emissions on par with what the Obama administration—

LEAD DUST REGULATION

Senator MERKLEY. I think the world is well aware that that effort will increase carbon pollution.

But let us turn to lead. You are probably aware that lead is one of the major health threats for young children in our country, nearly half a million U.S. children ages 1 through 5 have blood levels at or above the 5-microgram level, which is where the CDC recommends public health actions be taken.

I think you probably understand that there is no safe blood level, but that this is a very serious impact on the developing brains of our children across Americas, and yet your 2020 proposed budget slashes EPA's lead program. Why?

Mr. WHEELER. It is the lead paint, and we are working closely with HUD. We are moving forward with our lead dust regulation. That should be finalized by June. We are also proposing our lead and copper pipe rule, which is the first time that regulation has been modernized in over 20 years.

So we are moving forward very aggressively on lead, but that particular lead program that you referred to, we found that within the administration, it was duplicative of what HUD was doing. So we are deferring to HUD on the lead paint, but we are moving forward on the regulations for lead dust, which again will be out in June. And we will be proposing the lead and copper rule this summer, which will go a long ways to reducing lead exposure to families, and we are looking at mandatory testing in both schools and daycare centers.

LEAD TESTING IN SCHOOLS

Senator MERKLEY. Well, that is funny because while you are talking about some future regulation, you are cutting the program for State and Tribal assistance grants for lead testing in schools, which means less lead is detected, less action is taken, and so the net impact is that more children get poisoned. And that is really unfortunate under your leadership that more children are going to be poisoned.

Mr. WHEELER. We also requested \$50 million for Healthy Schools program, which will be working with schools, not just public schools and private schools, but also Tribal schools to address lead and other contaminants located in the schools.

CLEAN WATER AND DRINKING WATER STATE REVOLVING FUNDS

Senator MERKLEY. The Clean Water and Drinking Water State Revolving Funds are something very valuable to particularly my rural communities. I go to every county every year. I hold a public town hall. I meet with the commissioners and any other electeds beforehand—school boards, city commissioners, and so forth. Almost always what comes up is the challenge of clean water supply and wastewater treatment. It is just a critical piece of infrastructure.

Under your proposed budget, States would lose 31 percent of their potential funding. Under the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund, I know that my rural communities are desperate for more assistance because it is so expensive for a small town to do a treatment center. You just cannot spread among enough residents in those smaller towns.

So this might have a huge impact on infrastructure in rural America. Why would you want to do that to rural America?

Mr. WHEELER. The amount they are asking for this year is at a reduction, but you have to remember that the overall funds currently available in the overall SRFs across the whole country is \$80 billion.

We also asked for more funding for AWIA this year—I am sorry—for WIFIA this year, and AWIA, which passed by Congress last fall, did not receive any money this year, but we are requesting \$83 million for that. There is a number of different small grant programs in the new AWIA legislation.

We know we have been successful in the SRFs, but in order to reach more smaller communities, we think some of the funding mechanisms and the AWIA legislation might be very helpful there. So that is why we are asking for money for that legislation—or for that new statute that was passed last fall. So we are asking for \$83 million for AWIA. We asked for an increase from over our budget request last year for WIFIA, and with the total amount of money available through the SRFs, we are looking at \$80 billion because every time we put money out through the SRF, it gets repaid. We are also earning interest on it. So that bank of money has increased substantially over the years.

WATER INFRASTRUCTURE FINANCE INNOVATION ACT

Senator MERKLEY. Well, I am glad you mentioned WIFIA, Water Infrastructure Finance Innovation Act, because it is an act that I wrote, and I am pleased it is there. But, unfortunately, it is not working for small communities because the fees, the administrative fees that are being charged by the administration, are too high.

I would like to encourage you to take a look and advocate within administration how to make that program work for small communities.

Mr. WHEELER. We are trying that. We have looked at trying to get a few small communities to band together for a loan. We are looking at that in Indiana, for example, where there are several small communities, but we think the new AWIA legislation might actually be better for small communities. So that is why we requested money for AWIA.

Senator MERKLEY. Thank you.

Senator MURKOWSKI. Thank you, Senator Merkley, and thank you for clarifying that because I think we recognize certainly in my State that the opportunities with AWIA are considerable for the smaller communities.

Let us go to Senator Daines.

SILVER BOW CREEK SUPERFUND SITE

Senator DAINES. Thank you, Chairman Murkowski.

Administrator Wheeler, I want to commend you for your leadership of the agency and a renewed focus on achieving results for the American people.

One area where Montanans have really seen an increased focus is on our Superfund sites. I am pleased you have ranked our Silver Bow and Anaconda sites with the highest priority for cleanup and restoring to reuse and our Lobby asbestos site on the EPA's list with greatest potential of redevelopment. That is direction from the top that Montanans have long sought for. Now we need to make sure the actions are executed effectively for Montana.

One aspect of the remedy involved for restoration of the Silver Bow Creek site is restoring Silver Bow Creek to a natural stream. I have heard from EPA and ARCO that there may be some limitations to restoring a full functioning natural stream in this area.

My question is, what do we need to do in Congress to remedy these obstacles?

Mr. WHEELER. Well, first of all, Senator, thank you for showing me both of those sites last summer. I enjoyed that visit to Montana, and it was really educational to see that firsthand.

Senator DAINES. And you were the first EPA Administrator to ever visit both of those sites.

Mr. WHEELER. I believe in at least over 20 years.

Senator DAINES. Thank you. Thanks for coming.

Mr. WHEELER. Yes. I was very happy to do that, and it was very educational for me.

I just actually had a briefing on this last week. I was in our Denver office. I had a teleconference call with our Montana field office, our Denver people who are working on these two sites, and our D.C. people working on these two sites for an update.

I have to be careful because some of this has not been announced yet. We are working with ARCO and then the parties. We have to go back to the court for this as well, but we are trying to make sure that in the future, if a water source is identified for the creek that that would be a possibility.

Some of that, though, is not within the remediation side of a Superfund site. It might be more on the natural resource damages side but not the remediation side.

So we are constrained in some aspects of what we can do, but we have communicated to the potentially responsible parties (PRPs) the importance of that for the community. We are trying to make sure that our Superfund remediation effort there will allow the restoration of that creek in the future and the remediation techniques will not impede that from happening.

Senator DAINES. Well, thank you. I can tell by just you are responding that you are actively engaged on this issue.

Mr. WHEELER. Yes, I am, sir.

ANACONDA SMELTER SUPERFUND SITE

Senator DAINES. I can tell you are not looking at your notes. You are talking about it from firsthand experience, and I appreciate that greatly for your engagement.

I know the folks in the community there cannot wait to see this come to some closure.

Regarding the Anaconda Superfund site, it is my understanding there has been some progress made on the consent decree——

Mr. WHEELER. Yes.

Senator DAINES [continuing]. For the Anaconda Smelter Superfund site, but I have heard there may be a speedbump. Can you assure me that the EPA is staying firm to ensure the site will be secure into perpetuity?

Mr. WHEELER. Yes. I am not aware of the speedbump, and I would be happy to talk to you and your staff about that afterwards.

It is my understanding we are still on plan to execute the consent decree by this December.

Senator DAINES. Okay. Thank you.

Mr. WHEELER. That is what I was told the last time I——

Senator DAINES. Yes. It is the in perpetuity piece that we want to make sure.

Mr. WHEELER. Sure.

SIGNIFICANT NEW USE RULE—ASBESTOS

Senator DAINES. I know you are engaged. Thank you for working with us closely and particularly for the EPA's active presence on the ground with the community, restoring that trust and that dialogue.

I want to shift gears and talk about asbestos for a moment. As you know, due to asbestos contamination, mining vermiculate in northwest Montana, there has been a terrible legacy of asbestos-related pulmonary problems for my constituents throughout that area. We are talking about Libby primarily. In fact, there were 2,000 individuals in northwest Montana that have been diagnosed with an asbestos-related pulmonary disease at Libby's CARD Clinic.

In fact, furthermore, just last summer, a preschool in Missoula was found to have an unacceptably high level of asbestos exposure, and children had to be immediately relocated. Clearly, our Country has known for a while that asbestos presence can be dangerous to human health.

I believe it is very important as a chemical engineer that we base decisions on sound science. You said that your goal remains to have it complete, this EPA's risk evaluation—and Senator Tester brought this up earlier—to have this completed by December.

My communities in Montana are eager, eager for progress. We have known for a while the dangers of asbestos, and we want to protect others from the tragedies that we have seen in Montana.

So I want to thank you for going a step beyond what is required under TSCA with a Significant New Use Rule regarding asbestos. My question is, why did the EPA list specific uses of asbestos instead of banning all new uses?

Mr. WHEELER. We are about to go final on the Significant New Use Rule, and we are looking at that. We took comment, and that is part of our deliberation at this point.

There was a lot of misinformation in the press last year when we announced the Significant New Use. The TSCA process takes several years from start to finish. We wanted to make sure that no new—I have to be careful not to prejudge. We were concerned that there could be importation of asbestos products into our country.

We are seeing asbestos showing up in products from Russia and China. So the only way to ensure that the EPA is aware of that ahead of time is the Significant New Use Rule, which would allow us before an importer could import a new product containing asbestos that they would have to go to us for permission. We could then deny it.

There was no mechanism to do that prior to our Significant New Use Rule. So that is what we are trying to do to close that loophole.

Senator DAINES. Right.

Mr. WHEELER. I was accused last year in the press of trying to open up the markets to all kinds of asbestos products, and that is the furthest thing from the case.

Senator DAINES. Thank you for staying very engaged and active on this issue as well. I want to work with you. I want to work on legislation to do just that. I think it is more predictable for all parties involved. I want to see an outcome that protects the people of this country and in Montana, and my goal is to help prevent these future tragedies like we have seen in places like Libby.

Mr. WHEELER. When I was a career staffer at EPA in the early 1990s in the toxics office, the EPA program had a setback on the asbestos regulation. Part of that was overturned by the court, and the agency has not tried to address asbestos since then.

With the new TSCA, I think we can address these issues. The Significant New Use Rule is supposed to be the stop-gap measure until we finish the risk assessment and the regulation of asbestos, but we are moving forward for the first time in over 25 years to try to address the asbestos.

Senator DAINES. Okay. Thank you, Administrator.

OFFSHORE FISH GRINDING

Senator MURKOWSKI. Thank you, Senator Daines.

Administrator Wheeler, I have a couple more quick ones, and I am going to run over to Homeland Security approps hearing and ask a couple questions over there before we gavel out. Senator Blunt is going to be here with Senator Udall as we wrap up.

We have made some headway working with you on the offshore fish grinding. Thank you for helping us with that effort, but we are still dealing with the onshore processing issue, even with the best available technology. One hundred percent compliance with the permit requirements is not achievable because of the nature of the seafood waste. This results in extensive noncompliance reporting under the EPA permit, serving as a constant threat of enforcement risk and loss.

I would ask once again for your commitment to work with me to ensure that our onshore fish processors are not going to face fines for simply doing everything that they can to comply with the regulation. I do not know if you have any updates for me, but that is something that we have to get resolved.

Mr. WHEELER. We are supposed to have our draft general permit for public review published early this month for public comment.

Senator MURKOWSKI. Okay. This month, April?

Mr. WHEELER. Yes, April.

Senator MURKOWSKI. So sometime in the next week or so?

Mr. WHEELER. Yes. I have planned for early April. Yes, Senator.

DIESEL GENERATORS

Senator MURKOWSKI. Okay. We will look forward to that.

Another perennial issue relates to diesel generators in our remote communities and the EPA regulation that requires any diesel generator purchased after model year 2014 to have a diesel particulate filter installed, even if it is used as a primary power generator.

So you know this issue very well in terms of the high cost of compliance to many of our small remote communities, and your regulatory review panel set up as a result of Executive Order 13777. We have asked the EPA to reexamine the reg related to these diesel engines.

Do you have a current status on that? Please do anything you can to demonstrate your commitment to work with us with regard to our micro grids scattered all throughout the State.

Mr. WHEELER. I am told that we should be issuing a Notice of Proposed Rulemaking and direct Final Rule in June of this year.

Senator MURKOWSKI. Looking forward to it.

Administrator, I really appreciate your in-depth responses to some of these questions, and getting into real performance on initiatives, many of which have been hanging out there for a long period of time. Know that I look forward to working with you.

I am going to yield the rest of my time here to Senator Udall, and thank you for being here this morning.

Mr. WHEELER. Thank you.

METHYLENE CHLORIDE

Senator UDALL. Thank you, Madam Chair.

We are, as you know, Administrator Wheeler, almost 3 years since the passage of overwhelming bipartisan reform of TSCA, and I know you are aware how involved I was in that. So you can imagine my disappointment when the very first chemical regulation you took, methylene chloride, was a watered-down rule that walks back protections for workers.

EPA recently finalized a ban on all consumer uses of the methylene—chemical methylene chloride in paint strippers. Inexplicably, the ban failed to cover workers, as the originally proposed ban did, despite the fact that the vast majority of more than 50 deaths from this chemical have occurred in the workplace.

In fact, I have met with the mother of Kevin Hartley, who died at age 21 while working, using a methylene chloride-based stripper he had been trained to use. We know that people are dying using these strippers on the job.

In finalizing the consumer ban, EPA found unreasonable risk of acute human lethality. That means that EPA has already found that this chemical in paint strippers and coating removers poses an unreasonable risk of acute human lethality. Is that correct that you found that?

Mr. WHEELER. Yes. I believe that is correct, but you are being very specific. I would like to get back to you on that line.

[The information follows:]

METHYLENE CHLORIDE

On March 27, 2019, EPA published a final rule on methylene chloride. In that final rule, EPA determined that the use of methylene chloride in consumer paint

and coating removal presents an unreasonable risk of injury to health due to acute human lethality. While EPA previously proposed a determination of unreasonable risk from the use of methylene chloride in commercial paint and coating removal, EPA did not finalize that determination in this rule. EPA is soliciting comment, through an advance notice of proposed rulemaking (ANPRM) published separately from the final rule for consumer paint and coating removal use. The ANPRM focuses on questions related to a potential training, certification, and limited access program as an option for risk management for all of the commercial uses of methylene chloride in paint and coating removal.

Senator UDALL. I believe you have made the finding——

Mr. WHEELER. Yes.

Senator UDALL [continuing]. Unreasonable risk of acute human lethality. I am using the actual words of your agency, and the answer clearly is yes.

Mr. WHEELER. Yes.

Senator UDALL. EPA found that this chemical in paint strippers and coating removers poses an unreasonable risk of acute human lethality, and the EPA is aware that workers have died using this product on the job. Is that correct?

Mr. WHEELER. That is, but what we did was institute a comment period for training and certification, which has never been in place before. During the comment period, if we determine that we cannot have a program that we are guaranteed training and certification that we will safeguard the workers, then we can move to ban it for the workers as well.

Senator UDALL. Yes. Well, the young man that I spoke about was trained, and he——

Mr. WHEELER. But he was not trained by a program set up by the Federal Government. That was a training by his employer or by the manufacturer. So what we are looking at is whether or not the product can be safely used by trained people under a training and certification program by the EPA and the Federal Government.

PFOS/PFOA CONTAMINATION

Senator UDALL. Well, I understand you have a preproposal to consider measures that could address any unreasonable risk that EPA could potentially find to be presented by methylene chloride when used for commercial paint and coating removal. But we know that the EPA has already found that there are unreasonable risks of human lethality from methylene chloride, and we know that workers are at risk.

To me, it is clear that workers as well as consumers need protection. I know that Kevin Hartley's mother, Wendy, would agree with that. This is not the TSCA reform we all spent so much time and effort working on.

Now I would like to turn quickly to an important regulatory issue that EPA is working on in my home State. That is the clean-up of the chemical PFOS.

As you know, Mr. Administrator, the way the EPA is set up to interact with the State environment departments is very different from how other agencies are set up. State environment departments have delegated authority, as we have talked about here, for things like the Safe Water Drinking Act and the Resource Recovery Act.

So EPA delegates primary enforcement responsibility to States and Indian tribes to clean up the contamination. As you probably know, the State of New Mexico is currently trying to compel the Air Force to clean up PFOS contamination of groundwater that has resulted from firefighting foam used at two Air Force Bases in New Mexico, and now there is also ongoing litigation.

Given that the New Mexico Environment Department has primacy and delegation agreements from EPA, I think the EPA is obligated to provide technical and legal assistance on groundwater cleanup on these matters. Will you commit to provide EPA's assistance to the State of New Mexico's Environment Department as they work to clean up PFOS contamination?

Mr. WHEELER. It is my understanding we have already offered assistance to them. If we have not, we certainly will, but we have worked with a couple dozen States and local communities on enforcement actions for PFOS/PFOA across the country, and I do not know why we would not do that for New Mexico.

Senator UDALL. We are happy to have that commitment.

The tricky part—and, Mr. Chairman, I just want to clarify this. The very tricky part is they are in litigation with the Department of Justice and—

Mr. WHEELER. I understand.

Senator UDALL [continuing]. The Department of Defense. So we hope that the information you share with the State, it is not shared with their opponents, that it can be held confidential, because are in an unusual situation where the Air Force is trying to push down the standards. And the Department of Defense—there are a lot of reports on this—they want the PFOS standards to be lower.

So it is important to us that you share information with New Mexico on a confidential basis. Can you do that?

Mr. WHEELER. Yes. We do that with Federal facilities all around the country in a number of different statutes.

Senator UDALL. Thank you very much.

Back to the Chairman.

Senator BLUNT [presiding]. Thank you, Senator Udall.

Thank you, Administrator Wheeler, for being with us today.

Mr. WHEELER. Thank you.

Senator BLUNT. The record will stay open for 1 week for additional questions and your responses.

ADDITIONAL COMMITTEE QUESTIONS

[The following questions were not asked at the hearing, but were submitted to the Agency for response subsequent to the hearing:]

QUESTIONS SUBMITTED TO HON. ANDREW WHEELER

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

DIESEL GENERATORS

Question. Many remote Alaskan Villages use diesel generators to generate power for their communities. EPA regulation on such generators requires that any diesel generator purchased after Model Year 2014 is required to have a "Diesel Particulate Filter" installed if it is used as the primary power generator. These filters have a high failure rate and even simple upgrades can be difficult. This regulation carries a very high cost of compliance that many rural Alaskan communities cannot bear.

In our hearing on April 3, you stated that EPA would take action to provide regulatory relief to these Alaskan communities through an amended regulation. Can you provide us with a timeline for EPA's planned regulatory actions on providing relief on this issue?

Answer. The EPA is working to amend the standards of performance for stationary compression ignition (CI) internal combustion engines to address these issues. We issued a direct final rule and parallel proposed rule in June 2019. The direct final rule was withdrawn due to adverse comments. We are working on responding to the comments and consider those comments when preparing a final rule.

IRIS HANDBOOK

Question. The lack of transparency in the Integrated Risk Information System (IRIS) Program and its process continues to be of concern. Releasing the already delayed IRIS handbook will be a critical tool to bring more clarity and transparency to the IRIS process.

When can we expect the handbook to be made available for public review and comment? Is there a schedule for having the handbook placed into operation? And will the handbook clearly describe the Agency's process for evaluating and integrating scientific data?

Answer. To ensure transparency and consistency across assessments, the IRIS Handbook was developed and implemented internally as a standard operating procedures document for staff in the IRIS Program. The goal is to also release the handbook for public comment and peer review when broader Agency review is complete. In the meantime, chemical-specific IRIS products provide detailed descriptions of the systematic review methods applied to each assessment. A number of these products were recently released for public comment early in the draft development process (<https://www.epa.gov/iris>).

QUESTION SUBMITTED BY SENATOR CINDY HYDE-SMITH

TIRE CRUMB

Question. I understand a report on Recycled Tires Used on Playing Fields is past due but imminent and realize the study is not yet complete.

When this information is released to the public, will it answer the questions of any associated exposure risks in artificial turf or playgrounds as the public and industry have been seeking?

Answer. The timeline the EPA, Centers for Disease Control (CDC), Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Consumer Product Safety Commission (CPSC) initially set for the research activities included under the *Federal Research Action Plan (FRAP) on Recycled Tire Crumb Rubber Used on Synthetic Turf Playing Fields and Playgrounds* has been affected by a number of factors including the time needed to obtain important Federal approvals and the need to address external peer review comments.

A goal of the FRAP is to characterize potential human exposures to the substances contained in recycled tire crumb rubber used on synthetic turf fields. Results of the effort will be reported in two parts. Part 1 (Recycled Tire Crumb Characterization report) communicates the research objectives, methods, results, and findings for the tire crumb rubber characterization research (i.e., what is in the material). Part 1 was released to the public on July 25, 2019. In general, the findings from the report support the premise that while chemicals are present, as expected, in the tire crumb rubber, human exposure may be limited based on what is released into air and/or simulated biological fluids. Part 2, to be released at a later date, will document the results from the exposure characterization (i.e., how people come in contact with the materials, how often, and for how long), including a biomonitoring study being conducted by CDC/ATSDR. CPSC is conducting the work on playgrounds and results from that effort will be reported separately.

When finalized, neither Part 1 nor Part 2 of this study, separately or combined, will constitute an assessment of the risks associated with playing on synthetic turf fields with recycled tire crumb rubber infill. When this study was ordered in 2016, it was not supposed to be a risk assessment. The results of the research described in the final versions of both Part 1 and Part 2 of this study should inform future risk assessments.

For more information, please visit: <https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields>.

QUESTIONS SUBMITTED BY SENATOR TOM UDALL

PEER REVIEW OF "APPLICATION OF SYSTEMATIC REVIEW IN TSCA RISK EVALUATIONS"
DOCUMENT BY NATIONAL ACADEMY OF SCIENCES

Question. In your January 2019 letter to Senator Tom Carper, you stated that EPA would "promptly submit the methodology for deciding how to collect and evaluate scientific research related to a chemical's safety that was recently developed by the Office of Chemical Safety and Pollution Prevention (OCSPP) to the National Academy of Sciences (NAS) for peer review and feedback and, at the same time EPA will use the Frank R. Lautenberg Chemical Safety for the 21st Century Act Section 26(o) mandated advisory committee, a FACA committee, whose purpose is to provide independent advice and expert consultation with respect to the scientific and technical aspects of issues related to TSCA, to provide its independent advice on the methods used by OCSPP to collect and evaluate scientific research in the first 10 risk evaluations. I also commit to make public the review, feedback and any recommendations received from both the NAS and the advisory committee within 30 days of their receipt. Finally, EPA will incorporate feedback and recommendations as appropriate."

Have you submitted this methodology to the NAS and to EPA's advisory committee?

Answer. The current systematic review approach document is available online for public review and the link to the document and the public comments has been shared with the EPA's Scientific Advisory Committee on Chemicals (SACC).

The EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) has been working with the NAS to engage the Academy in reviewing EPA's Systematic Review Method for TSCA risk evaluations. EPA awarded a contract to the NAS in July of 2019 and the Task Order specific to this effort was executed in December of 2019. NAS will hold one public meeting and issue a report by June of 2020.

The SACC was established under the authority of the Toxic Substances Control Act (TSCA) to provide independent scientific advice and recommendations to EPA. During the first peer review meeting, the SACC received a briefing on this document and how it was implemented. In the charge questions for the SACC on the first chemicals to undergo peer review (pigment violet 29, HBCD, 1,4-dioxane, and 1-bromopropane), EPA received feedback on the systematic review procedure in the context of its use for the particular chemical evaluation. We look to incorporate both these comments as well as those from the NAS into potential future updates into our systematic review procedure.

Question. If yes, on what date, and when do you expect to receive feedback or recommendations?

Answer. EPA received feedback on the systematic review procedure in the context of its use for the particular chemical during the SACC review of pigment violet 29, held from June 18 to 21, 2019, HBCD and 1,4-dioxane, held from July 29 to August 2, 2019, and 1-bromopropane, held from September 10 to 12, 2019. The EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) has been working with the National Academies of Science (NAS) to engage the Academy in reviewing EPA's Systematic Review Method for TSCA risk evaluations. EPA awarded a contract to the NAS in July of 2019 and recently issued a task order to the contract which includes the charge questions to the Academy along with the necessary timeframe for the work to be completed.

Question. If no, why not?

Answer. The EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) has been working with the National Academies of Science (NAS) to engage the Academy in reviewing EPA's Systematic Review Method for TSCA risk evaluations. EPA awarded a contract to the NAS in July of 2019. EPA recently issued a task order to the contract that includes the charge questions to the Academy along with the necessary timeframe for the work to be completed.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

FUEL ECONOMY STANDARDS

Question. Administrator Wheeler, I have been a long-time champion of the fuel economy standards. In 2007, the *Ten-in-Ten Fuel Economy Act* became law. This followed a decade-long effort and is a testament to bipartisan cooperation.

This law sets requirements for fuel economy standards to be carried out by the Secretary of Transportation. Similar requirements for vehicle emission standards under the Clean Air Act and carried out by EPA and the State of California. All

three of these authorities are today implemented as a single, coordinated national program.

As a result, new cars are on a path to surpass 50 miles per gallon by 2025, saving more than \$79 million in fuel costs for American families and 250 million metric tons of carbon dioxide. I strongly believe we should maintain this successful program.

Unfortunately, the administration has decided not to preserve the coordinated national program of standards. Rather than work with California, you have publicly cancelled negotiations and proposed to overturn the State's authority over air pollution. If this is the approach you take, it will only lead to litigation and failure.

Before you finalize a rule that undermines the national program of standards, I urge you to reconsider your approach.

Administrator Wheeler, when do you expect to issue your final rule for the 2022 to 2025 standards?

Answer. Despite the administration's best efforts to reach a common-sense solution, the EPA, DOT, and the White House have acknowledged that California has failed to put forward an actual alternative since the SAFE Vehicles Rule was proposed. Accordingly, the administration is moving forward to finalize a rule with the goal of promoting safer, cleaner, and more affordable vehicles. The agencies sought comment on a wide range of stringency alternatives and received numerous comments on the proposal. The EPA will carefully consider the public comments, data and information we have received as we continue to develop the final rule.

Question. If the administration refuses to reach an agreement with California, that guarantees a lengthy court battle. Who does that benefit?

Answer. Despite the administration's best efforts to reach a common-sense solution, the EPA, DOT, and the White House have acknowledged that California has failed to put forward an actual alternative since the SAFE Vehicles Rule was proposed. Accordingly, the administration is moving forward to finalize a rule with the goal of promoting safer, cleaner, and more affordable vehicles. The agencies sought comment on a wide range of stringency alternatives and received numerous comments on the proposal. The EPA will carefully consider the public comments, data and information we have received as we continue to develop the final rule.

Question. Do you intend to maintain the standards on a path to surpass 50 miles per gallon, or will you hold them to less than a 1 percent increase per year?

Answer. Despite the administration's best efforts to reach a common-sense solution, the EPA, DOT, and the White House have acknowledged that California has failed to put forward an actual alternative since the SAFE Vehicles Rule was proposed. Accordingly, the administration is moving forward to finalize a rule with the goal of promoting safer, cleaner, and more affordable vehicles. The agencies sought comment on a wide range of stringency alternatives and received numerous comments on the proposal. The EPA will carefully consider the public comments, data and information we have received as we continue to develop the final rule.

REGION 9—LEADERSHIP

Question. Administrator Wheeler, I have serious concerns about the leadership in Region 9. Last year, I raised these concerns before Mr. Stoker was appointed, and my concerns have recently been validated by EPA's Office of the Inspector General. According to an EPA inspector general alert dated March 2019, from May 2018 through January 2019, Region 9 Administrator Mike Stoker spent 50 percent of his time on official travel, 16 percent teleworking, 20 percent in the San Francisco regional office, and 13 percent of his official time in the Los Angeles field office. This is unacceptable.

- a. Administrator Wheeler, it is very difficult to lead a team while absent. Is there a legitimate need for Region 9 Administrator Stoker's constant travel instead of being present to lead his team?
- b. Is his travel an appropriate use of taxpayer money?
- c. I understand Mr. Stoker may view his role as an "ambassador." Ambassadors also have staff on the ground to meet with stakeholders. Wouldn't it be more appropriate and fiscally responsible to have local staff meet with stakeholders instead of constantly sending the Region 9 Administrator?
- d. Stoker refused to move closer to the San Francisco regional office, even though 93 percent of the staff live there. He prefers to live by the Los Angeles Field office, where only 3 percent of staff live, yet still spent 16 percent of his time teleworking versus 13 percent actually in the Los Angeles field office, where he chose to be based. This seems like an ineffective way to work and a waste of resources. Do you believe Mr. Stoker can run an entire region in this manner?

- e. In addition, Stoker appointed a Chief of Staff who lives in Las Vegas where, according to the OIG report, no other staff are located. Do you believe a Chief of Staff can be effective if he lives in a different State than the vast majority of the staff?

Answer. The work of senior level positions at the EPA is and must be highly portable. That is especially true with the positions of regional administrators whom we expect to regularly travel throughout their regions and be accessible to State regulators, the regulated community, and a wide variety of stakeholders. In fact, the EPA already recognizes and has for some time the portability of senior career positions by authorizing regular travel throughout the country and among EPA offices to allow those individuals to perform their responsibilities. In the case of regional administrators and other senior level positions, policy setting and managerial duties are often done from remote locations, either because the individual is traveling to meetings or because they are connected by phone or video conferencing to national meetings. We want to continue to encourage that at the EPA because it has been so well received.

Concerning Mr. Stoker, in particular, the EPA evaluated where he should be best placed when he joined the Agency in May 2018. Since his appointment, Mr. Stoker has demonstrated that he has been able to perform his duties of regional administrator while maintaining a regular travel schedule placing him in San Francisco, Los Angeles, and many locations elsewhere in Region 9. Nevada also is within Region 9. Having a political appointee working in an EPA office in a State other than California within Region 9 is very important. Finally, the EPA has another political appointee working as a senior advisor to Mr. Stoker working in San Francisco. I think it is important to point out, although I know it is not your intent, but your question does not recognize that Region 9 has very capable senior career staff who help lead the programs and the hundreds of EPA employees in Region 9.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

PFAS/PFOA

Question. There are communities in Vermont and across the country that are facing toxic contamination from *per- and polyfluoroalkyl* substances (PFAS/PFOA) as a result of industrial manufacturing and a lack of property monitoring, reporting, and protections for drinking water source quality. The EPA has now released its plan to address the widespread PFAS/PFOA contamination.

What specific kinds of guidance and resources will the EPA provide for communities and States dealing with PFAS/PFOA contamination?

Answer. The EPA released the PFAS Action Plan that identifies both short-term approaches for addressing PFAS chemicals and long-term strategies that will help provide the tools and technologies States, Tribes, and local communities need to clean up sites and provide clean and safe drinking water to their residents.

Consistent with the Plan, the EPA released draft interim guidance for addressing groundwater contaminated with PFOA and/or PFOS for public review and comment. These draft recommendations are designed to help protect human health in communities across the country by providing clear guidance on addressing PFOA and PFOS in groundwater in a consistent manner under Federal cleanup programs and may also be useful for State and Tribal cleanup programs, and in carrying out other Federal regulatory authorities (e.g., Federal facility cleanup programs, approved State Resource Conservation and Recovery Act corrective action programs.)

The PFAS Action Plan is the first-ever multi-media, multi-program, national research, management, and risk communication plan to address a challenge like PFAS. The Plan identifies short-term solutions for addressing these chemicals, and long-term strategies that will help provide the tools and technologies that States, Tribes, and local communities need to provide clean and safe drinking water to their residents. The EPA is making progress on the PFAS Action Plan by developing tools and expanding the body of scientific knowledge needed to understand and effectively manage risk from PFAS compounds. Additionally, the EPA has conducted sampling, testing, and identification of PFAS substances in 32 States and the District of Columbia through our Superfund program.

As noted in the Plan, the EPA is working with partners to develop and disseminate sampling, measurement, risk communication, and treatment tools to help communities and stakeholders prevent and mitigate exposure to PFAS chemicals. For example, the EPA intends to continue to update the Drinking Water Treatability Database for PFAS chemicals, including treatability and cost information for different technologies and additional PFAS chemicals of concern.

As discussed in the plan, the EPA is also developing new analytical methods and tools for detecting, understanding, and managing PFAS chemical risk. For example, the EPA expanded the current drinking water Method 537 to include GenX chemicals and additional PFAS chemicals. Furthermore, the agency is developing a new drinking water method for additional short-chain PFAS chemicals not measured by Method 537. The EPA is also developing and validating methods for other water matrices (wastewater, surface waters, groundwater), solids (soil, sediment, biosolids, fish tissue), and air (ambient air, stack emission, off-gases).

Additionally, the EPA is coordinating with Federal, State, Tribal, and local partners to provide information about PFAS chemical detections for government and public users in areas related to sampling, data sharing, and data evaluation. This coordination includes working with other agencies on PFAS-related research, in areas that encompass toxicology studies of a broad number of PFAS, with the National Institute of Environmental Health Sciences National Toxicology Program. Additionally, the EPA is working with other Federal agencies such as the Agency for Toxic Substances and Disease Registry, the Food and Drug Administration, the United States Department of Agriculture, and the Department of Defense to examine PFAS exposures and to ensure we are providing clear and consistent risk communications. The coordination with other agencies encompasses many aspects of matrices of concern for addressing PFAS.

Question. What is the specific timeline for the EPA's establishment of a maximum contaminant (MCL) for PFAS/PFOA in drinking water, and how does this compare to the EPA's timeline for establishing MCL's for other chemicals?

Answer. The EPA is committed to following the Maximum Contaminant Level rulemaking process as established by the Safe Drinking Water Act. As the next step in this process, a regulatory determination which includes the PFOA and PFOS chemicals, is currently under Executive Order 12866 review. Once finalized, the EPA will then work through the rulemaking process as expeditiously as possible.

GEOGRAPHIC PROGRAMS

Question. Your budget proposes eliminating or dramatically cutting every one of the EPA's Geographic Programs in the 2020 budget.

What specific factors led to your determination this funding is no longer necessary? Does the Trump administration claim that these lakes, bays, gulfs, and other regions are all cleaned up and their problems solved?

Answer. The EPA's fiscal year 2020 budget request focuses on funding to maintain core environmental protection programs with a national scope and returns responsibility for regional and local environmental work to State and local entities.

The Budget reflects the EPA's role on core programs at the Agency while working with our State and Tribal partners and is guided by congressional direction core environmental statutory, and regulatory obligations, and encourages local entities to continue to make progress. However, we have many other programs which support the goals of these geographic programs.

Question. Just weeks after his budget proposed a 90 percent cut to the EPA's Great Lakes Restoration Initiative, President Trump reversed his position at a campaign event in Grand Rapids, Michigan, a reversal that you have now supported. What new information led you and President Trump to change your mind about cutting more than \$65 million from the Great Lakes program?

Answer. The EPA is committed to working with Congress, as well as our Federal and State partners, to protect human health, support economic growth, and improve environmental conditions for Americans that live and work in the Great Lakes region.

Question. Now that your position on Great Lakes restoration has supposedly changed, do you also plan to reverse your position on other water quality programs such as the Lake Champlain program that the budget eliminates?

Answer. The EPA's fiscal year 2020 budget request focuses on funding to maintain core environmental protection programs with a national scope and returns responsibility for regional and local environmental work to State and local entities.

The Budget reflects the EPA's role on core programs at the Agency while working with our State and Tribal partners and is guided by Congressional direction core environmental statutory, and regulatory obligations, and encourages local entities to continue to make progress.

Question. Does the EPA plan to submit an amended budget request to fund the EPA's Geographic Programs, as required? When can the Committee expect to receive this amended request? What will you use for an offset?

Answer. Amended budget requests are submitted by the Office of Management and Budget. The amendment package was sent on May 13, 2019.

NEW SOURCE PERFORMANCE STANDARDS

Question. In August 2018, the EPA proposed to modify the New Source Performance Standards (NSPS) to extend the sell-through for new residential hydronic and new forced-air furnaces through May 2022 in order to provide manufacturers and retailers additional time to sell units that were compliant at the time of their production, and to ease the transition to the NSPS emissions reductions.

Why did the EPA not also propose extending the sell-through for residential wood and pellet stoves?

Answer. The proposed amendments to the New Source Performance Standards (NSPS) for Residential Wood Heaters would allow retailers additional time to sell the existing inventory of hydronic heaters and forced-air furnaces. The EPA also took comment on a similar sell-through provision for wood stoves and on whether the pellet fuel requirements should be revised. In addition, the EPA issued an Advance Notice of Proposed Rulemaking (ANPR) to seek comment on several aspects of the 2015 NSPS, including the feasibility of the upcoming May 2020 compliance date for manufacturers of hydronic heaters and forced-air furnaces to meet a second, more stringent emission limit, known as the Step 2 limit. The EPA did not propose a sell-through for wood and pellet stoves because at the time of proposal, there were roughly 78 wood/pellet stoves that were certified to meet the Step 2 limit. There were only 9 hydronic heaters and 1 forced air furnace meeting the Step 2 limit at the time of proposal.

The EPA received 366 comments in response to the proposed amendments from manufacturers, retailers/distributors, pellet fuel industry, States, private citizens, and health and environmental organizations and 39 comments in response to the ANPRM. The EPA is reviewing the public comments to inform the next steps.

EMISSION STANDARDS RULE

Question. John Graham, an environmental adviser appointed to the EPA's Science Advisory Board by former Administrator Pruitt, has predicted that the EPA's proposed rule to scale back vehicle emissions standards would stall long-term automotive innovation and ultimately increase costs to consumers as they are forced to spend more money on gasoline. The analysis estimates that the new rule would lead to the creation of 236,000 fewer jobs than if the Obama administration rule were left in place. The EPA's emissions rule would stall American ingenuity, thwart job creation and technological advances, and cut Americans out of the coming green economic boon.

Upon what analysis is the EPA or the administration relying for this new emissions rule?

Answer. In the SAFE Vehicles proposal, the EPA and the National Highway Traffic Safety Administration (NHTSA) estimated that the proposed revisions would result in a \$2,260 decrease in the average price of new vehicles. More information on the analysis for the SAFE Vehicles proposal is available at: Docket No. EPA-HQ-OAR-2018-0283. Commenters provided views and information on these issues, as well as comments related to impacts on the competitiveness of the U.S. auto industry. The EPA will carefully consider these comments as we develop the final rule.

Question. As the international automobile market continues to invest in fuel efficient vehicles, how will you ensure that easing standards on purely domestic vehicles will not jeopardize U.S. competitiveness?

Answer. Please see answer shown above.

CLEAN WATER ACT—DEFINITION

Question. Current estimates predict that for every, one mile of mapped streams in the United States, there are 1.5 miles of unmapped ephemeral streams that flow inconsistently but play a critical role in the interconnectivity of the Nation's water system, provide ecosystem services, and impact drinking water quality.

Does the EPA have a plan to more accurately determine exactly how much water would lose protection under the Clean Water Act with the implementation of the more restrictive Waters of the United States definition?

Answer. The proposed definition of "waters of the United States" would provide a straightforward definition that would protect the Nation's navigable waters, help sustain economic growth, and reduce barriers to business development. This proposed rule provides clarity, predictability, and consistency with the goal of the regulated community being able to more the regulated community can easily understand where the Clean Water Act applies—and where it does not. The EPA and the Department of the Army's proposal is consistent with the statutory authority that was given to the agencies by Congress, the legal precedent set by key Supreme Court

cases, and the February 2017 Executive Order entitled “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.”

The EPA and the Department of the Army provided supporting documentation for the proposed “Waters of the United States” rule in the *Resource and Programmatic Assessment for the Proposed Revised Definition of ‘Waters of the United States’ and Economic Analysis for the Proposed Revised Definition of ‘Waters of the United States.’* These documents estimate, where possible, how the proposed definition might affect categories of water resources across the country and potential effects on Clean Water Act programs. The agencies have also identified significant data limitations that prevent quantitative national estimates of the potential change in jurisdictional waters, due in large part to the fact there is no nationwide map depicting “waters of the United States” under previous regulations or waters that would be jurisdictional under the proposed rule.

Regarding existing information, State-based information on ephemeral, intermittent, and perennial stream miles and wetland acreage, as mapped in the National Hydrography Dataset and National Wetlands Inventory, is presented in Table A-1 of the Economic Analysis. However, the numbers and percentages of streams and wetlands by category presented in Table A-1, do not equate to a quantification of waters that would or would not be jurisdictional under the proposed rule or existing regulation. The agency will consider any data on water resources submitted during the public comment process as it develops a final rule. Recognizing the limitations of existing datasets to characterize jurisdictional waters, the agencies solicited comment in the proposed rule preamble on partnering with States, Tribes, and other Federal agencies to develop geospatial datasets of waters of the United States that could be developed over time and made publicly available. The agencies are currently in the process of scoping out this effort and considering public comments.

Question. How will the EPA respond to the tens of thousands of comments already received on this new rule? What is the timeline for addressing those responses?

Answer. The comment period for the proposed rule closed on April 15, 2019. The EPA and the Army are currently in the process of reviewing the comments and will develop responses and are working toward finalizing the rule this winter.

METHYLENE CHLORIDE

Question. The recent final rule issued by the EPA to prevent the consumer use of methylene chloride is a positive step but falls well short of the complete ban proposed by President Obama. You have said that the EPA plans to determine if there is a safe way to train employees for commercial use of this highly toxic chemical.

Will there be a temporary ban while the EPA determines whether or not such a training exists? If not, why not?

Answer. No. The EPA is soliciting comment, through an advance notice of proposed rulemaking (ANPRM), on questions related to a potential training, certification, and limited access program as an option for risk management for commercial uses of methylene chloride in paint and coating removal. On March 27, 2019, the EPA issued a final rule to ban the manufacture (including import), processing, and distribution of methylene chloride in all paint and coating removers for consumer use, among other requirements. The EPA is also conducting a risk evaluation on the remaining conditions of use of methylene chloride, including as paint and coating remover for commercial users, and will finalize this risk evaluation in accordance with the statutory deadlines of TSCA.

Question. Does the EPA plan to establish one universal training and certification program required by all commercial users of this chemical? Considering you have proposed a \$12 million cut to compliance monitoring, what will the EPA technical assistance and enforcement look like should a program be agreed upon?

Answer. The EPA is currently accepting public comment on an ANPRM to solicit public input on training, certification, and limited access requirements that could address any unreasonable risks that the EPA could potentially find to be presented by methylene chloride when used for commercial paint and coating removal. Such a program could allow access to paint and coating removal products containing methylene chloride only to commercial users who are certified as properly trained to engage in use practices that do not present unreasonable risks. It is premature to predict the approach and future year budget resources for implementation if the EPA finalizes a determination of unreasonable risk and then addresses it through a training, certification, and limited access program for commercial paint and coating removal.

SUBCOMMITTEE RECESS

Senator BLUNT. This Committee is adjourned.

Mr. WHEELER. Thank you.

[Whereupon, at 10:32 a.m., Wednesday, April 3, the subcommittee was recessed, to reconvene subject to the call of the Chair.]