

FISCAL YEAR 2022 EPA BUDGET

VIRTUAL HEARING

BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT AND CLIMATE
CHANGE

OF THE

COMMITTEE ON ENERGY AND
COMMERCE

HOUSE OF REPRESENTATIVES

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FISCAL YEAR 2022 EPA BUDGET

THURSDAY, APRIL 29, 2021

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

The subcommittee met, pursuant to call, at 11:05 a.m., via Cisco Webex online video conferencing, Hon. Paul Tonko (chairman of the subcommittee) presiding.

Members present: Representatives Tonko, DeGette, Schakowsky, Sarbanes, Clarke, Ruiz, Peters, Dingell, Barragán, McEachin, Blunt Rochester, Soto, O'Halleran, Pallone (ex officio), McKinley (subcommittee ranking member), Johnson, Mullin, Hudson, Carter, Duncan, Curtis, Crenshaw, and Rodgers (ex officio).

Also present: Representatives Castor and Burgess.

Staff present: Jeffrey C. Carroll, Staff Director; Jacqueline Cohen, Chief Environment Counsel; Adam Fischer, Professional Staff Member; Waverly Gordon, General Counsel; Tiffany Guarascio, Deputy Staff Director; Anthony Gutierrez, Professional Staff Member; Caitlin Haberman, Professional Staff Member; Perry Hamilton, Clerk; Zach Kahan, Deputy Director, Outreach and Member Service; Rick Kessler, Senior Advisor and Staff Director, Energy and Environment; Mackenzie Kuhl, Digital Assistant; Brendan Larkin, Policy Coordinator; Dustin J. Maghamfar, Air and Climate Counsel; Elysa Montfort, Press Secretary; Kaitlyn Peel, Digital Director; Tim Robinson, Chief Counsel; Chloe Rodriguez, Clerk; Nikki Roy, Policy Coordinator; Andrew Souvall, Director of Communications, Outreach, and Member Services; Rebecca Tomilchik, Policy Analyst; Caroline Wood, Staff Assistant; Sarah Burke, Minority Deputy Staff Director; Michael Cameron, Minority Policy Analyst, Consumer Protection and Commerce, Energy, Environment; Jerry Couri, Minority Deputy Chief Counsel, Environment; Nate Hodson, Minority Staff Director; Peter Kielty, Minority General Counsel; Bijan Koohmaraie, Minority Chief Counsel; Mary Martin, Minority Chief Counsel, Energy and Environment; Brandon Mooney, Minority Deputy Chief Counsel, Energy; Peter Spencer, Minority Senior Professional Staff Member; and Michael Taggart, Minority Policy Director.

Mr. TONKO. Good morning. The Subcommittee on Environment and Climate Change will now come to order.

Today the subcommittee is holding a hearing entitled "The Fiscal Year 2022 EPA Budget."

Due to the COVID-19 public health emergency, today's hearing is being held remotely. All Members and witnesses will be participating via video conferencing.

As part of our hearing, microphones will be set on mute for purposes of eliminating inadvertent background noise. Members and witnesses, you will need to unmute your microphone each time you wish to speak.

Documents for the record can be sent to Rebecca Tomilchik at the email address we have provided to staff. All documents will be entered into the record at the conclusion of the hearing.

I now recognize myself for 5 minutes for an opening statement.

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

Today we have the pleasure of welcoming the recently confirmed sixteenth Administrator of the U.S. Environmental Protection Agency, Michael S. Regan. And we welcome him to the Energy and Commerce Committee's hearing here, and the subcommittee hearing.

And, Mr. Administrator, congratulations on your confirmation, and welcome to the Subcommittee on Environment and Climate Change. We look forward to your testimony and discussion of our President's Fiscal Year 2022 budget request and other EPA priorities.

While you have only recently joined the Agency, I know you are fully aware of the critical role that EPA must play in leading our Nation's response to some of the biggest public health, environmental, and economic challenges we now face. None of these challenges will be easy, but I am hopeful that we are entering a new era at EPA, and this reset could not come at a more urgent moment for America or the world.

The President's Fiscal Year 2022 Discretionary Funding Request requests \$11.2 billion for the Agency, a \$2 billion increase from last year's enacted levels. The President's requests highlights several priorities, including \$1.8 billion for programs to tackle the climate crisis in ways that also promote and restore environmental justice; \$3.6 billion for our Nation's long-neglected water systems, many of which are contaminated with PFAS, lead, and other dangerous substances; robust funding for Superfund and brownfield remediation projects; and increased air quality monitoring and enforcement in overburdened communities.

As we work to recover from the COVID public health crisis, we must not take our eye off the many environmental threats facing countless American communities. EPA must act boldly to advance robust policies on climate change, on clean water, chemical safety, and on land remediation. This agenda will certainly require increased staffing to meet the Nation's needs, a challenge compounded by the loss of nearly 1,000 EPA employees over the past 4 years.

Today the Agency's workforce is at its lowest level since 1988, even as we are expecting EPA to play such a critical role in addressing numerous complicated public health and environmental challenges. There is a clear need to rebuild the Agency's staff capacity and to attract new, talented people to public service, both to

get the job done today, and to allow for an effective transfer of institutional knowledge to a new generation of public servants from the current long-term EPA workers who are nearing retirement.

I was happy to see funding in the budget for this purpose. A fully staffed EPA workforce is essential to protecting human health and the environment, enforcing our environmental laws, and, indeed, tackling climate change.

I have also been impressed to see the Biden administration's recommitment to strong scientific integrity principles. Our public health and environmental protections must be grounded in robust science. Ensuring that EPA career staffers can conduct their work and develop roles based on sound science, free from interference from political and special interests, is a cornerstone for good, trustworthy governance at the Agency.

This should be the case regardless of which party sits in the White House, and I look forward to working with the administration to strengthen and codify all agencies' scientific integrity policies.

Finally, in addition to this EPA budget request, President Biden has proposed the American Jobs Plan. This subcommittee has the opportunity and the responsibility to take and make tremendous contributions to the American Jobs Plan or any other infrastructure package being considered in Congress. The AJP includes funding for the Drinking Water State Revolving Fund, full lead service line replacements, remediation of brownfields and Superfund sites, and reduction of diesel emissions from the DERA, and deployment of zero-emission schoolbuses. These programs have enjoyed strong bipartisan support in the past, and significant investments in these areas will, indeed, benefit people and communities in every district across our country.

I am looking forward to pursuing this agenda to protect public health and the environment while modernizing our Nation's infrastructure and jump-starting our post-COVID economic recovery.

Again, Mr. Regan, I thank you again for joining us. Congratulations, again, on the appointment. And I look forward to today's discussion.

[The prepared statement of Mr. Tonko follows:]

PREPARED STATEMENT OF HON. PAUL TONKO

Today we have the pleasure of welcoming the recently confirmed 16th Administrator of the U.S. Environmental Protection Agency, Michael S. Regan, to the Energy and Commerce Committee.

Mr. Administrator, congratulations on your confirmation and welcome to the Subcommittee on Environment and Climate Change. We look forward to your testimony and discussion of the President's Fiscal Year 2022 budget request and other EPA priorities.

While you have only recently joined the Agency, I know you are fully aware of the critical role EPA must play in leading our Nation's response to some of the biggest public health, environmental, and economic challenges we now face.

None of these challenges will be easy, but I am hopeful that we are entering a new era at EPA.

And this reset could not come at a more urgent moment for America or the world.

The President's Fiscal Year 2022 Discretionary Funding Request requests \$11.2 billion for the Agency, a \$2 billion increase from last year's enacted levels.

The President's request highlights several priorities, including \$1.8 billion for programs to tackle the climate crisis in ways that also promote and restore environmental justice; \$3.6 billion for our Nation's long-neglected water systems—many of

which are contaminated with PFAS, lead, and other dangerous substances; robust funding for Superfund and brownfield remediation projects; and increased air quality monitoring and enforcement in overburdened communities.

As we work to recover from the COVID public health crisis, we must not take our eye off the many environmental threats facing countless American communities. EPA must act boldly to advance robust policies on climate change, clean water, chemical safety, and land remediation.

This agenda will certainly require increased staffing to meet the Nation's needs, a challenge compounded by the loss of nearly 1,000 EPA employees over the past 4 years.

Today, the Agency's workforce is at its lowest level since 1988, even as we are expecting EPA to play such a critical role in addressing numerous, complicated public health and environmental challenges.

There is a clear need to rebuild the Agency's staff capacity and attract new, talented people to public service, both to get the job done today and to allow for an effective transfer of institutional knowledge to a new generation of public servants from the current long-term EPA workers who are nearing retirement.

I was happy to see funding in the budget for this purpose. A fully staffed EPA workforce is essential to protecting human health and the environment, enforcing our environmental laws, and tackling climate change.

I have also been impressed to see the Biden administration's recommitment to strong scientific integrity principles.

Our public health and environmental protections must be grounded in robust science.

Ensuring that EPA career staffers can conduct their work and develop rules based on sound science, free from interference from political and special interests, is a cornerstone for good, trustworthy governance at the Agency.

This should be the case regardless of which party sits in the White House, and I look forward to working with the administration to strengthen and codify all agencies' scientific integrity policies.

Finally, in addition to this EPA budget request, President Biden has proposed the American Jobs Plan.

This subcommittee has the opportunity and responsibility to make tremendous contributions to the American Jobs Plan, or any other infrastructure package being considered in Congress.

The AJP includes funding for the Drinking Water State Revolving Fund, full lead service line replacements, remediation of brownfields and Superfund sites, and reduction of diesel emissions through DERA and deployment of zero-emission school buses.

These programs have enjoyed strong bipartisan support in the past, and significant investments in these areas will benefit people and communities in every district across the country.

I am looking forward to pursuing this agenda to protect public health and the environment while modernizing our Nation's infrastructure and jumpstarting our post-COVID economic recovery.

Mr. Regan, I thank you again for joining us. I look forward to today's discussion.

Mr. TONKO. I will now recognize Mr. McKinley, Representative McKinley, serving as the ranking member of the Subcommittee on Environment and Climate Change.

And Representative McKinley, you are recognized for 5 minutes, please, for an opening statement.

OPENING STATEMENT OF HON. DAVID B. MCKINLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. MCKINLEY. Thank you, Chairman Tonko, and welcome, Administrator Regan, I particularly appreciated our conversation yesterday.

But I think one thing we can all agree to is that the world needs to reduce its carbon emissions. And I think we are on the same page here.

And what—the President has repeatedly pledged publicly to decarbonize the power sector by 2035. And some in Congress are

trying to upgrade—move that up to 2030. But I want, in this hearing today, with—over this budget, is to look at what we will need and what will have to happen for a power plant to meet that goal.

First, we have to have—carbon capture technology must become commercially viable.

Secondly, we have to have a New Source Review program that must be reviewed.

And thirdly, the United States needs to develop a pipeline system to dispose of this captured carbon.

Utility companies have found that it takes 7 to 8 years to get a New Source Review permit and do all the engineering and designing permitting to install carbon capture to achieve net zero. So if utilities must comply with the Democrats' goal of 2030, they are going to have to start immediately, using today's technology. But it is widely recognized that today's carbon-capture technology is not ready for prime time. It is incapable of capturing 80 percent of our fossil fuel, or our carbon emissions.

So—but let's just assume that the technology works in the next 12 months, and we can, indeed, capture 80 percent of the carbon emitted. Utilities will next need to have a New Source Review permit approved to upgrade their facilities. Yet the New Source Review program lacks certainty and predictability.

When—just think about it. When was the last time any of us in Congress heard of a utility getting a New Source Review permit to make a major modification? They are not. It is not a reliable process.

According to the GAO, all—recent—the EPA recently reviewed 831 NSR units that have been approved by the NSR; 467 of them were found to be in violation. And they had—the utility had to go back and redo everything that they had just gotten permission to accomplish. That is not certainty, that is insanity. And it can cost hundreds of millions of dollars to utilities and the consumers, as a result of the EPA not following its regulations.

So what our utilities need is certainty. That is why the New Source Review needs to be reformed. But there is nothing in the President's agenda or in this budget that I can see discussing reforms to this program. Rather, it seems the administration is following the same philosophical agenda as President Biden's, which is focusing on regulations.

What a novel thing, Chairman, if we focused instead on innovating first, letting our laboratories, our scientists, and our researchers come up with a way of carbon capture rather than punishing them. We could be showing American leadership.

Now, let's assume that they can get the carbon technology, and there is—and they actually get a permit for it. So now you need—the power plant needs to develop a pipeline system to transport the captured carbon. The Democrats don't have—they have, unfortunately, an adverse position towards pipelines. So just look at what has happened over the Keystone Pipeline, the Dakota Access Pipeline, the Atlantic Coast Pipeline, and the Mountain Valley Pipeline, the Line 5 in Michigan. All of these are showing a problem.

So why do we think, as we develop this, that the environmentalists are going to let us—let States and the administration approve more pipelines? I don't think they are going to be built. And those

pipelines, if they get held up in court, won't be built by 2030. We will have accomplished nothing.

So all these things need to come together. We have to develop carbon capture. We have to have reforms of New Source Review, and we have to build out a system of carbon—pipelines to get the project going. But in the quiet of the night, the EPA and the administration know this can't be achieved. You know that, and the rest of the people on this panel. So why isn't the administration just simply being honest with the American public?

There is—this is nothing but a politically driven agenda aimed at ending jobs and the use of coal and natural gas in this country. Coal miners and gas workers all across America will suffer, losing their homes, jobs, and livelihoods, and they will fall into poverty.

I say again: Where is the justice in that process?

[The prepared statement of Mr. McKinley follows:]

PREPARED STATEMENT OF HON. DAVID B. MCKINLEY

Thank you, Mr. Chairman and welcome Administrator Regan. We agree the world needs to reduce its carbon emissions but according to experts, reaching net-zero emissions will be impossible without carbon capture.

Now, the President has repeatedly pledged to decarbonize the power sector by 2035 and Democrats in congress have taken a more aggressive approach. They want to reduce power sector emissions by 80% by 2030.

So let's look at what will need to happen for a power plant to meet that goal: carbon capture technology must become commercially viable; the New Source Review program must be reformed; and the U.S. will need to develop a pipeline system to dispose of the captured carbon.

Utility companies have found that it takes 7 to 8 years to get a New Source Review permit, and then perform the engineering, design, permitting, and installation of carbon capture on a unit. So, if utilities must comply with the Democrats' 2030 goal, they will have to start this process immediately but it's widely recognized that today's carbon capture technology is not commercially viable. It's incapable of capturing 80% of our carbon emissions, but let's assume that the technology works in the next 12 months. And can capture 80% of the carbon emitted.

Utilities will still need a New Source Review permit to upgrade their units, yet the New Source Review program lacks certainty and predictability. When was the last time a utility got a New Source Review permit to make a major modification to? They're not, it's an unreliable process.

According to GAO, the EPA reviewed 831 units, and 467 were found to have violated the New Source Review program after the upgrades had been made. That's not certainty—that's insanity. This can cause hundreds of millions of dollars in additional costs.

So what our utilities need is certainty. That is why New Source Review needs to be reformed. Yet there is nothing in the President's agenda discussing reforms to this program. Rather, it seems that this administration will have the same agenda as President Obama's but on steroids.

Now, let's assume carbon capture becomes commercially viable and a power plant can get final approval for a New Source Review permit, without any violations. The U.S. will need to develop a pipeline system to transport the captured carbon. But Democrats have taken an adverse position to pipelines. Just look at: The Keystone XL Pipeline, The Atlantic Coast Pipeline; The Dakota Access Pipeline; Mountain Valley Pipeline; and Line 5 in Michigan.

So why should we think environmentalists are going to let States and the administration approve more pipelines? If they tie these pipelines up in the courts like they have others our pipeline system won't be built by 2030. We will have accomplished nothing. All of these things must come together by 2030: Developing and commercializing carbon capture technologies to reduce our emissions by 80%; Changes to the New Source Review program that allow utilities to install carbon capture; and Building out a system of carbon dioxide pipelines. But in the quiet of the night EPA and this administration know this can't be done.

So why isn't this administration just honest with the American public? This is nothing but a politically driven agenda aimed at ending the use of coal and natural gas in this country. And coal miners and gas workers around the country will suffer

by losing their homes, jobs and livelihoods. This is simply a death knell to the hard-working coal miners and gas workers of America.

Mr. MCKINLEY. So I yield back, Mr. Chairman.

Mr. TONKO. The gentleman yields back, and the Chair now recognizes the chair of the full committee, Representative Chairman Pallone.

You are recognized, Chairman, for 5 minutes for your opening statement, and thank you for joining us.

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

Mr. PALLONE. Thank you, Chairman Tonko. And it really is a pleasure to welcome the EPA Administrator, Michael Regan, to this committee for his first appearance, and I hope there will be many more. I want to thank the Administrator and the leadership of President Biden, that now we can actually look at this year's EPA budget with optimism about what can be achieved.

The EPA is back to work protecting the planet and public health, and, in my opinion, not a moment too soon. The country is facing multiple overlapping crises, and the EPA will play a critical role in solving them. We must collectively address the climate crisis, the COVID-19 pandemic, racial inequality, and the severe economic damage resulting from the pandemic. And these challenges are substantial.

But fortunately, the Biden administration has hit the ground running, really, on day one. President Biden's American Rescue Plan is already making a difference by crushing the virus and providing critical relief to struggling Americans. His American Jobs Plan, which he aligns with this committee's Lift America Act, will help us build back better so we can create millions of new jobs, combat the climate crisis by setting the course for a clean future, and ensure no community is left behind. And that was certainly an important part of his speech last night. I thought it was a great speech.

And then, last week, the President submitted, in this Global Earth Day—two days—a strong, national commitment for the Paris Agreement that aligns with the national goal, including—and that is included in our Clean Future Act. You know, as you know, the Clean Future Act, Administrator, was introduced by myself, Chairs Tonko and Rush, and many of the—of my colleagues on the committee. And, like the President, we believe the goal of reducing emissions by at least 50 percent by 2030 is necessary and achievable. This year's EPA budget and the American Jobs Plan will help us get there.

And I also saw, I think—I thought I saw Kathy Castor, as well, who has been working with us on the Clean Future Act.

The budget includes 1.8 billion for EPA programs to fight climate change, to funding for research, grants to State programs, and support of Agency activities. The investments in the American Jobs Plan go even further, with 100 billion for power infrastructure and significant investments in reducing emissions from schools, vehicles, and Federal buildings.

The budget also increases funding for Superfund and brownfield cleanups. And again, the American Jobs Plan goes even further, calling for reinstatement of the Superfund tax and investing \$5 billion in cleanups. And, you know, I really want to stress, Administrator, the importance of bringing back the Superfund. We know that investing in Superfund cleanups creates jobs, mitigates threats to human health, and directly benefits the communities around contaminated sites, which are often low-income communities and communities of color.

And both the budget and the American Jobs Plan call for big investments in drinking water infrastructure, including the replacement of lead pipes, which is critical to addressing public health threats. Again, the President stressed the lead pipes initiative last night. This funding will be critical to drinking water infrastructure systems serving disadvantaged communities, in particular.

I think we are at a crucial time for environmental protection. The impacts of climate change are already here, affecting communities across the Nation and the world. PFAS and other emerging contaminants are showing up in our drinking water, air, and soil. I saw Congresswoman Dingell. She has been a leader on PFAS. And our water infrastructure is crumbling, and too many communities are struggling with lead contamination.

Unfortunately, over the course of the last administration, we saw decades of work by EPA's dedicated career staff disregarded or overturned in critical areas of environmental and public health protection. We saw science marginalized under the Trump administration. We saw special interests favored over the public interest, and we saw secrecy at the highest level.

Administrator Regan, it falls to you to right this ship and restore the EPA to the highest standards of scientific integrity. We often say that a budget demonstrates the values and the priorities of the administration, and it is a really [audio malfunction] equity and environmental stewardship. And the American Jobs Plan and our new national commitment under the Paris Agreement make these priorities even clearer.

So I just wanted to say, at last year's budget hearing during the last year of the Trump administration, I said there was a better path forward to combating climate change and protecting public health. And I am happy to say that we are now on that path. We in Congress and on this committee are ready to work with you to restore EPA, protect the public health, and fight climate change.

And let me also say a word about our chairman as I yield back. I know, Paul, you have been out front on all these things, and I thank you so much. This would be a—this is a very important hearing. Thank you.

[The prepared statement of Mr. Pallone follows:]

PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

It is a pleasure to welcome EPA Administrator Michael Regan to this committee for his first appearance—which I hope will be the first of many. Thanks to Administrator Regan and the leadership of President Biden, we can look at this year's EPA budget with optimism about what we can achieve.

The Environmental Protection Agency is back to work protecting the planet and public health, and not a moment too soon. This country is facing multiple, overlapping crises and the EPA will play a critical role in solving them. We must collec-

tively address the climate crisis, the COVID-19 pandemic, racial inequality, and the severe economic damage resulting from the pandemic.

These challenges are substantial, but fortunately the Biden administration hit the ground running on day one. President Biden's American Rescue Plan is already making a difference by crushing the virus and providing critical relief to struggling Americans. His American Jobs Plan, which aligns with this committee's LIFT America Act, will help us build back better so we can create millions of new jobs, combat the climate crisis by setting the course for a clean future, and ensure no community is left behind.

And then last week, the President went even further, submitting a strong national commitment for the Paris Agreement that aligns with the national goal included in the CLEAN Future Act introduced by myself, Chairs Tonko and Rush, and many of my colleagues. Like the President, I believe the goal of reducing emissions by at least 50 percent by 2030 is necessary and achievable. This year's EPA budget and the American Jobs Plan will help us get there.

The budget includes \$1.8 billion for EPA programs to fight climate change through funding for research, grants to State programs, and support of Agency activities. The investments in the American Jobs Plan go even further, with \$100 billion for power infrastructure and significant investments in reducing emissions from schools, vehicles, and Federal buildings.

The budget also increases funding for Superfund and brownfields cleanups, and, again, the American Jobs Plan goes even further, calling for reinstatement of the Superfund tax and investing \$5 billion in cleanups. We know that investing in Superfund cleanups creates jobs, mitigates threats to human health, and directly benefits the communities around contaminated sites, which are often low-income communities and communities of color.

And both the budget and the American Jobs Plan call for big investments in drinking water infrastructure, including the replacement of lead pipes, which is critical to addressing public health threats. This funding will be critical to drinking water infrastructure systems serving disadvantaged communities.

We are at a critical time for environmental protection. The impacts of climate change are already here, affecting communities across the Nation and the world. PFAS and other emerging contaminants are showing up in our drinking water, air, and soil. Our water infrastructure is crumbling, and too many communities are struggling with lead contamination.

Unfortunately, over the course of the last administration we saw decades of work by EPA's dedicated career staff disregarded or overturned in critical areas of environmental and public health protection. We saw science marginalized. We saw special interests favored over the public interest. We saw secrecy at the highest levels of the Agency.

Administrator Regan, it falls to you to right this ship and restore the EPA to the highest standards of scientific integrity and pursuit of the public good.

We often say that a budget demonstrates the values and the priorities of the administration proposing it. It is a relief to see a budget that so clearly demonstrates a commitment to public health, equity, and environmental stewardship. The American Jobs Plan and our new national commitment under the Paris Agreement make these priorities even clearer.

At last year's EPA budget hearing, during the last year of the Trump administration, I said that there was a better path forward to combating climate change and protecting public health and the environment. I am happy to say that we are now on that path. We in Congress and on this committee are ready to work with you to restore EPA, protect public health, and fight climate change.

Thank you, I yield back.

Mr. TONKO. Thank you, Chairman. The gentleman yields back, and the Chair now recognizes Mrs. Rodgers, the ranking member of the full committee, for 5 minutes for her opening statement.

Representative Rodgers, please?

**OPENING STATEMENT OF HON. CATHY McMORRIS RODGERS,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF
WASHINGTON**

Mrs. RODGERS. Thank you, good morning. Good morning, everyone. Good morning, Administrator Regan. Just let me first con-

gratulate and personally welcome you to the Energy and Commerce Committee.

Our committee has legislative responsibilities for and regulatory oversight over the vast majority of your statutory authority, and we look forward to working with you. We take our responsibilities very seriously. You know, I think we can be proud that America has led the world in innovation and technology, lifting people out of poverty, raising the standard of living more than any other country in the world, while also leading the world in reducing global carbon emissions—more than the next 12 countries combined. We hope that you are committed to implementing the law, as written by the elected representatives of the people, and not creating your own rule book.

And based upon the kind words that I have heard from your home State colleagues, as well as your reputation, I do expect that today will be a thoughtful, ongoing dialogue that we begin with you.

We are eager to learn more about the Biden-Harris administration's proposed EPA budget. It does represent a 21.4 percent increase over EPA's current funding levels. And if Congress gives EPA all of the proposed budget, it will be the most money ever appropriated to EPA, by over a billion dollars. And there is really not a lot of details yet, less than two pages, with very limited information. Money is one view of an administration's vision for EPA, but I also think it is important, as those of us who exercise the power of the purse under article 1, that we know what we are buying and that we don't just base success upon how big that check is.

I want to reflect, just for a moment, on the time before the pandemic, just over a year ago, when our economy was booming, we had the hottest job market in half a century, over—after a decade of people asking, "Where are the jobs?" Wages were rising, more jobs were available than people looking for work. And it was because we had lifted the regulatory burden, reversing the top-down decisions that often comes through Federal agencies, and decisions that had been made at EPA that was hurting our economy, hurting our farmers, hurting our ranchers.

So when it comes to EPA's budget and the Agency's reflection of priorities, we want to understand if innovation—the private-sector foundation of jobs, and the engine of so much success in our country—is being sidelined. Regulations and political forces should not be molding the economy and making EPA the arbiter of all acceptable economic growth.

We want to work with you to grow the American economy and clean up the environment where it is unsafe. But we also want to understand if this budget will hold back the potential for our economy to boom again in the long term, especially for our fossil fuel communities.

We want to know that science—reliable, high-quality, objective science—is being used to inform decision making, that EPA won't hide from public scrutiny of this science, and that EPA will not intentionally mischaracterize science to politicize actual policy judgments.

We want to know if this budget will encourage cooperative federalism as a viable partnership between the Federal Government

and your former colleagues in the States, or if the States are merely seen as underfunded servants of Federal centralized planning.

We want to know whether this budget envisions EPA following the law or infusing its own intent into it, whether EPA is focusing its resources on improving environmental and public health outcomes through compliance or if the agency will use its enforcement policy to punish violators and harass politically disfavored entities.

We want to know if this budget will build on the undisputed environmental successes of the last administration, the most Superfund cleanups in two decades, reduced air pollution with economic growth, and increased inspection and permitting efficiencies. Or does this budget end these results for partisan reasons, dropping agency accountability and responsibility to Americans and the law?

We want to know if grave lessons have been learned from past EPA politicians who focused their attention on a few major priorities, allowing the mundane areas to explode and the horrors in Flint and East Chicago.

Finally—care about the practicalities, including affordability of its actions on futures of people in rural areas and struggling businesses.

Mr. Administrator, these are serious questions. We want to work with you for positive gains for our communities we represent and allow the private-sector expansion in environmental protection. We may not always agree, but we certainly want to focus on these shared goals, and I welcome you being with us. I look forward to your testimony. Thank you very much.

[The prepared statement of Mrs. Rodgers follows:]

PREPARED STATEMENT OF HON. CATHY MCMORRIS RODGERS

Good morning, Administrator Regan. This is the first time many of our Members and I have had the chance to meet you since you were sworn in as Administrator. Let me congratulate and personally welcome you to the Energy and Commerce Committee.

Our committee has legislative responsibilities for and regulatory oversight of the vast majority of your statutory authority. We take our responsibilities seriously. I hope you are committed to implementing the law, and not creating your own rule book.

Based upon the kind words of your home State colleagues and reputation, we expect today to start a thoughtful, ongoing, and open dialogue between us. We are eager to learn more about the Biden-Harris administration's proposed EPA budget. It represents a 21.4 percent increase over EPA's current funding levels. And if Congress gives EPA all of the proposed budget, it would be the most money ever appropriated to EPA at one time by \$1 billion.

The only thing "lean" about this budget is its details. It's less than two pages with very limited information. But money is only one view into this administration's vision for EPA. We want to know what we are buying, not just how big the check is. I'll remind everyone that before the pandemic—our economy was booming. It was the hottest job market in half a century.

After a decade of people asking, "where are the jobs?" wages were rising, more jobs were available than people looking for work. This was because we lifted the regulatory burden—including reversing top-down decisions from the EPA that hurt our farmers and ranchers.

So when it comes to this EPA budget and the agencies' reflection of priorities, we want to understand if innovation—the private-sector foundation of so much success in this country—is being sidelined. Regulations and political forces should not be molding the economy and making EPA into the arbiter of ALL acceptable economic growth.

We want to work with you to grow the American economy and clean up the environment where it is unsafe. But, we also want to understand if this budget will hold

back the potential for our economy to boom again in the long term—especially for our fossil fuel communities.

We want to know that reliable, high-quality, and objective science is being used to inform decision making, that EPA won't hide from public scrutiny of this science and that EPA will not intentionally mischaracterize "science" to politicize actual policy judgments.

We want to know if this budget will still encourage cooperative federalism as a viable partnership between the Federal Government and your former colleagues in the States, or if the States are merely seen as underfunded servants of Federal centralized planning.

We want to know whether this budget envisions EPA following the law or infusing its own intent into it, whether EPA is focusing its resources on improving environmental and public health outcomes through compliance or if the Agency will use its enforcement policy to punish violators and harass politically disfavored entities.

We want to know if this budget will build on the undisputed environmental successes of the last administration: the most Superfund cleanups in 2 decades, reduced air pollution with economic growth, and increased inspection and permitting efficiencies. Or, does this budget end these results for partisan reasons, dropping Agency accountability and responsibility to Americans and the law.

We want to know if grave lessons have been learned from past EPA politicians who focused their attention on a few major priorities, allowing "mundane" areas to explode into the horrors in Flint and East Chicago.

Finally, will the EPA listen to and care about the practicalities, including affordability, of its actions on the futures of people in rural areas and struggling small businesses.

Mr. Administrator, these are serious questions. We want to work with you to make positive gains for the communities we represent—that allow private sector expansion and environmental protection. The EPA must not be an obstacle to development and prosperity for American families.

We don't expect to always agree with you but surely we can agree on that. Again, welcome. I look forward to your testimony.

Mr. TONKO. The gentleman—the Chair would like to remind Members that, pursuant to committee rules, all Members' written opening statements shall be made part of the record.

I now will introduce the witness for today's hearing. Again, we welcome the Honorable Michael S. Regan, Administrator of the United States Environmental Protection Agency. He, before this, served as secretary of North Carolina's Department of Environmental Quality.

The distinction here for Administrator Regan is that he becomes the first African-American male to lead the great Agency and is the first to graduate from a Historic Black College. He has his bachelor's degree from North Carolina A&T and a master's degree in public policy from George Washington University. He has also worked at the Environmental Defense Fund and at EPA.

And with that, we welcome him and wish him well in his new role.

And it is very kind of you, sir, to share your thoughts and your time with us today. And so we will recognize you for 5 minutes, please, for an opening statement.

STATEMENT OF MICHAEL S. REGAN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Mr. REGAN. Well, thank you, Chairman Tonko, Ranking Member McKinley, chair and ranking member of the full committee, and members of the subcommittee. I am grateful for the opportunity to appear before you today to discuss the U.S. EPA's discretionary funding request for fiscal year 2022.

For half a century, EPA has helped provide the American people with clean air to breathe, clean water to drink, and safe and healthy land.

Earlier this month, as it has been mentioned, President Biden sent a discretionary—President Biden sent Congress a Discretionary Funding Request for EPA at \$11.2 billion. We believe this request will help ensure EPA can continue to meet its essential mandate, set the stage for our Nation’s economic recovery, and provide the resources necessary to confront our environmental challenges, especially in our most overburdened communities.

The President has seized this moment to reimagine a new American economy that leads the world in advancing clean energy, modernizes our infrastructure, while enabling it to withstand impacts from climate change, and right the historic wrongs of past environmental injustice that have held back generations of Black, Latinx, indigenous, and low-income communities.

This funding request reflects the understanding that a healthy environment and a healthy economy are not mutually exclusive. They actually go hand in hand. These investments will provide tremendous opportunity to leverage American innovation, put people back to work, protect our communities, families, and children from environmental hazard and harm. In short, the request recognizes the profound urgency and existential threat of climate—of the climate crisis, and provides EPA with the resources essential to fulfill our mission to protect human health, the environment, and the economy.

Ensuring access to clean and safe water for all Americans impacts our Nation’s climate resilience and is integral to advancing environmental justice. At EPA we have seen that investing in water infrastructure is a win-win for public health and economic development. EPA’s Water Infrastructure, Finance, and Innovation Act loan has helped finance \$19.4 billion in water infrastructure and helped to create 47,000 jobs nationwide.

The Fiscal Year 2022 funding request of \$3.6 billion for EPA rebuilds our water infrastructure. It is an increase of more than 600 million over Fiscal Year 2021 because the resources are needed. This includes targeted increases to the State Revolving Loan funds to assist States, Tribes, and territories with infrastructure projects that help provide safe drinking water and clean water in communities all across the country.

Water infrastructure investments, however, only represent one side of ensuring safe and clean water. The Agency will invest resources and expand efforts to address the pervasive and persistent chemicals known as PFAS in our drinking water. As part of the President’s commitment to tackle PFAS, the funding request provides approximately \$75 million to accelerate toxicity studies and fund research to inform the regulatory developments of designing PFAS—designating PFAS as a hazardous substance, while setting enforceable limits for PFAS under the Safe Drinking Water Act.

Under the President’s leadership, we are heeding the call of the youth, as well, who are courageously urging world leaders to fight the climate crisis with innovation, fortitude, and resolve. The budget invests in programs that will help reduce greenhouse gas emis-

sions, including \$100 million for air quality grants to States and Tribes to tackle emissions on the State and local level.

Much like climate change, environmental justice underpins all of our work, as well. The pandemic ignited a perfect storm for communities of color and low-income communities who already bear the burden, the highest burdens of pollution, suffer higher rates of mortality from heart and lung disease, and now COVID-19 too. The budget invests \$936 million towards new accelerating economic justice initiatives that will help create jobs, clean up pollution, and implement the Justice 40 initiative to advance racial equality.

America's most contaminated land reduce emissions of toxic substances and greenhouse gas—greenhouse gases from existing and abandoned infrastructure also relies on improvements to CERCLA.

So, Chairman, what I would like to say—and members of the subcommittee—the Fiscal Year 2022 budget will help ensure EPA can meet the interconnected health and environmental crisis we face, lift up communities who have long been left behind, and put the Nation on a prosperous economic path of recovery. This funding request lays down a marker that EPA is ready to meet these challenges.

So thank you for the opportunity to testify today in a transparent and honest manner. And I look forward to continuing our partnership, as well as welcome any questions that you might have. Thank you so much.

[The prepared statement of Mr. Regan follows:]

TESTIMONY OF
MICHAEL S. REGAN

ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE
U.S. HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE

April 29, 2021

Thank you, Chairman Tonko, Ranking Member McKinley and members of the Subcommittee. I am grateful for the opportunity to appear before you today to discuss the U.S. Environmental Protection Agency's discretionary funding request for Fiscal Year 2022.

Before I get to the funding request, I would like to discuss the bold vision laid out by President Biden in the American Jobs Plan. This plan is a transformational investment that puts working people first and will help ensure we reduce pollution and help create good quality jobs.

The American Jobs Plan

In March, President Biden released the American Jobs Plan. This plan recognizes that now is the time for a bold, once-in-a-generation investment in America to put millions of people to work and lay the foundation for economic growth for decades to come by investing in infrastructure.

Infrastructure in the 21st century extends far beyond just roads and bridges. It means investing in our electrical grid and building more resilient transmission. It means revitalizing digital infrastructure to expand access to reliable, high-speed broadband internet in every pocket of the country, especially rural areas and underserved communities. And it also means investing in our drinking water and wastewater infrastructure, cleaning up and restoring our land, and investing in programs to reduce air pollution for our kids.

Guaranteeing clean water for all

The American Jobs Plan proposes a \$111 billion investment in water infrastructure, including a \$45 billion investment to replace 100% of lead service lines and pipes through the Environmental Protection Agency's (EPA) Drinking Water State Revolving Fund and Water Infrastructure Improvements for the Nation (WIIN) Act grants. Replacing lead service lines is vital for public health and yet EPA estimates that six to 10 million homes in the United States and up to 400,000 schools and daycare centers have lead service lines. The impact of lead exposure, including through drinking water, is a serious public health issue and its adverse effects on children are all too well known. In children, lead can cause irreversible and life-long health effects, including decreasing IQ, focus, and academic achievement.

The plan also would invest \$56 billion in grants and low-cost flexible loans to states, Tribes, territories, and disadvantaged communities across the country to upgrade and modernize America's drinking water, wastewater, and stormwater systems, tackle new contaminants, and

support clean water infrastructure across rural America. The American Jobs Plan also provides \$10 billion in funding to monitor and remediate PFAS (per- and polyfluoroalkyl substances) in drinking water and to invest in rural small water systems, and household well and wastewater systems, including drainage fields.

In total, these investments will create millions of good paying jobs, including union jobs.

We know from experience that water infrastructure investments not only improve public health—they also create good-paying jobs. Through our State Revolving Funds, EPA has already provided more than \$189 billion in financial assistance to nearly 43,000 water quality infrastructure projects and 16,500 drinking water projects. This has created over 300,000 jobs in the last two years alone. Through the Water Infrastructure Finance and Innovation Act (WIFIA) loan program, EPA has provided \$9 billion in credit assistance to help finance more than \$19 billion for water infrastructure while creating nearly 47,000 jobs and saving ratepayers \$4 billion.

Investing in clean buses for kids

When I was a kid growing up in Eastern North Carolina I had to use an inhaler, an experience familiar for far too many kids. That is why the American Jobs Plan proposes to electrify at least 20 percent of our yellow school bus fleet through a new Clean Buses for Kids Program at EPA. We know this type of investment works and that it is important to protect kids on their way to and from school. Since 2008, Congress has provided funding through EPA's Diesel Emissions Reduction Act (DERA) for more than 28,000 school bus upgrades, including more than 4,000 school bus replacements. The Clean Buses for Kids Program is a new program, which would build on the lessons learned from DERA while leaving the existing program intact.

Reducing emissions from school buses has demonstrated positive health benefits for the children who ride them, the drivers, people around school bus loading areas, and the communities in which they operate. These investments will also boost market demand to create jobs, build out infrastructure and support U.S. manufacturing.

Cleaning up and restoring our land

In the 40 years since the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) was signed into law, we have significant progress on cleaning up and restoring our land, but the work is far from over. Under my leadership, EPA will do everything in its power to hold bad actors accountable for environmental degradation and return land to safe and productive use for communities. Communities located within one mile of Superfund sites are disproportionately communities of color and low-income. Remediation of these sites will strengthen climate resilience, improve public health, and expand job opportunities both in these communities, and the nation at large.

The American Jobs Plan proposes a \$5 billion investment in the remediation and redevelopment of Brownfield and Superfund sites, as well as related economic and workforce development programs. Cleaning up contaminated sites so they can be returned to productive use can be an engine for economic development across the country. Since Congress started the Brownfields

program, federal investments have leveraged \$34.6 billion, supported over 176,000 jobs, and thousands of properties have been cleaned up or made ready for reuse.

The FY2022 Discretionary Funding Request

President Biden's proposed FY2022 discretionary request for the Environmental Protection Agency of \$11.2 billion advances key EPA priorities, including tackling the climate crisis, delivering environmental justice, and rebuilding core functions at the Agency. The FY2022 discretionary funding request prioritizes working with and supporting state, local and Tribal leaders in expanding capacity in community development, cleaning up toxic waste, and investing in water infrastructure projects that create good paying jobs. Within the EPA topline, \$1.8 billion will support investments related to tackling the climate crisis, with more than half supporting environmental justice work. In addition, the request dedicates resources to restoring scientific integrity at the Agency and ensuring the foundation of our decision-making process is grounded in science.

EPA is also seeking additional resources and staff to enforce the environmental laws that Congress has passed so that all companies play on a level playing field and our communities share in public health benefits.

Restoring the Agency

Responding to the environmental crises at hand requires a systemic approach in expanding the Agency's capacity. EPA lost nearly 1,000 dedicated staff over the past four years, and it has affected the Agency's ability to carry out its core duties and functions to protect public health and the environment. The discretionary request invests over \$110 million to restore EPA's staff capacity and to rebuild programmatic capabilities that focus on protecting clean air, land, and water.

Restoring capacity across the Agency will strengthen our ability to tackle multiple priorities, from clean air and water, to cutting edge research at the Agency. Restoring the voice of our employees and supporting their efforts—through the best available science—to advance the mission of the Agency has never been more important.

Tackling the climate crisis

Under the Biden-Harris Administration, EPA is reprioritizing addressing climate change with the urgency the crisis demands. The discretionary request invests \$1.8 billion in programs to tackle the climate crisis while also delivering environmental justice to marginalized and over-burdened communities, growing the economy, and creating good paying jobs.

This request invests in programs to reduce greenhouse gas emissions, including an additional \$100 million for air quality grants to states and tribes to tackle emission levels on a local and regional scale. An additional \$30 million is included to improve knowledge of the impacts of climate change on human health and the environment through our research programs—more than doubling EPA's climate change research while providing additional investments to decrease emissions of methane and hydrofluorocarbons.

Prioritizing environmental justice

The communities hardest hit and struggling the most under the weight of the pandemic are often communities of color, lower income communities, and Tribal nations. For decades, many of these same communities have been overburdened with air pollution and other environmental hazards. An individual's skin color or their zip code shouldn't determine whether they have clean air to breathe and water to drink.

This request invests \$936 million towards a new Accelerating Environmental and Economic Justice Initiative that will help secure environmental justice for communities who too often have been left behind while creating jobs, cleaning up pollution, and implementing the Justice40 Initiative to advance racial equity. Like climate change, environmental justice underpins the work of the Agency and is an integral part of this national conversation surrounding equality and equity in the nation's communities.

The environmental justice initiative invests in a new community air quality monitoring and notification program, provides additional funds to enforce existing laws meant to protect communities from hazardous pollution, and allocates resources to hold polluters liable in civil and criminal suits. As part of the Justice40 Initiative, \$100 million will support development and implementation of a community notification program to monitor and provide real-time data to the public on current environmental pollution. These investments build on the funds provided by the American Rescue Plan, which will help address disproportionate environmental or public health risks in minority and low-income populations resulting from exposure to pollution and the COVID-19 pandemic.

American Rescue Plan

I also want to acknowledge and thank Congress for recognizing EPA's critical role in addressing human health and environmental disparities through the American Rescue Plan. Polluted air, contaminated water, and hazardous waste continue to threaten public health, and the COVID-19 pandemic has compounded the seriousness of such inequities for communities of color and low-income communities across the nation. The American Rescue Plan provides \$100 million for the EPA to address these issues; \$50 million targeted specifically to advance environmental justice and \$50 million to help states, Tribes, and localities improve air quality for their communities. As we work to implement programs and projects to best maximize the use of this funding, I am focused on ensuring these vital funds have the highest and best impact on the ground.

Conclusion

In closing, I want to thank you for the opportunity to be here today. I look forward to our continued partnership and welcome any questions you may have.

Mr. TONKO. You are most welcome, and thank you for your appearance before the subcommittee today.

We will now move to Member questions, and I will start by recognizing myself for 5 minutes.

So, Administrator Regan, we thank you for your testimony and for your desire to serve. Are you familiar with the Agency's Scientific Integrity Policy?

Mr. REGAN. I am.

Mr. TONKO. And will you ensure that the office responsible for administering this policy has the resources necessary to effectively address scientific integrity complaints when they arise?

Mr. REGAN. Absolutely.

Mr. TONKO. Thank you. I look forward to working with you to ensure EPA's technical career staff are able to conduct their work free from the interference of political and special interests. I think it is key to the functioning of the Agency.

Last week President Biden announced our next Nationally Determined Contribution, or the NDC, under the Paris Agreement. The United States is setting an economywide target of reducing its net greenhouse gas emissions by 50 to 52 percent below 2005 levels in 2030. President Biden has been clear that this target will necessitate a whole-of-government approach on climate action at the Federal level. However, we know that EPA, as our Nation's expert agency for air pollution, will be critical.

So, Administrator, what do you see as the EPA's role in ensuring our country achieves that NDC that has been set out by President Biden?

Mr. REGAN. Well, thank you for the question. And there is no doubt that the President has an aggressive posture to mitigate climate, the climate crisis, and EPA plays a central role. We are not the only actor. Wisely so, the President has designated this a governmentwide activity. But we do play an important role, and Congress has delegated certain statutory authorities to the Agency to focus on air quality and water quality issues that are relevant to climate change.

So we will be focusing on transportation sources, stationary sources, methane, and other categories that fall within our purview that are important to meet our climate goals.

Mr. TONKO. And what could achieving this greenhouse gas emissions goal mean for reducing traditional air and water pollution?

Mr. REGAN. There are significant benefits to both air quality, natural resources, and the health of our citizens, so we will see lots of improvement in traditional pollutants, as well, that really do hamper our ability to lead—to live the healthiest of lives.

There are cobenefits, for sure, not only on the health side, but there are lots of economic development and economic opportunities and job creation opportunities, as well. So we see this as a significant opportunity.

Mr. TONKO. Well, to meet this goal, obviously, it is going to take a lot of focus. So what existing programs, authorities, and tools might EPA be looking to utilize, especially considering that we will need reductions from the power sector, transportation, and every other sector of the economy?

Mr. REGAN. We are going to do this using the traditional statutory authority that we have, and we are going to go through very transparent rulemaking processes that will engage all of our stakeholders: the regulated community, environmental interests, you know, our Chambers of Commerce, our private sector.

And we will focus on looking at tailpipe emissions and the goals that we have set out there. The President has indicated or requested that the Agency have a proposal due in July for vehicles that run up to the years 2026. We will do that in a very transparent manner.

We will also look at methane reductions. We will be looking at a proposal for that this upcoming September.

And we will be looking at replacing the Clean Power Plan.

All of these will be done in a very transparent and open way, and I pledge that we will convene all of the stakeholders involved and take input and have robust discussions on these topics.

Mr. TONKO. Thank you, I appreciate that. And given the urgency of the issue, it is critical we use those existing authorities to the fullest to complement the investments in the American Jobs Plan and the fiscal year 2022 budget.

Many Members of Congress are interested in supporting the Agency's efforts. How can Congress help?

And what new resources or authorities are necessary to ensure this target is achieved?

Mr. REGAN. Well, we are very well aware that, number one, we cannot regulate our way out of the situation we find ourselves in.

And number two, we view Congress, we view the States, we view all of our stakeholders as significant partners as we navigate these waters. We are going to take a look at what we need. But we also want to provide technical expertise to Congress as you all contemplate new pieces of legislation that might provide complements to the regulatory or statutory authority that has been delegated to our Agency.

Mr. TONKO. Well, thank you, Mr. Administrator. I look forward to working with you on this year's budget and enactment of the American Jobs Plan so that we can improve public health and protect our environment while modernizing a great agenda, modernizing the infrastructure desperately needed across our country.

Again, I thank you, and I will now recognize Representative McKinley, who is our subcommittee ranking member, as you know. He will be recognized now for 5 minutes for questioning.

Mr. MCKINLEY. Thank you again, Mr. Chairman.

And thank you again, Administrator Regan, not only for appearing before us, but also our conversation yesterday to get to know each other, because we are going to be working well, hopefully, together over the years.

But I want to go back to one issue here, and that is the three-legged stool. We talked about that, the carbon capture, New Source Review, and having a piping system to be able to do this. Then we can achieve this net zero by some time, not politically driven by 2035, but we are moving in that direction. I think the chairman—Cathy McMorris Rodgers, mentioned that, too.

So let's just focus on this for a minute. If by 2035, do you think—DoE is already—I have meetings with them—DoE says they don't

think we are going to have carbon capture technology developed to be zero by 2035. Do you think we will have carbon capture technology by 2035?

Mr. REGAN. Well, based on the conversations that I have had with the electric industry, power plant owners, and the like, carbon capture isn't the only tool in the toolbox that they plan to look at and deploy.

And so, number one, I think we want to continue to invest heavily in all of the efficiencies and technologies available to meet these goals. And I look forward to having a robust conversation with you, with the power plant sector, and others to achieve these goals.

Mr. MCKINLEY. If I could reclaim my time, I want to—so I hear—but what about 2030? Because I know Chairman Pallone is earnestly moving in that direction to go to 2030. Is that possible, that we could get it to 80 percent reduction by 2030?

Mr. REGAN. You know, based on the conversations that we are having with DoE, with the private sector, with the industries, we believe we can make a strong run at and be successful at in 2030.

Mr. MCKINLEY. A strong run isn't the answer. Is 80 percent—that is what this legislation that we are going to deal with—I want to see in your budget, do you have enough money in there for research to be able to get us down to 80 percent by 2030?

Mr. REGAN. I think, when you look at our budget, the 2022 budget, and what we need to do to fulfill our obligations, yes, I believe that in concert with DoE, I believe in concert with EEI and the power sector, I believe in concert with the rural electric cooperatives, all of which we are having conversations with, that looking at combinations of technologies—

Mr. MCKINLEY. Do you also—

Mr. REGAN [continuing]. We can reach the 80 percent goal.

Mr. MCKINLEY. Taking my time back, you understand that has to happen in the next year, not 5, 6, 7 years from now. We have to start now, because it takes 7 to 8 years to do this. That is why I laid the plan out.

So I don't want to know where we are—can we do it now?

But my question, what about the New Source Review program that—we know it needs reform. Because otherwise utilities right now could be reducing their emissions. But it is such a complicated process that requires—are you willing to work with us, or—to make these reforms?

Are you willing to reform New Source Review?

Mr. REGAN. I am willing to take a look at any efficiencies that we can put in any of our regulations to achieve these goals.

And I do want to comment that, in order to reach the 80 percent goal, I don't want to speak for the utilities in terms of market decisions they are making, but all of the decisions made to meet 80 percent won't rely solely on technology. They have plans in place to retire some of these assets.

And so this is why we have to—

Mr. MCKINLEY. They are retiring them because of the regulatory uncertainty, and the threats that are being posed to them. I understand that. We could have that—more conversation.

But what about the pipelines? Are you going to be able to work with us to assure that, when our power plants put in the carbon

capture and they want to build the pipelines, will you help us in streamlining in getting those permits?

Can you guarantee that, if a coal—if a utility or fossil fuel plant builds carbon capture, that you will work with us to see that those pipelines are constructed?

Mr. REGAN. That is exactly what this process is designed to do, to engage you—

Mr. MCKINLEY. It really is a yes or no, Administrator, if you could. Is it yes or no?

Mr. REGAN. Yes, we will work with you, with the utilities, and others who want to—

Mr. MCKINLEY. Thank you. I only have 30 seconds left, Administrator, so my question, I want to know what role will the EPA undertake to keep fossil fuels—coal and natural gas and oil—to remain in the energy mix after 2030, 2035?

Can you explain that role, how you are going to keep these jobs that are being threatened right now?

Mr. REGAN. You know, what I will say is our role is to work with the industry, and take a look at where the market—where their investments are taking them and look at how our technology standards complement the desire to reduce emissions while complementing the investments that many of them are making, and leveraging technologies to do so.

So I really do look forward to a robust conversation on how we have the science, the markets, the economics, and the technology marry in a way that gives America a competitive edge.

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

Mr. TONKO. The gentleman yields back. The Chair now recognizes Chairman Pallone for 5 minutes for questioning, please.

Mr. PALLONE. Thank you, Chairman Tonko.

Administrator Regan, I wanted to talk about Superfund and brownfields. The EPA budget request calls for increases in funding for both programs, which I support, especially given the Superfund backlog. And, you know, this is something that has been involved with New Jersey Members and this committee for so long.

I am always giving out history lessons, but Jim Florio, who is my predecessor on the committee, sponsored the Superfund. Senator Lautenberg was the Senate sponsor, and the Brownfields Program was the idea of Administrator Whitman, who was the Governor of New Jersey, Republican, before she became Administrator of the EPA. And Paul Gillmor, a Republican Member, and myself were the ones that sponsored the original brownfields Federal program.

So how will the requested increase for Superfund impact the backlog that exists, and would you commit to working with Congress to get these backlog cleanups started? That is my first question.

Mr. REGAN. The answer is yes, absolutely. There is an \$882 million request in there to really begin to chip away at that backlog of 45 projects. And so we will earnestly work to chip away at that backlog.

But we also have to be reminded that, in addition to the fiscal year 2022 ask, in the Americans Jobs Plan there is another \$5 billion request for Superfund and brownfield sites as well. So our

budget request is the beginning of what we need to do to earnestly begin to look at cleaning up Superfund sites.

Mr. PALLONE. Well, thank you so much. And it is also important to me that polluters pay the costs of these cleanups. And that is why I reintroduced the Superfund Polluter Pays Act to reinstate the Superfund tax. And you could—you know, obviously, that was included in the President's American Jobs Plan, as well, to bring back the tax.

So can you talk very briefly about why reinstating the tax—well, what reinstating the tax would mean for the Superfund program, and how would the program be improved by reestablishing a dedicated, significant funding stream?

Mr. REGAN. You know, when we look at the number of Superfund sites all across this country, they are in all of our backyards. And so the projects right now exceed the revenue. And the President has supported, in the American Jobs Plan, the tax.

Listen, we believe that this requires an all-hands-on-deck, and in our 2022 budget request there are resources. There is the tax implication here that could provide a revenue stream. And then there is the American Jobs Plan.

We know that, if we clean up these Superfund sites, that we will be putting people back to work. But more importantly, we will be restoring these lands so that they can be competitive once again for economic development and community vitality. And so this is extremely important, that we have all of these legs of the stool.

Mr. PALLONE. And let me ask you this. Like so many of these environmental challenges, climate change threatens to make the risk from Superfund sites even worse. And many of the communities around the Superfund sites now live in fear of the toxic releases, you know, from another hurricane or extreme weather event. I know a lot of environmental justice communities are near these Superfund and brownfield sites, and this is something that you have championed, addressing the concerns of environmental justice communities.

So do you agree that climate change makes it even more imperative that we get these sites cleaned up? That is my question.

Mr. REGAN. Absolutely, and you will see a reflection in the budget. Climate change permeates through Superfund, brownfields, water infrastructure. We have to make sure that we are rebuilding a resilient community in all of these areas to reduce the threats that we are facing.

Mr. PALLONE. And I know that—you know, look, obviously, you want to work with us to clean up these sites. But I just want a—sort of a pledge from you, if you will, that you and other agencies, you know, would really prioritize these sites that are vulnerable to climate change, if you will.

Mr. REGAN. We—I can commit that to you, Chairman.

Mr. PALLONE. And, you know, again, I really appreciate your being here and your support of so many of these things, particularly Superfund and brownfields.

You know, the problem, as you know, is that, if we don't have a Superfund tax and the costs continue to be borne, in many cases, by the taxpayer, through their income tax, I mean, that is—you would agree with that, certainly, correct?

Mr. REGAN. Yes, I would.

Mr. PALLONE. And I just don't want that to be the case. I think that the cost should be borne by the polluters and by the chemical and petroleum industry and not by taxpayers with their income tax.

So thanks again for all your support. And I know you are doing a great job. Thank you.

Thank you, Mr. Chairman.

Mr. TONKO. You are welcome, and the gentleman yields back. The Chair now recognizes the—Representative Rodgers, the ranking member of the full committee, for 5 minutes of questioning, please.

Representative Rodgers?

Mrs. RODGERS. Thank you, Mr. Chairman. And again, hello, Administrator Regan. We really appreciate you spending this time with us.

And just kind of following up on Chairman Pallone's line of questioning, there is—I wanted to highlight some of the successes of the previous administration, when you consider that the EPA deleted all or parts of 27 sites from the Superfund National Priorities List, and it was the largest number of deletions in two decades. Yes, there is still more work to be done, but this is—this was a priority, and we are—and we must stay focused on getting results.

The EPA delivered approximately 295 million in brownfield grants directly to communities and nonprofits in need. I know in Spokane we have had a brownfield cleaned up, and it is now just a—it is a great contributor to our community.

The EPA closed on 41 WIFIA loans, which led to financing of 16.8 billion for water infrastructure, creating more than 38,800 jobs, and saving ratepayers nearly \$4 billion.

There were management reforms, such as 33 percent improvement in on-time completion of inspections and a reduction in backlogged permits by 150.

You know, the combined air pollution emissions fell more than 7 percent, even as the economy grew.

And I just highlight this because there—we continue to build on this record of success and accomplishments. I believe that we need to stay focused on results. We need to stay focused on making sure that we are spending money in a way that is actually going to get results. And it is very important that we keep the processes and programs that produced these results in place.

The EPA received 9.34 billion in roughly the last year for its standard fiscal year appropriations as well as the supplemental funding. Included in the supplemental funding is \$100 million appropriated to the EPA under the recent budget reconciliation bill.

This week Senator Capito and I sent you a letter requesting an accounting of that \$100 million appropriated to EPA through reconciliation. Are you able to tell us today if that \$100 million has been spent? And if so, what have the funds been spent on?

Mr. REGAN. I will circle with my staff. I know that that request came in, and I have not been briefed on that yet, but we can get you those details.

Mrs. RODGERS. OK. OK, thank you.

I also—I wanted to switch gears a little bit on a matter that is important in my home State of Washington, and that is cleaning up Puget Sound. And I wanted to raise this issue with you this morning, Administrator Regan.

You know, I think we all agree that, generally speaking, it is better to limit pollution at the source rather than continuing to try to clean up efforts post-pollution. And I think that we agree that the deployment—I hope we would agree—that carbon-free, renewable, reliable electric generation like hydropower is very important.

In Puget Sound we continue to have a lot of work that needs to be done, and a clean sound will benefit our economy. It will also help the critical salmon stocks in the Pacific Northwest.

You know, and one of the main reasons that the Puget Sound is dirty is because King County and the State of Washington is turning a blind eye to the pollution, to the sewer—the sewage discharge that continues to happen in Puget Sound. You know, there's over 70 sewage treatment plants dumping millions of gallons of raw sewage into Puget Sound every year, and it is threatening the salmon species in Puget Sound, the salmon species that are critical to the orcas, for example.

But it is really concerning that, once again, these permits are going to be issued instead of actually stopping the dumping of the raw sewage. You look at the Washington State salmon report, the Puget Sound salmon are in crisis. Having EPA remind the State and the city of its legal obligations will save future cleanup dollars.

And so I wanted to ask you if I can get your commitment to look into making these large cities like Seattle stay within their limits of sewage discharge, just like the small towns in eastern Washington are forced to do.

Mr. REGAN. Yes, you have my commitment there, and I have already committed to the Governor of Washington and other representatives that we want to work with the State to make sure that their delegated authority is being done correctly.

And I agree with you, that the Puget Sound is not only great ecologically but provides economic opportunities as well. So we want to partner with you on that.

Mrs. RODGERS. Well, what is happening right now is unacceptable, in my opinion, for the salmon, for the orcas, and for our water quality. So I look forward to working with you, and with that I yield back.

Thank you, Mr. Chairman.

Mr. TONKO. You are welcome. The gentlelady yields back. The Chair now recognizes for 5 minutes of questioning the gentlelady from Colorado, who also serves as subcommittee chair on oversight.

Representative DeGette?

Ms. DEGETTE. Thank you so much, Mr. Chairman, and welcome, Administrator Regan. We are very happy to have you in your maiden appearance in front of this committee. And we all welcome your new role. We know you have got a really big job to do over there, reconstituting this agency, but we have the faith that you can do it.

As Chairman Tonko just said, I am the chair of the oversight subcommittee, and the last—as Mrs. McMorris Rodgers was talking about, what the last administration did, but one thing I will

say is the oversight subcommittee made numerous requests for information to the EPA that were never, ever responded to.

And so I know that you, in your new job, and your staff will want to work with our full committee and our subcommittee to make sure that, when we ask for information in our investigations, we get it in a timely fashion. So can I get that commitment from you?

Mr. REGAN. Absolutely.

Ms. DEGETTE. Thank you. I was—when I looked at the EPA budget, I was absolutely thrilled to see your request for \$936 million towards a new accelerating environmental and economic justice initiative, because this is an issue that I have worked on with my urban district for many, many years. And I have a bill. I would like to ask you to take a look at this bill, and see what—the EPA's position on it.

What it does is it requires the EPA to identify 100 environmental justice communities which have seen the worst underenforcement and to work with the State and local coregulators to address its root causes. I don't know if you are familiar with this legislation yet or not.

Mr. REGAN. I am not quite familiar with that legislation, but I will be sure that staff connects with you to provide the technical assistance needed.

Ms. DEGETTE. It seems like this is something that we could really work together on.

I have got an area in the northern part of my district that has been an environmental justice area for decades, Swansea-Elyria-Globeville. I think the members of this committee are getting sick of me, hearing—to talk about it. But it has everything. It has got a highway going through, it has lead, it has factories on the other side of the boundary, and so we have been doing everything for many years to get that cleaned up.

Do you think that the EPA—that it will be a focus of the EPA, to actually work with State and local coregulators to clean up these sites all around the country? Because that seems to be a key issue for me.

Mr. REGAN. Absolutely. The resources that we get through the budget, through the American Jobs Plan and the resources that we were appropriated through the American Rescue Plan are all designed to partner with State and local—locally elected officials as well as community members. You all know your communities better than the Federal Government ever could, so we need that level of partnership to be successful.

Ms. DEGETTE. OK, thanks. Another topic I want to talk to you about, that is the issue of methane. As you know, yesterday the Senate passed a resolution of disapproval for the Trump administration's rollback of the EPA's methane regulations. And I am the lead sponsor, along with several of our colleagues, Mr. Peters and others, in the House.

And I wonder—I am assuming the EPA supports that resolution of disapproval.

Mr. REGAN. We look forward to working with the decision that Congress has made, and we are poised to look forward to a methane regulation that should be coming forth in September. As you know—

Ms. DEGETTE. Great.

Mr. REGAN [continuing]. This is something that API and the Chamber has asked for, as well. So we look forward to working on that.

Ms. DEGETTE. Wonderful. Now, here is an issue. I don't know if you know the answer or if someone at your agency knows the answer, but one of the issues we have had with methane regulation is, because of the way they do the detection and testing, you can often have methane emissions happening for months without detection.

We are now developing technology to do continuous emissions monitoring on methane waste. Do you know if they are able to do that technologically yet?

And is the EPA working with industry to make that happen?

Mr. REGAN. You know, that will be part of the discussion that we have through our regulatory process.

And, you know, the good news is many technologies and opportunities have evolved since the previous rule. So we will be taking advantage of all of the gains that have been made over the past few years.

Ms. DEGETTE. Great, thank you very much, and I am really looking forward to working with you.

I yield back, Mr. Chairman.

Mr. TONKO. The gentlelady yields back. The Chair now recognizes for 5 minutes Representative Johnson, the gentleman from the State of Ohio.

Mr. JOHNSON. Well, thank you, Mr. Chairman, and thank you, Administrator Regan, for joining us today.

You know, last week, while speaking at the White House Climate Summit, President Biden announced a new Nationally Determined Contribution, a document submitted to the United Nations which outlines how his administration intends to dramatically cut greenhouse emissions in the United States by 2030.

The sectors impacted include power generation, transportation, manufacturing, and agriculture. No part of American life goes untouched. According to this document, National Climate Adviser Gina McCarthy and the White House staff conducted a detailed analysis on how to achieve these drastic emissions—the emissions cuts, in consultation with Cabinet agencies, including yours, Mr. Regan, the EPA.

After completing its so-called analysis, the document says that the Biden administration then turned to activists and—“advocates and activists”—for advice, and also other entities such as universities, businesses, and local governments.

So, Mr. Regan, would you briefly describe EPA's role in this process and the related interagency process? How did it work?

Mr. REGAN. Well, you know, the administration's climate NDC process was a whole-of-government process, so—

Mr. JOHNSON. Well, did you participate directly?

Mr. REGAN. So our Agency provided qualitative information around what our regulations could do, and the role that they play in sort of the emissions profile.

You know, we house the greenhouse gas inventory. So, number one—

Mr. JOHNSON. So you——

Mr. REGAN. So——

Mr. JOHNSON. But you did not participate directly, it was members of your staff?

Mr. REGAN. Yes, our staffs coordinated with the White House staff, shared the qualitative analysis of our statutory regulatory authority as well as the contents that we contain in the greenhouse gas inventory.

Mr. JOHNSON. Well, I find it interesting that this in-depth analysis didn't include direct participation by you, Administrator Regan.

Let me go on. For the——

Mr. REGAN. Well, I would——what I would say is my staff received direction from me to provide——

Mr. JOHNSON. OK.

Mr. REGAN [continuing]. The relevant information for EPA's participation in the development of that number.

Mr. JOHNSON. OK, but you didn't directly provide any feedback, is what I am hearing.

For the stakeholders that were consulted, were they representative of all economic sectors of the United States?

Mr. REGAN. You know, I can't speak to the stakeholders that the White House engaged. I can speak to EPA's participation in that process.

Now, what I can say is——

Mr. JOHNSON. Well, what was——Administrator Regan, what was EPA's role, then, in developing or analyzing sector-specific pathways for emissions reductions?

And will you provide the analyses that you relied upon, or that your Agency relied upon, will you provide that analysis for the record?

Mr. REGAN. So EPA provides the greenhouse gas analysis that characterizes the emissions profile for all of these sectors. And then——

Mr. JOHNSON. OK, so can you provide what you guys used, for the record?

Mr. REGAN. Yes, we can provide the contents of the greenhouse gas inventory that characterizes the emissions profiles of the individual sectors, and——

Mr. JOHNSON. What I am looking for is what EPA's role was in developing or analyzing the sector-specific pathways for those emission reductions. And that is what I would like you to provide to this subcommittee, for the record. Can you do that?

Mr. REGAN. What I can provide to the subcommittee, just to be sure we are communicating consistently, is the contents of the greenhouse gas inventory and the qualitative analysis that describes the statutory authority and the regulative participation that we would have——

Mr. JOHNSON. OK, I am running out of time, Mr. Regan.

The Nationally Determined Contributions submitted to the UN identified pathways to meet the specific economic sector of targets. Were cost estimates developed for these targets?

Mr. REGAN. You know, that analysis was done by the White House, and that is why I wanted to——

Mr. JOHNSON. You don't have any insights into that.

Has the EPA started its action development process for developing regulations to meet these Nationally Determined Contribution goals?

Mr. REGAN. Our process is we develop rules specifically, and we do that through the regulatory process, which is completely transparent—

Mr. JOHNSON. I know what the regulatory process is. But for this specific Nationally Determined Contribution document, have you started developing the regulations to meet those goals?

Mr. REGAN. Some we are in the process of, and some we are not. The contribution from, let's say, cars, we will be proposing a tail-pipe emissions standard in mid-July for the role of methane. We will be proposing a rule in September. And as you all know, I have committed to engaging on the replacement of the Clean Power Plan.

All of these are contributors to how we get to the emissions targets, but it is very—I need to be very specific. Those are not predetermined numbers or outcomes; that is a process that we go through in a transparent manner with all of our stakeholders.

Mr. JOHNSON. All right, Mr. Chairman, I apologize, we ran over. I yield back.

Mr. TONKO. OK, the gentleman yields back. Now the Chair will recognize the gentlelady from Illinois, Representative Schakowsky, who also serves as chair of the subcommittee on consumer protection.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman, very much, and I want to give a special welcome to our Administrator Regan for being here, and to—for—and to congratulate you for this really wonderful position that you have right now. I am so glad you are there.

And I am very glad to see that the fiscal year 2022 budget includes \$3.6 billion invested in critical drinking water infrastructure and creating jobs. But, really, this is just a small part of the water infrastructure request that goes along with the American Jobs Act: \$111 billion over 8 years.

And I want to tell you, the issue of lead and water is a huge one in Chicago. Actually, I didn't know how big it was until the Vice President came here a few—to Chicago a few weeks ago and informed me that Illinois has about 25 percent of all lead service pipelines in the country, and that includes the City of Chicago and—a part of which is part of my district. And I was so pleased to see last night the President saying that 100 percent of the lead pipes are going to be replaced.

And we all know the problem with lead, especially with children—lifelong effects, irreversible effects having to do with cognition and focus and ability to achieve—so we have to deal with this. What I want to ask you is how much would these proposed investments in drinking water infrastructure contribute to lead service line removal in places like the City of Chicago?

Mr. REGAN. Well, thank you for that question. And, you know, in the American Jobs Plan, the President has carved out \$45 billion to replace 100 percent of the lead pipes. And we could be executing this program through an existing program at EPA. It wouldn't be

recreating the wheel, it would be done through EPA's Drinking Water State Revolving Fund and our Water Infrastructure Improvements for the Nation's grants. So those two programs have a track record of pushing resources around water infrastructure to not only deal with infrastructure and water quality, but to help create jobs, as well.

So we have a process and criteria set up to be sure that those resources are distributed equitably, and they also will focus on—in the broader context of the \$111 billion—water affordability, as well.

Ms. SCHAKOWSKY. Now, you were mentioning grants. Are these competitive grants that States and localities are going to have to apply for?

Mr. REGAN. You know, I think what I would like to do is provide that for—grant process information for you. I think we have a couple of grant programs. Obviously, the needs are great here. But we do know that most of our cities and municipalities cannot afford to take out loans, so we do emphasize that grants are important, and we want to be sure that everyone is competitive for those resources.

Ms. SCHAKOWSKY. Great. So, you know, Chicago residents are—that are most impacted by lead service lines are often in communities of color and more low-income communities. So, Mr. Regan, how does investing in drinking water infrastructure contribute to your environmental justice agenda?

Mr. REGAN. It contributes significantly. We know that we need to implement programs that provide for—monitoring, but we also know that water quality is a critical component. Good, clean drinking water is a must in this country. And too many of our disproportionately impacted communities, both communities of color and low-income, do not have enough access to clean, quality drinking water. So that is a priority for us, and it is a priority as part of our environmental justice and equity programs.

Ms. SCHAKOWSKY. I know—we know that there are, literally, millions of homes and daycare centers that are affected. And we have to just make sure that we can do that.

I am almost out of time, and I can submit the rest of my questions in writing. But I certainly will be watching for the focus on lead, which can be so devastating when it is in the pipes and the service lines. And I thank you for your focus on that.

And I yield back.

Mr. REGAN. Thank you.

Mr. TONKO. The gentlelady yields back. We now recognize the gentleman from Oklahoma.

Representative Mullin for 5 minutes, sir, please.

Mr. MULLIN. Thank you, Chairman, and I appreciate you all's patience with me. I have been traveling. I got bad, bad reception throughout Oklahoma—or my district is pretty bad.

I don't know if you guys already tried to address it, but Director, have you—they already tried to address your mike yet? Because your mike is really bad on our end. It sounds—it is very—I mean, I—it is very hard to hear you.

[Pause.]

Mr. MULLIN. I can't even hear you now.

Ms. SCHAKOWSKY. Nobody is saying anything.

Mr. REGAN. My microphone?

Mr. MULLIN. Yes, it is real hard to hear.

And I don't know, Chairman, if you can—and we can get that fixed, because this is—that is—it is hard for us to hear him, and it is pretty distracting.

Mr. TONKO. Is there—

Mr. REGAN. What about now? Can you guys hear me now?

Mr. TONKO. It is still kind of scratching. Is there any way we can take, like, a minute or two to see if we can address it, the technology?

Mr. REGAN. Yes, we will take a minute on our end here, and see if we can resolve it.

Mr. TONKO. OK, thank you.

Representative Mullin, hold on. We will be with you in a second—in a minute or two.

Mr. MULLIN. Thank you.

[Pause.]

Ms. SCHAKOWSKY. Mr. Chairman, you ought to keep talking to see if it is getting any better, maybe.

Mr. TONKO. They have got the EPA team and our team working on this sound, so hopefully—

Ms. SCHAKOWSKY. It sounds good to me.

Mr. TONKO. Administrator, you can hear me, right?

Why don't—is it any better if you say—if you say something, we will see how the quality is working here.

Mr. REGAN. I don't know if it is improved yet or not. I see them still working on it. OK.

Mr. TONKO. OK, let's give it a minute or two, and we will be in a slight recess here.

[Recess.]

Mr. TONKO. Administrator, how is—I think we have a new device now.

Mr. REGAN. Yes. Is this better?

Mr. TONKO. That is much better. Thank you.

Why don't—Representative Mullin, are you still with us?

Mr. MULLIN. Yes, sir. Did we get it fixed?

Mr. TONKO. Let's—I believe we have, so thank you. So your 5 minutes will start now, please.

Mr. MULLIN. Thank you, sir. Chairman, thank you for working with me on that.

And Director, we really appreciate you working with it, too, and your time being with us.

Look, we understand this—that EPA is sometimes viewed different, obviously, between Republicans and Democrats. But I think we all agree we feel like the EPA does play a role in our government, but it is how we approach that.

And so a couple of questions I have is, one, do you feel like it is the role at EPA to create and enforce their own policies, or do you think it is the role to look at the legislation, and the meaningful legislation that Congress has passed, to create their policies to follow?

Mr. REGAN. Well, thank you for that question. I can answer it very clearly. EPA's role is to follow the law, and the laws that Congress has designed and given us to follow.

And so we want to be transparent. We want to follow the law and follow science.

Mr. MULLIN. So when you are talking about being transparent, underneath the Obama administration we didn't really feel like they were as transparent. In fact, when they were working with Congress, they never worked with Congress. It was very difficult. They would go at it alone, they would sometimes make their own policies before even trying to figure out what Congress's intent was. And it seems like the EPA was more used as a political arm and a policy-driven place than it was actually working with Congress.

So are you saying, underneath your direction, you feel like—that the EPA is going to work with Congress, regardless of who is in charge?

Because, you know, there is a good chance—I am not trying to be political here, but there is a good chance that there could be a different party in charge of the House of Representatives in 2 years.

Mr. REGAN. You know, our job is to work with every single Member. And that is what I did in North Carolina. We had a Republican-led General Assembly, although I worked for a Democratic Governor, and we got a lot of work done.

So at EPA—and I have already told all of my senior leadership and my staff—we are going to be transparent. We are going to respond to the IG, we are going to respond to GAO. We are going to respond to congressional Members. That is the mandate here.

Mr. MULLIN. Good. You know, and the—I don't—and I—listen, I am not—I am comparing you to the last administration underneath Obama, because there is a lot of lookalike, there is a lot of people that was with that administration that is back with the Biden administration. And underneath the Obama administration, the EPA, it didn't really seem like it wanted to work with industry on best business practices.

And in fact, it seemed like to me—because I am a product of that, the reason why I am in Congress today is because of the run-in I had with the EPA back in 2011. Otherwise, I wouldn't even be here. And—but it seemed like, to me, back then, that they were more interested in giving fines than they were actually working with us, working with the business community, working with our economy. And sometimes, you know, the regulations can be detrimental to the industry.

Are you—would you commit to working with industry, getting best business practices, before you guys roll out something that could actually destroy an entire industry?

Mr. REGAN. We are committed to engaging our regulated community. I have a track record for doing that. We have already been doing that.

And on that enforcement piece, one of the things that we have been discussing is having enforcement involved in regulation on the front end helps for the ease of implementation on that back end. We are not into the gotcha games. We want to put out regulations that are easily understood and can be complied with. And so we will be working with our stakeholders to do that.

Mr. MULLIN. Do you plan on being heavyhanded with the fines, or do you plan on giving industry an opportunity to fix whatever

issue may be—because I will tell you, a lot of times on the State side of it there is a conflict between State regulations, say, in the Oklahoma Department of Environmental Quality versus what EPA is requiring. And, as a business owner that has an environmental company, there can be a conflict between those two, and you have got to choose which one you are going to follow. You are licensed in your State, but then the EPA can come back on top of it.

And we saw with the Obama administration that fines would be levied when you are doing your best as a business owner to try to comply with, actually, the requirements. But there was no working with the industry. That is why I said working best business practices. And it is a huge concern a lot of business owners like myself have with this new administration, hoping that we don't have a rollback to the way it was handled with the Obama administration.

Mr. REGAN. You know, what I can do is I can pledge that we are going to have strong relationships with our State regulators and with the industry. I personally happen to know and have a relationship with your DEQ secretary there in Oklahoma, and I plan to, as a former State regulator, you know, look at cooperative federalism for what it is and have very strong relationships with our State regulators and with our business community because, at the end of the day, we want the best environmental outcomes while we are spurring economic opportunities, as well.

Mr. MULLIN. Director, I really appreciate that. I really do honestly look forward to working with you. Thank you so much. I appreciate you.

Mr. REGAN. Thank you.

Mr. TONKO. The gentleman yields back, and the Chair now recognizes the gentleman from Maryland.

Representative Sarbanes, you are recognized for 5 minutes, please.

Mr. SARBANES. Thanks very much, Chairman, thank you for the hearing.

Administrator Regan, welcome to the committee. I have, as I know my colleagues do, great expectations for the EPA under your leadership.

Unfortunately, under the last administration, there were a lot of—at the EPA, where industries that should be regulated were much too cozy with the Agency. And I think it harmed, impacted negatively, our approach to protecting the environment. So I am looking forward to your work at the Agency.

I am going to be parochial, the way some others have been. That is the way this game is played, of course. And so I want to focus—it won't surprise you—on the Chesapeake Bay.

First, let me say that I am gratified that, as part of the American Jobs Plan, the administration has focused on environmental restoration and protection. Chesapeake Bay is an economic engine for my home State of Maryland and, frankly, for the whole region, which is one reason protecting it is so vitally important. So I am very pleased to see the Biden administration's emphasis on restoration and protection.

In the last administration there were a lot of proposals—continuously, unfortunately—to cut funding to critical Bay programs. And in addition, there was not the commitment to the kind of coopera-

tive and collaborative leadership across the States in the Chesapeake Bay watershed that we need to ensure the restoration of the Bay. An example of that in the last administration was a failure to really have robust enforcement when it comes to that kind of collaborative approach.

So I am hoping that the State and local partners, as well as Bay colleagues in Congress, can count on you to change that, help provide that cooperative framework that we need to meet goals that are coming at us fast. Those are 2025 goals that we are trying to get in place.

I know there is an effort underway to reconstitute the position of senior advisor for the Chesapeake Bay and the Anacostia River at the EPA, and that will certainly be helpful. Can you provide some perspective on other plans to work with State, local, and Federal partners to meet the goals of the Chesapeake Bay agreement?

Specifically, can we count on you and your staff to use all the tools available to you through the Bay program, through grants, and certainly enforcement authority to ensure that the region is on track to meet those 2025 goals?

Mr. REGAN. Well, thank you for that question, and yes, we are actively focusing on the Chesapeake Bay. We see it as a national treasure and understand the ecological and economic benefits to all of us. We look forward to playing an active role in ensuring that all of the States that have agreed to preserving the Bay do their part and can claim their role.

And, you know, the details are to follow in the budget, but what I can say to you is that there is resource support included in this budget focused on the Chesapeake Bay. So we are excited to partner with you and understand, you know, how special it is, not only to the State of Maryland but to all of us as a country.

Mr. SARBANES. Thanks very much. Let me raise another dimension of it, which also calls for collaboration. As you probably know, 80 percent of the remaining pollutant load reductions that we need to achieve in order to meet these goals come from agriculture. And that means it is imperative that the EPA be working with USDA to ensure that there is sufficient financial and technical assistance in place to provide the Bay Region farmers with those tools, so that we can get the job done.

This is going to take a lot of cooperation, bringing people together. I think the EPA can play a critical role in facilitating that. Can you commit to that?

And what steps do you see there that perhaps might be new and different from what has already been done to address these needs?

I have some other questions. I will make sure I get those submitted in writing to you and your staff, but I appreciate your testimony here today. Could you just—EPA connection?

Mr. REGAN. Absolutely. You know, during the nomination process for being in this position and throughout, I have been in close contact with and developing a relationship with Secretary Vilsack. We are committed to partnering.

I also, you know, have enjoyed experience with the agricultural community and received a lot of support from the agriculture community because of the work that I have done in the past.

So this is not foreign territory for me, and we will bring all of those relationships to bear.

Mr. SARBANES. Great, thanks very much. I yield back, Mr. Chairman.

Mr. TONKO. Thank you. The gentleman yields back. The Chair now recognizes the gentleman from Utah.

Representative Curtis, you are recognized for 5 minutes, please.

Mr. CURTIS. Thank you. Thank you, Mr. Chairman, and thank you very much to our witness today.

I—we hear a lot of clamor about the science involved with climate change, and I can speak personally, for me—I don't know of anybody else on this committee that would differ with me—I don't question that science. But there is another aspect of science that we don't talk about a lot, and that is that currently 90 percent of all carbon emissions come from outside the United States. The U.S. is on track to emit just about 10 percent of worldwide carbon emissions. And at the same time, China is on a path to greatly increase their emissions for years to come.

In other words, the atmosphere doesn't care what country emits the carbon, just how much is in the atmosphere.

So, Mr. Director, do you agree with the science that cutting the U.S. carbon emissions in half by 2030 will not have a profound impact on the climate change problem?

Mr. REGAN. I believe that the NDC that the President has set and our approach will have a significant influence on how the world behaves. And collectively, I believe that the world will rally to meet the necessary reductions required.

Mr. CURTIS. So if I might just have a fun moment with you. You sound a little bit like some of my colleagues when they are asked about the science of climate change, which is to really deflect the question and to not answer the question.

And really, I think, why this is of concern is because we are embarked on a path that will dramatically alter the U.S. economy. And if that really reduces worldwide carbon, then that is something significant and something that we should pay attention to.

And I think more of a concern to me is will you work on policies that only advance policies that actually impact this worldwide carbon rather than just carbon here in the United States?

And coming back to the science, carbon doesn't care which country it comes from.

Mr. REGAN. I agree, and I think that when we take a look at what we are doing as a country, it is to mitigate carbon but it is also to take advantage of technological advancements and to create jobs. So I view the steps that we are taking as hugely impactful on reducing carbon, because we are setting the stage, we are leading. But also, during that process, we are taking advantage of where the markets are driving us, we are taking advantage of technologies that I believe we can deploy internationally, as well.

So in total, I fully believe that the actions that this administration are taking will impact climate change and will create jobs.

Mr. CURTIS. Well, do you agree with the fact that approximately, over the last decade, the United States has reduced more carbon than all the carbon-producing countries, combined?

Mr. REGAN. Yes, I agree that carbon has been on the decline.

Mr. CURTIS. Yes, and my point with that is that we have been setting an example, and other countries have not been following.

Let me switch gears quickly before I run out of time. National ambient air quality standards were designed to help reduce the amount of pollutants that we know cause human health issues. This is a big deal in my State. Utah has really struggled with this. As a mayor, we dealt with PM2.5 and understand these standards.

And I agree we need to reduce greenhouse gas emissions. However, the National Ambient Air Quality Standards were clearly never intended to regulate greenhouse gas emissions, nor would it be an effective way to combat global climate change, as we just talked about, when nearly 9 percent of emissions come from outside the United States.

Are you ready to assure this committee that you have no plans to pursue a greenhouse gas National Ambient Air Quality Standard?

Mr. REGAN. I haven't discussed that with anyone. I think that the Supreme Court has given us the authority to regulate greenhouse gases, and we will use the statutory authority we have to do so.

Mr. CURTIS. So it sounds like you are planning to do that. I just want to be clear. I am not pushing you to a yes or no, but rather just to know exactly what your intentions are.

Mr. REGAN. You know, I will be honest with you. The statutory authorities that are provided to the Agency to regulate greenhouse gases is what we will take a look at.

So I have not had any discussions with my staff about solely using the NAAQS or using the NAAQS as a complement. We will be looking at all of the tools we have to regulate greenhouse gases.

Mr. CURTIS. All right. Thank you, Mr. Chairman. I am out of time, and I yield my time.

Mr. TONKO. The gentleman yields back. The Chair now recognizes the gentlewoman [audio malfunction] vice chair of the full committee.

[Audio malfunction.]

Ms. CLARKE. Mr. Chairman?

Mr. TONKO. For 5 minutes, please.

Ms. CLARKE. Thank you very much, Mr. Chairman, and I thank you—I am sorry, Mr. Chairman, did you say Congresswoman Yvette Clarke?

Mr. TONKO. Yes, I did. I guess there was some trouble with the sound. But yes, Representative Clarke, you are recognized for 5 minutes, please.

Ms. CLARKE. OK, thank you very much, Mr. Chairman. And I thank our Ranking Member McKinley for convening today's hearing on EPA's Fiscal Year 2022 budget proposal.

Let me also thank Administrator Regan for joining us today to offer your testimony, and to say that I am excited about your leadership at EPA. So let's go.

After 4 years of systemic witnessing—of witnessing a systemic attempt to dismantle our Nation's environmental infrastructure and protections, it is nice to finally see a budget proposal that prioritizes our environment and the well-being of our communities.

The transportation sector has recently become the largest source of greenhouse gases in the United States, and vehicle emissions, such as particulate matter, are a major contributor in cities like mine, Brooklyn, New York, to medical conditions including asthma, heart disease, and premature death. You add to it COVID-19, and it has been a perfect storm.

Cleaning up emissions from medium- and heavy-duty vehicles, in particular, is long overdue for the communities living adjacent to highways, ports, freight hubs, with a predominantly low-income—with predominantly low-income communities and communities of color. The Biden administration has committed to centering equity in its work, and we need to build on that commitment by taking ambitious action to reduce emissions of both air pollutants and greenhouse gases from heavy-duty vehicles.

Do you agree that EPA needs to tackle emissions of nitrogen oxides and greenhouse gases from heavy-duty vehicles as soon as possible in model year 2027?

And what is your Agency doing right now to start an ambitious rulemaking on this critically important issue?

Mr. REGAN. I do agree that we need to reduce those emissions, and we are taking a very close look at that. You know, we are on target for a light-duty emissions vehicle standard in July, and we are looking at the followup to that and heavy-duty vehicles.

We are engaging with the industries, and I am engaging with my staff to take a look at, number one, what does the science call for, not solely from a greenhouse gas standpoint but, as we model out and look at these disproportionate impacts that these emissions are having on moderate to low-income communities of color, urban areas, how we take that into consideration as we develop these proposals for rulemakings.

Ms. CLARKE. One major tool already at the EPA's disposal is the DERA program, which has been used very effectively for vehicles like schoolbuses to lower harmful emissions and improve air quality at the heavily impacted communities. At a time when we need to be focused on tackling the climate crisis and creating good-paying jobs, DERA stands out as a prime example of what works.

What resources or support does EPA need to ensure that the DERA program is able to benefit the greatest number of people?

Mr. REGAN. Well, thank you for that. I think the DERA program has been extremely successful in terms of Congress's intent and our ability to execute. You know, the DERA program is like a lot of programs: There is more demand than there are resources.

What I would say is we have a good track record of getting those resources to those who need them the most to get the biggest bang for the buck. But, you know, that program, like many programs, could use financial bolstering. And it would be good for the economy, in terms of looking at advanced diesel technology as we segue to electric vehicles. But it is also good for the planet and good for people.

So I believe it is an excellent program, and I would say that the demand outpaces the resources.

Ms. CLARKE. We also need to be thinking about how we can reduce emissions from refrigerated trucks that transport our food and medications, including our vaccines, from freight depots to res-

taurants, grocery stores, and pharmacies. Right now, almost all of the trucks are secondary diesel engines that run nearly 24/7 in order to keep contents cold.

My legislation, the Freezer Trucks Act of 2021, is modeled after the DERA program and would address this issue by helping to fund electric refrigeration units as well as the charging infrastructure to support them. Is this something that your Agency has been looking into, and do you agree that it is an important piece to addressing the impacts of diesel pollution from the transportation sector on the hardest-hit communities?

Mr. REGAN. Well, thank you for that, and thank you for your leadership on that. I am not as familiar with that piece of legislation as maybe some of my staff.

It is an important piece of the pie, and I can commit that this Agency will look into and support you all in your efforts, from a technical assistance standpoint, any way we can.

Ms. CLARKE. Very well. Thank you, and I yield back, Mr. Chairman.

Mr. TONKO. The gentlelady yields back. The Chair now recognizes the gentleman from Texas.

Representative Crenshaw, you are recognized for 5 minutes, please.

Mr. CRENSHAW. Thank you, Mr. Chairman. Good to be back with you all. I still can't see you all, so it will be a few more weeks until that, hopefully, happens. I am doing well, and you don't need to feel bad for me. We raised our right hand, and then we asked to go to war, and sometimes this is what happens. But I hope to be back to normal within a couple of months. But for now, even a blind knuckle dragger can do a hearing, so here I am, and let's get to work.

Administrator Regan, thank you so much for being with us, and congratulations on your new position. So I do have some questions.

You have said that, in your budget proposal, about 8 percent of EPA's budget will be used for environmental justice and, as you put it, rewriting the DNA of the EPA. I am hoping you can tell us what you mean by that. How do you attach dollars to the notion of implementing environmental justice?

Mr. REGAN. Well, thank you for that question, Congressman, and thank you for your service to this country.

You know, environmental justice and equity will be part of EPA's DNA. And what I mean by that is there are areas that we can bolster our efforts to be sure that communities that have had the disproportionate impact from pollution no longer suffer disproportionately. So there are opportunities for us to take a look at overburdened communities to ensure that we have the appropriate air quality monitoring in place, that when we look at water quality needs from an infrastructure standpoint, that those communities have good-quality drinking water. Lead service lines and pipes that are disproportionately impacting communities—

Mr. CRENSHAW. Administration, since I have limited time, I think your answer so far is fairly reasonable, to be honest with you. But that is my—thank you for defining that.

The concern I have is certain legislation that may come, that may be written into law, that you would have to then regulate. The

CLEAN Future Act, for instance, in section 601, defines environmental justice rather differently than you just did. It defines it based on 17 principles from the 1991 People of Color Environmental Leadership Summit.

Among some of these principles it states that it must affirm the sacredness of Mother Earth. This is—I am not sure what that means—but paganistic. Another principle would say that we must oppose the destructive operations of all multinational corporations. So my question would be, does that make sense to write something like that into law?

It is one thing for activists to be saying that kind of rhetoric. It is quite another for that to be written into law, which your Agency would have to then regulate. How on Earth would you do that?

Mr. REGAN. Well, I thank you for the question. I am not familiar with that piece of legislation, so I am not quite sure I can fully answer your question. I think any piece of legislation, we would like to be sure that, number one, it follows the law, and it gives—and we have the authority to actually execute on what is being asked of us.

Mr. CRENSHAW. OK.

Mr. REGAN. So I will take a look at that, but I am not familiar with it.

Mr. CRENSHAW. Well, thank you, Administrator. I mean, I do find it a little hard to believe that you haven't seen that piece of legislation. It is a flagship bill for your party, and it would directly influence everything you do at the EPA.

Along the same lines, in title 9 of the CLEAN Future Act, it effectively bans plastic for the next [inaudible] years—at least puts a pause on it—with the promise of burdensome regulations right after that, effectively curtailing any kind of investment in new plastic production in the United States. We have some of the best natural gas resin-based plastic production.

So the problem is this. There's opposing forces here. On the one hand, the Biden administration wants to implement an enormous infrastructure plan that requires massive new plastic production, whether it is building EV batteries, lightweight materials for EV cars, new syringes and biomedical devices, and syringes which we use to vaccinate people, thousands of miles of fiber optic cable wrapped in plastic. But this would be banned, on the other hand, and your Agency would be tasked to effectively ban that, according to the law. So what would we do?

Mr. REGAN. Well, I want to be clear, honest, and transparent with you.

Number one, I am unfamiliar with the piece of legislation, have not been briefed by my team, which sends a signal to me that it may not be high on our priority. So I am not in a position to address many of those questions.

Mr. CRENSHAW. So, Administrator—

Mr. REGAN. This is the first time I am hearing that—

Mr. CRENSHAW. OK, Administrator Regan, you are saying that no one has consulted with—you are the expert, you are the head of the EPA, but no one has consulted with you about the CLEAN Future Act?

Mr. REGAN. That is exactly what I am telling you.

Mr. CRENSHAW. OK. Well, thank you.

No further questions, Mr.—I can't see my time, so maybe I am over time. And if I am, thank you for allowing me. If not, I yield back.

Mr. TONKO. OK, the gentleman yields back. The Chair now recognizes the gentleman from California.

Representative Peters, you are recognized for 5 minutes, please.

Mr. PETERS. Thank you, Mr. Chairman, and thank you, Administrator Regan, for being here. We are eager for your leadership.

The Journal of Environmental Research Letters recently published a study showing that steeply limiting or eliminating methane emissions can slow the rate of the Earth's warming by as much as 30 percent. There is a lot to do on climate, but getting methane out of the atmosphere is critical to keeping warming below the 2 degrees targeted by the Paris Climate Accord. I am happy to co-sponsor with Ms. DeGette the CRA that will restore the Obama new source rules.

But on methane regulation I want to point out that we can build back better. Instead of prescribing technology which is a proxy for lower emissions, we now have the monitoring ability, which we did not have in 2016, to impose direct emission standards. And last week I introduced the METHANE Act that would do just that: Direct the EPA to set methane emission limits for oil and gas facilities, reduced over time, encouraging investment in technologies that provide the greatest emission reductions at the lowest cost.

So, Mr. Administrator, I ask you to consider this new approach and whether there is a benefit to passing it—legislation that would provide reliability to the environment and to industry. I ask that your budget dedicate the resources under any circumstances to monitor emissions and enforce compliance.

I am going to ask you to respond to that in writing, so I can bring another urgent matter to your attention today.

On behalf of the people I represent in San Diego and Coronado, I have to tell you about what has to be one of the most dire environmental catastrophes on the continent. Tens of millions of gallons of raw sewage, human and chemical waste from commercial and industrial facilities, are flowing down through the Tijuana River across the U.S./Mexico border into San Diego communities.

This is toxic stuff. When it dries, the dust blows into nearby neighborhoods. The smell and noxious fumes make people sick. Border Patrol agents and Navy SEALs who are trained to protect our country have to wade and swim through it and are stricken with skin rashes, nausea, and even their boots disintegrating on their feet because of the chemicals in this sludge.

Sewage from Baja, California, and northern Mexico is being pumped untreated into the ocean. It makes its way to the San Diego County beaches in a matter of hours. Over the past few weeks, more than 550 million gallons of wastewater was pumped into the ocean, just a few short miles south of the border. And within hours, it is on San Diego beaches. People are getting sick. Beaches are getting closed. The Tijuana estuary is completely fouled. And this has been going on for far too long.

We worked hard, as a congressional delegation, to fix the problem and secured more than \$300 million as part of the USMCA.

We are supporting your agency and IBWC as they plan, design, and permit the big projects we need to address it, but we need action now.

This is an international catastrophe. It is happening in a working-class, minority—majority minority community in a far corner of our country. So I have to tell you today that these Americans are counting on you and me to fix it.

The best way to describe how much worse the problem has become is by the number of beach closure days at these locations. In 2018 south San Diego County beaches were closed 101 days. In 2019 that increased to 243 days. In 2020, 295 days. And in 2021, the beaches have been closed for the entire year. The nearby canyons have experienced toxic, dangerous spills every single day.

In August 2020, the Governor of Baja, California, declared the sewer system fixed in Tijuana after they replaced a pump station with the new diversion pumps. Around the same time, the EPA, as part of the USMCA process under President Trump, stated it was not necessary to implement short-term emergency measures to control transboundary flows because Mexico had fixed the pumps. But as I explained, it is now 9 months later. We are still getting daily transboundary flows, and our beaches are still polluted.

We can't wait for more public scoping meetings and studies. I am going to ask you four things today.

First, we need urgent, immediate fixes, anything to slow the flows.

Second, we need a diversion structure built immediately, either through Executive order or, otherwise, fast track.

Third, we ask your help in proclaiming the urgency to the administration about the need for the State Department to engage with Mexico and insist that they do their part and build the infrastructure needed to keep up with their population growth.

And fourth, and finally—and this is the only question I would ask you to answer today—will you please join Representative Juan Vargas, who represents the border area with me, and me in San Diego soon to see this tragedy for yourself? We desperately need your help, and we would love to show you the problem that we are facing.

Your comments on clean water in your written testimony couldn't have made me feel better about this. We would love to have you out in San Diego so we can work on this together. And I would ask you to come visit us. And with that, I will take your answer, but I will yield back, Mr. Chairman.

Mr. REGAN. Well, thank you. I absolutely would love to visit with you. It is a priority for EPA. I have already spoken with my Mexican counterpart about how urgent this problem is, and appreciate the resources that Congress allocated a couple of months ago. And we are working hard on a solution.

Mr. PETERS. Thank you very much. I yield back.

Mr. TONKO. The gentleman yields back, and we now recognize the gentleman from Georgia.

Representative Carter, you are recognized for 5 minutes, please.

Mr. CARTER. Thank you, Mr. Chairman, and thank you, Administrator, for being here. I appreciate you being here.

I wanted to ask you, it is my understanding that the Paris pledge commits the United States to a 50 percent reduction of economywide greenhouse gases below the 2005 levels, and we are supposed to reach this by 2030. You know, this is ambitious, to say the least.

Last week, the Biden administration filed its Nationally Determined Contribution, or NDC, if you will, with the United Nations under the Paris Agreement. We know that includes plans to pursue aggressive new regulations of the electricity and transportation sectors. But we know that these plans will still leave the administration short of the 50 percent NDC Paris pledge.

After transportation and electricity, the economic sectors with the highest emissions are industry and agriculture. Can you please tell us if the new regulations on these sectors are part of the President's plan to achieve the NDC?

Mr. REGAN. Well, thank you. I think that our participation in the development of the NDC was to characterize the emissions and then do a qualitative analysis of the regulatory authority we have to pursue it.

And so, you know, this is a governmentwide approach. This isn't a "EPA regulate solely your way out of this" situation. And so, you know, what I can say is, between regulatory and nonregulatory opportunities, I think that the administrationwide is all in for looking at this 50 percent reduction goal. It is not squarely on the shoulders of EPA and EPA's regulatory authority.

Mr. CARTER. But tell me what nonregulatory procedures are. I am not sure I am understanding. I want to make sure I understand that.

Mr. REGAN. Well, I think that there are a lot of activities that are occurring in the private sector that we don't regulate. I know for sure, in talking with Secretary Vilsack, that there are a lot of activities that agriculture is pursuing voluntarily that we don't quantify and don't regulate.

And so, again, these—and then there are lots of other things that happen outside of EPA's scope. I can't speak to the totality of all of the activities, but I can speak to EPA's activities and can assure you that, as we develop these regulations that contribute to the NDC, it will be done in a fully transparent manner that will engage all of our stakeholders.

Mr. CARTER. It is important to understand that these sectors, they are not monolithic, of course, and that true transparency requires more information. Can you tell the committee or provide for the record whether or not EPA plans regulations on, let's just say, livestock operations, soil management, iron and steel, municipal landfills, pulp and paper, refineries and petrochemical facilities, aluminum manufacturing, glass manufacturing, soda ash production, all of these things? Are you intending to pass regulations on these?

Mr. REGAN. You know, you gave a really long list, of which many are already following regulations or have regulations that they are working with the Agency on.

And so, again, I think that we provided a qualitative assessment of what regulations or what statutory authority Congress has given

us that will help contribute to the emission reductions that the NDC speaks to.

So, you know, I don't know if the question is asking are there new regulations, or how existing regulations complement, but what I will tell you is, as we traditionally do when we develop regulations, we engage our stakeholders, those who are in the regulated community, and we plan to do that this time, no differently than we always have.

Mr. CARTER. I am sorry, Mr. Regan, and with all due respect, I am just having trouble understanding exactly what your plans are. And I think it is very important. You just said that you wanted to be transparent, but I think it is very important we understand.

Look, I represent a lot of agriculture. I represent a lot of forestry. And they are not the problem. They are part of the solution. And I want to make sure EPA understands that they are part of the solution.

Mr. REGAN. I think if you were to speak with the ag CEOs across this country and the elected ag officials who supported my nomination, I have a track record of working with agriculture. And I have been working with Secretary Vilsack on how we can ensure that agriculture is at the table. So you and I are in agreement there.

Mr. CARTER. I certainly hope so, Mr. Regan. I appreciate you being here, and I appreciate you responding.

And I will yield back, Mr. Chairman,

Mr. TONKO. The gentleman yields back, and the Chair now recognizes the gentleman [audio malfunction].

Mr. TONKO. You are recognized for 5 minutes, please.

Mr. RUIZ. Thank you.

Administrator Regan, welcome, and thank you for being here. We speak the same language in environmental justice concerns.

I want to start by addressing the EPA's ongoing oversight of the Oasis Mobile Home Park in my district. It is very specific, but it really highlights some of the challenges in environmental justice that your agency is facing.

This park is located on Tribal private land in a rural farm-worker community and has been under an EPA emergency order due to high levels of arsenic in the park's drinking water since August 2019. I am very happy with the administration's efforts on lead in pipe water throughout America. Arsenic is dangerous and causes harmful health effects, and we find arsenic in some of our low-income communities, as well. This effort to deal with the emergency order since August 2019, that is more than 20 months ago.

I understand EPA's mission is to help water system owners get back into compliance when there is no contamination. However, this assumes that the system owners act in good faith. All public accounts indicate that the owner of Oasis Mobile Home Park has not acted in good faith. Over the past 20 months, park ownership has repeatedly missed EPA deadlines, failed to adequately provide replacement water for residents, threatened evictions, raised rent by more than 30 percent, and the list goes on, including informing their residents that the water was safe to drink when the EPA had not allowed that or cleared the water to drink. And therefore, residents were drinking with this water.

As the EPA continues to work with the park, I am concerned that the focus on compliance is failing to address accountability. Administrator Regan, how will you work to ensure that Oasis residents are protected and that bad actors are held accountable for repeatedly violating EPA orders to provide clean, safe drinking water?

[Pause.]

Mr. RUIZ. You are on mute, sir.

Mr. REGAN. Thank you for that. You know, I fully believe every community deserves clean drinking water. We will continue to partner with your office, the Bureau of Indian Affairs, California's EPA, and ensure that the technical assistance required from our Agency is given to the State, so that we can ensure that these—

Mr. RUIZ. Well, I understand the technical—

Mr. REGAN [continuing]. Infractions are limited.

Mr. RUIZ. I understand the technical assistance. My question is accountability. How far is far enough? How long is long enough?

You know, we talk about the BIA. The BIA has been negligent and never permitted them to begin with to operate this business. And now they are coming around. So when is enough enough, and hold individuals accountable?

Mr. REGAN. Well, I will tell you what, I will look into the particulars of this and speak with my enforcement folks, and we will get an answer to you on that.

Mr. RUIZ. I appreciate working with you, because I know in your heart you are about helping the environmental justice community. And at the core, this is an environmental justice issue. This is about the decisions and actions of the powerful affecting the health and well-being of the powerless.

In my remaining time I would like to ask you about another element of the EPA's EJ mission. The American Rescue Plan included my bill, the Environmental Justice for Coronavirus-Affected Communities, which provided EPA with \$100 million for both environmental justice grants and air monitoring grants under the Clean Air Act. Community groups in my district, such as Alianza and Leadership Council, have long been advocating for better air monitoring in the Coachella Valley. My district faces a range of respiratory threats, from the particulate matter from the Salton Sea to agricultural burns and smog pollution.

Yesterday the Washington Post reported that "nearly every source of the Nation's most deadly air pollutants disproportionately affects Americans of color." This makes it that much more important that the affected communities have access to the funding meant to protect them.

Administrator Regan, what is the status of this funding, and how is your office making sure that communities like mine are notified of these resources and that they are able to access these critical funds?

Mr. REGAN. Well, thank you for that. Thank you for your leadership on this. And we are in the process right now of developing the criteria to administer these funds.

And what I can tell you is what we did immediately was we engaged the communities, to be sure that they were a part of our criteria and decision making for those who actually receive these

funds. So it is a priority for us. We thank you for the resources that we received recently. And we have—we are on the ball.

Mr. RUIZ. Doctor—Administrator Regan, I am a doctor in public health, emergency medicine. You cannot disassociate our environmental health with our public health and individuals' health. Part of our chronic health disparities is due to the chronic exposure to toxins in our water and air. And if we are going to address the pandemic appropriately and the chronic health disparities and the health of the American people, we need to address environmental justice.

You are the guy that is going to help us get it done, and let's work together to ensure that every child can drink clean water and every family can bring clean—can breathe clean air in America.

I yield back my time.

Mr. REGAN. Thank you.

Mr. TONKO. The gentleman yields back. The Chair now recognizes the gentlelady from the State of Michigan.

Representative Dingell, you are represented for—or you are recognized for 5 minutes, please.

Mrs. DINGELL. Thank you, Mr. Chairman. Thanks for today's important—and thank you, Administrator Regan, for being here, and congratulations on your historic appointment.

Under the last administration, EPA ignored pressing environmental risks and moved the United States in the wrong direction on so many essential environmental protections. With your historic appointment, EPA is back in action. Sound science is the guide to policy. You have taken over this agency at a critical time, and your to-do list is long, and I care about most of your to-do list. So there is a lot of ground to cover, so I am going to move fast.

Fuel economy. I am a car girl. I applaud the Environmental Protection Agency's proposal to restore California's authority to set its own emission standards. Yes, I support California. After the previous administration stripped this authority from the State of California, it caused serious uncertainty to the auto industry. Thank you for clarifying earlier EPA's timeline for reviewing the GHG and the fuel economy stance, but I need to dig deeper.

As I understand it, due to lead time requirements, EPA will not be able to set a new rate until 2023, and NHTSA won't be able to set it until 2024. So just the delay in all of this is moving it down the line. It, obviously, worries many of us because we want to see the industry moving forward.

Can you walk me through how compliance will work for model years 2021 and 2022?

Are Trump standards enforced for companies that didn't sign on to the California framework, or at least for the nonsection 177 States?

And will the section 177 States enforce [audio malfunction] for those years?

What role does California play?

And I am concerned that the Trump standards might persist, and I think we all need to have a better understanding of what you are thinking about this. And I want to make sure the companies that did sign on to the—California aren't disadvantaged. So I think the industry is looking for some clarification.

Mr. REGAN. Well, we are engaging directly with the industry and with States like California.

Number one, I believe in the statutory authority that California has. Each State should be able to lead. So we want to be sure that we follow the law, and we have filed the first step of a two-step process to do that.

Listen, I think that we all have to live with the fact that we lost a few steps during the past administration. And so we have to go through a regulatory process, which—the President has indicated he wants to see a new proposed rule by July, all hands on deck. We are working extremely hard to do that. And while this first step does focus on model years through 2026, we are going to be very aggressive there.

We also know that we have a second bite at the apple beyond model years 2026, and we have a rulemaking process there as well.

And so, you know, regrettably, we lost a step, in terms of emission reductions. But we are coming back, and focused on how we make up for that lost time.

And I can assure you, we are having conversations not only with the automobile industry but the unions as well. I believe that what the science requires for us to do, where the industry is moving, and a manner by which we can do it to keep these jobs domestically is within our reach.

Mrs. DINGELL. I want to work with you on that, and I hope that we get to know each other, and helping that.

But I want to hit another subject before I am out of time. If you come from Michigan, you know about—you worry about clean water, and you worry about what my other colleagues have raised, about the pandemic has really made us focus on water as a human right. We tell people to wash their hands, and many people have had their water turned off and they haven't—they don't have access to clean water for public health, sanitary conditions. Water is life.

I have been encouraging this administration to do an Executive order preventing water shutoffs nationally, and especially while HHS has yet to fully implement and deploy money from the Low-Income Household Water Assistance Program, a new assistance program that Congress authorized in December through this committee, with my colleague, Rashida Tlaib, and I leading on.

Can you tell me what efforts are underway at EPA to ensure every American has access to clean water during this ongoing global health panic—pandemic?

And how do you plan to tackle the water debt crisis across so many communities?

Mr. REGAN. That is an important piece of the fiscal year 2022 budget, but it is really prominently featured in the American Jobs Plan.

What we need to do while we are assessing and looking at water infrastructure is ensuring that we pay attention to water affordability as well. I believe that we can focus on quality and affordability at the same time. And EPA has a track record in our loan and grant programs where we do just that, we focus on fixing the problem, providing quality water, and there is a significant focus

on water affordability as well. And that is where grants primarily become the option, versus loans.

It is a very serious issue, and we are grateful, in the American Jobs Plan, that the President is focused on it.

Mrs. DINGELL. Let's just try to not turn off anybody's water during this pandemic, and this administration needs to make sure that happens, I beg you.

Thank you, I yield back.

Mr. TONKO. The gentlelady yields back. The Chair now recognizes the gentlelady from California.

Representative Barragán, you are recognized for 5 minutes, please.

Ms. BARRAGÁN. Thank you, Chair Tonko. The proposed \$2 billion increase for the EPA budget is very promising, especially the focus on investing in programs that address clean air and clean water and environmental justice communities.

In my district, the Port of Los Angeles is both a major economic engine that provides jobs, but it is also a source of pollution. This is a public health burden for communities of color in south Los Angeles, and it is an environmental justice issue felt by communities near ports around the country.

Administrator Regan, can you please describe how EPA's proposed budget will help improve air quality at ports?

And would you agree that this type of work is central to realizing the administration's climate and justice—environmental justice goals?

Mr. REGAN. Well, thank you for that question, and it is central.

And when we look at our budget request of 2022, but also when we look at the American Jobs Plan, the American Jobs Plan really features resources that we can deploy to take a look at the impacts that ports are having on our communities. There are resources in there that really focus on how we get more air quality monitoring in these communities that are disproportionately impacted.

But there are also grant dollars that would flow through the Agency to these communities to do a lot of work, in terms of how we develop partnerships with the communities and the ports to ensure that we have the best management practices in place, that we understand from an air-quality-monitoring standpoint what is happening on the ground, such that our regulations are accommodating to reducing the threat that emissions from ports have not only on the climate but also on our vulnerable communities.

Ms. BARRAGÁN. And would you agree that the EPA has the experience and the expertise needed to establish and implement a program specifically focused on decarbonizing ports?

Mr. REGAN. We have the experience. We just need the resources.

Ms. BARRAGÁN. Well, it is definitely worth noting that the American Jobs Plan seeks to invest heavily in efforts to reduce emissions from ports, in turn creating good-paying, high-quality jobs.

Mr. Administrator, I want to shift a little to a bill that I have. It is called the Climate Smart Ports Act. It established an—it establishes an EPA grant program to help ports purchase and install zero-emissions equipment and technology. These investments will address major sources of emissions from port infrastructure and

the ships and trucks and trains that serve ports while also cleaning up the air that nearby communities breathe.

House Democrats have introduced legislation called the CLEAN Future Act, and we believe that this bill can help implement parts of the American Jobs Plan. Do you believe that legislation should include a port electrification and decarbonizing program so that we can help meet these goals of the American Jobs Plan?

Mr. REGAN. You know, I would love to take a look at that legislation. You know, I have been on the job for about a good 6 weeks now, I haven't had a chance to look at all of the legislation that has been raised today.

But I do believe that, if we can advance electrification in our ports and in our transportation, it will only help, from an air quality standpoint as well as a climate standpoint.

Ms. BARRAGÁN. Great. And the EPA—just—now I want to turn to something more local.

The EPA is investigating a former industrial site in my district called Central Metal for eligibility on the Superfund National Priorities List. It was used for recycling scrap metal up until 2016. The EPA is supposed to test the soils in nearby neighborhoods this year for contamination.

This facility was allowed to operate, for 15 years, so close to a district that is majority Latino and African-American. It is an example of the kind of environmental injustice we need to prevent. Residents complained for years about bad odors, metallic taste in their mouths, loud noises, and bad truck traffic. I will invite you and the EPA and hope that we can work together closely with our office to move as quickly as possible to evaluate and, if necessary, remediate the Central Metal site.

Thank you again, Administrator Regan, for your leadership, and I look forward to working with you.

With that, I yield back.

Mr. REGAN. Thank you.

Mr. TONKO. The—recognized from Virginia.

Representative McEachin, you are recognized for 5 minutes, please.

Mr. MCEACHIN. Thank you, Mr. Chairman. Thank you, as always, for convening today's hearing and for—on this important subject of the fiscal year 2022 EPA budget.

Mr. Regan—it is good to see you again, Director Regan.

As a founding member of the United for Climate and Environmental Justice Task Force, along with my colleagues Congresswoman Nanette Barragán and Congresswoman Jayapal, and as a proud lead sponsor alongside Chairman Grijalva of the Environmental Justice For All Act, I was heartened to see the justice-supporting initiative included in the President's Executive order 14008 on tackling climate change. This initiative is critical. I am excited to partner with you on this work.

Administrator Regan, how will your office work with communities that are most impacted to communicate the new funding opportunities under your EPA leadership?

Mr. REGAN. Well, thank you for that question. And, you know, I have directed every office within the Agency to look at how environmental justice and equity is integrated into our policies, our

regulations, our contracting, and our procurement. So we do have a formal education outreach arm that will do a lot of the outreach.

But I have the expectation that every single office has the accountability to engage with the communities that they do business with regularly, whether that be regulations, policy, and/or grant or loan programs.

Mr. MCEACHIN. Administrator, I need you to educate me a little bit on how your agency is working with CEQ on establishing what programs and investments will count towards the 40 percent.

Mr. REGAN. There is a very strong partnership there. The CEQ just confirmed the nominee, and so we have had an introductory meeting and we are mapping out how we best partner together.

We know that there is an automatic chemistry between the White House Environmental Justice Interagency Council and EPA's National Environmental Justice Advisory Council. Those are two arms that—both entities will enjoy direct access to the community. So we plan to leverage that, in addition to some other plans that we are working on.

Mr. MCEACHIN. Let me just say, Mr. Administrator, that, as we build back better, communities that have been historically left behind must be prioritized. Forty percent should be the floor, quite frankly, not the ceiling, and I look forward to seeing how the Americans Jobs Plan can help meet that goal.

Moving on to EJ screening, I believe the EPA's EJ screening tool has the potential to be incredibly helpful, not only for communities but for policymakers. Being able to better identify impacted communities will allow for more thoughtful considerations when it comes to permitting, enforcement, and overall prioritization of revitalization and mitigation efforts.

Mr. Administrator, can you tell us how the EPA is working in tandem with OMB and CEQ to create a tool that accurately identifies environmental hazards and impacted communities?

Mr. REGAN. Well, this is very important, and this is something that I have experience in doing in North Carolina. You are exactly right. If we have the right tools, the right screening tools, local economic developers, chambers of commerce, lots of individuals are interested in that information so that they can do the appropriate planning. No one wants to run afoul of the law or be accused of disproportionately impacting anyone.

And so I plan to bring that recipe to EPA as we work with CEQ and OMB, to ensure that our screening tools don't only empower us as the regulator but empower the very people who have to make decisions on the ground—many times are making decisions because they lack the information that we can provide.

Mr. MCEACHIN. You know, Mr. Administrator, the notion of cumulative impact, to my mind, is awfully important. Do you envision this tool helping to identify cumulative impacts that a community may be subject to?

Mr. REGAN. We believe that it can inform us on cumulative impacts, and we are in conversations—or I am in conversations right now with my general counsel and the experts here in the Agency to determine if we have all the tools we need to adequately address cumulative impact, or do we need more assistance from Congress.

And we look forward to partnering with you on answering that question.

Mr. McEACHIN. And to the extent that you feel like you need more assistance, please holler. You know, we want to make sure that we have cumulative impacts appropriately identified, and make sure that we are protecting these communities from any further damage.

Mr. Chairman, EJ screening is a critical piece of the puzzle in terms of prioritizing and identifying communities most at risk. I look forward to working with EPA to address cumulative impacts, enforcement, and investment as we continue our work with the Agency.

Mr. Chairman, I thank you for your time and your attention, and I yield back.

Mr. TONKO. The gentleman yields back. We thank you. And the Chair would now recognize the gentlelady from the State of Delaware.

Representative Blunt Rochester, you are recognized for 5 minutes, please.

Ms. BLUNT ROCHESTER. Thank you so much, Mr. Chairman, and especially for calling this important hearing.

And Administrator Regan, congratulations. It is good to see you in your new role. And thank you for your testimony here today.

Like my colleagues Representatives Barragán and Dingell, I am working on and have introduced legislation such as my Climate Action Planning for Ports bill, or working on affordable, accessible, and clean water issues. But today I would like to focus on clean air.

Last week, the American Lung Association released their annual State of the Air Report, showing that 40 percent of Americans live in areas where the air is unsafe to breathe. Forty percent. Clearly, we still have a lot of work to do to clean up our air.

The report also reminded us that we need to improve our air monitoring system. Fewer than one-third of U.S. counties have monitors, meaning that families don't have access to real-time information about the air they are breathing. Frontline communities have been subjected to unsafe air for decades and have suffered the long-term health consequences and complications because of it.

COVID-19 has only exacerbated this and shown us just how dangerous air pollution is to human health, particularly in our frontline communities. One step in empowering and protecting these communities is figuring out what pollutants they are currently exposed to. That is why I introduced the Public Health Air Quality Act, and I am proud it is included in the CLEAN Future Act. This bill will significantly improve and expand our air quality monitoring network and make sure EPA has the resources it needs.

Administrator Regan, I would ask that my staff continue to work with your office, and I would love to have a commitment that you will work with us on some of those important issues.

Mr. REGAN. Well, thank you. You do have my commitment, and I will say that, in our 2022 budget and in the ARP, this is exactly why we requested resources for air quality monitoring. It is a very important piece of the puzzle.

Ms. BLUNT ROCHESTER. Thank you so much. As a matter of fact, you preempted me. In the American Rescue Plan, we appropriated \$50 million to EPA for air quality monitoring programs under the Clean Air Act. What progress has EPA made in getting the \$50 million out the door, and what will that money accomplish?

Mr. REGAN. You know, it will accomplish a lot. And what we have done is we have started the process of engaging directly with our communities that have been overburdened, to determine and ascertain where these monitors should be placed and the types of information that we should be collecting.

We didn't want to rush and be paternalistic. We wanted to engage the communities, get their buy-in. The \$50 million is going to be a good shot in the arm. The \$100 million, as we have asked for in the 2022 budget, would be another shot in the arm. But we need to keep right on pressing on this air quality issue.

Ms. BLUNT ROCHESTER. Could you talk a little bit deeper—I was pleased to see that your discretionary budget request asked for 100 million for a new air quality monitoring and notification program. Can you talk a little bit more about it?

What goals do you have for the funding and the new program?

Mr. REGAN. Well, you know, it is really designed to better inform our air quality monitoring system. This isn't a situation where government wants to grow and build, this is an opportunity for us to give grants directly to the States, to the Tribes, and to the communities, arm them with the information on how to use these resources so that they can begin to monitor their air quality themselves and then communicate with us, as the Federal Government, so that we can partner with these local communities and these States.

This is extremely important, and a really good step forward, in terms of building the confidence that we need our communities to have in their Federal Government.

Ms. BLUNT ROCHESTER. And my last question is, do you need more to repair and expand on the air quality monitoring system?

In particular, do you have sufficient staff to address these challenges?

Mr. REGAN. You know, we have taken a serious hit in staff over the past 4 years. Over close to 1,000 people have walked out of the door. We are hoping to recoup some of that lost expertise.

I want to say we are making progress. With this 2020 ask, the resources that the President is calling for in the American Jobs Plan, you know, we really want to fight for those precious resources, and they will get us on our way.

Ms. BLUNT ROCHESTER. Thank you, Mr. Administrator. And also, I want to say, on behalf of my sister, she too has Aggie Pride. So welcome, and we are glad to have you on this mission. Thank you, sir.

And I yield back, Mr. Chairman.

Mr. TONKO. OK, thank you. The gentlelady yields back. The Chair now recognizes the gentleman from Florida.

Representative Soto, you are recognized for 5 minutes, please, and thank you for joining.

Mr. SOTO. Thank you, Chairman Tonko, and welcome, Administrator Regan. I appreciate your leadership on EPA.

In Florida we face intensifying hurricanes, rising sea levels, and if we do nothing to bend the curve on emissions we will see over 100 extremely hot days a year by 2050. We know we have to do something about it, which is why I am so excited about President Biden's goal of cutting U.S. greenhouse gas emissions in half by 2030, which reflects this urgency.

According to a recent New York Times report, new data shows methane levels in the atmosphere reaching record-high levels last year. If the 2020 rescission rule remains in effect, would the U.S. still be on track to make the methane reductions necessary to limit warming by 1.5 degrees and avoid the worst climate harms and meet the President's climate targets?

Mr. REGAN. Well, you know, based on the activities that are occurring with the CRA, what I would say is we are on target to propose a new regulation in September that would be on track with helping to get the deep cuts in methane emissions to help in part meet the President's goal. We are excited to say that we are engaging with the industry, because the technology exists and we are going to keep forging ahead.

Mr. SOTO. So with these new protections to protect our air and atmosphere from methane at high levels, it looks like we will stay on track. Thank you, Mr. Administrator.

In addition, we are really appreciative of the 21 percent increase in drinking water infrastructure. We have seen some issues with some of the cleaning resin affecting water infrastructure in central Florida and the city of St. Cloud in my district.

We are also really excited about the increase from 682 to \$882 million for the Superfund sites, because we have an issue still with phosphogypsum stacks, both in Polk County as well as in Piney Point, which you may have seen just recently.

Can we count on you to commit, if we get this increased funding, to help clean up these sites and hold polluters accountable for these phosphogypsum stacks in central Florida and Tampa Bay?

Mr. REGAN. Yes, we have been in close communication with the State of Florida on these issues. We see an effective partnership occurring with the State, and we will continue to be present and provide resources and technical assistance as needed.

Mr. SOTO. Thank you so much, Mr. Administrator.

And finally, I am very excited to see strong climate leadership from the Biden administration to boldly act on the climate crisis, rebuild our economy, and create millions of good, family-supporting jobs in the process.

Turning to President Biden's American Jobs Plan, which boldly outlines an economic recovery centered around tackling the climate crisis, how would the investments in the American Jobs Plan address the climate crisis, and what is EPA's role overall?

Mr. REGAN. You know, EPA plays a significant role. And, you know, the climate crisis, this is an opportunity for us to look at ways to leverage technology to reduce the harmful pollutants, like you mentioned with methane.

But the reality is that we are going to be living with many of the impacts that we are seeing. And so resiliency is incredibly important. And this is where the \$111 billion in water infrastructure is so important. We need a more resilient water infrastructure to

withstand not only climate change impacts but the attacks we are seeing from cyber issues as well.

But the good news is that not only are we hardening that structure, we are creating millions of jobs and creating opportunities to provide good-quality drinking water.

And by the way, in States like North Carolina and Florida we need to repair our storm water so that we can decrease the flooding that we are seeing because of inadequate infrastructure, as well as our wastewater treatment facilities overflowing as well.

So pollution reduction, resiliency, jobs, good-quality drinking water, there are huge opportunities for EPA in the Jobs Plan.

Mr. SOTO. Mr. Administrator, I am glad you mentioned the storm water issues. We just saw a grant being awarded to our district just yesterday from the HUD resiliency grants that came about through reaction and response to Hurricane Irma in Buenaventura Lakes in my district. So we strongly encourage you to continue working with your partners in HUD on those storm water resiliency methods as well as with utilities.

We are only going to get stronger hurricanes, both in the Outer Banks of North Carolina and South Carolina as well as in Florida. So we look forward to continuing to work with you. And thank you so much for your leadership.

Mr. TONKO. The gentleman yields back, and we now will move to a few of our colleagues who have waived on to the subcommittee. We will begin with Dr. Burgess, the gentleman from the State of Texas.

You are recognized for 5 minutes, please, sir.

[Pause.]

Mr. TONKO. Representative Burgess, Dr. Burgess from the State of Texas, if you are with us, I know you wanted to waive on to subcommittee—

Mr. BURGESS. Yes, sir.

Mr. TONKO. You are recognized for 5 minutes, please.

Mr. BURGESS. Thank you. Thank you, Chairman, for the recognition.

Administrator Regan, welcome to our subcommittee. Thank you for testifying today. You spoke just a moment ago to Representative Blunt Rochester from Delaware about having to restore some staffing capacity to the Agency. Did I hear you correctly?

Mr. REGAN. Yes.

Mr. BURGESS. So at the present time can you kind of give us a round-number figure as to the number of staff that you intend to hire?

Mr. REGAN. Well, over the past 4 years we lost close to 1,000 employees. And as we look at what is required of the Agency to be sure that we are protecting our drinking water and looking at air quality issues as to climate, what this budget does for us, it spells out needed resources to get back to where we were prior to 4 years ago, and then assess the additional staff we need to carry out our duties to protect clean air and clean water.

Mr. BURGESS. Well, and that is very admirable. We want you to have the staff that you require. We would also like some transparency in the hiring process, and how people are—throughout the Agency.

As you know, our committee is tasked with the oversight of your budget. Do you know what title 42 hiring authority is?

Mr. REGAN. I am sorry?

Mr. BURGESS. Do you know what title 42 hiring authority is?

Mr. REGAN. I don't believe I am familiar with that specific authority.

Mr. BURGESS. So years ago, the Environmental Protection Agency was actually part of the Department of Health and Human Services, or perhaps even the Department of Health, Education, and Welfare. But there was a title 42 exception that allowed personnel to be hired at a higher pay rate than they—to which they would otherwise have been—had available to them. And this was the subject of an IG report, and this is back in March of 2015. And, Mr. Administrator, I will be happy to make sure my staff gets a copy of this to you, if you don't have it already. The title of the IG—the report of the inspector general was “EPA Needs to Justify How it is Using Title 42 Hiring Authority.”

And here is the concern, that a—and in some of our previous investigative work that we did in previous Congresses, we found, for example, that a starting chemist might be hired at a much higher rate than they otherwise would have been at one of the other agencies.

So here is one of the things that has bothered me, historically, as a member of this committee. It appears that the EPA is using title 42 hiring authority despite lacking the authorization to do so from this committee. It was an assumed authorization when the EPA was previously within Department of Health and Human Services and has endured without the proper authorization from the authorizing committee, which would be the Committee on Energy and Commerce.

So, I guess from your original answer, you are not aware that the EPA was using title 42 hiring authority despite not having the authorization.

Mr. REGAN. I was just informed by my CFO that we do have the hiring authority—the authorization, excuse me. We do have the authorization.

Mr. BURGESS. Well, that has actually been the subject of some debate, and your inspector general perhaps felt otherwise. In that 2015 report your own Office of Inspector General called for the Environmental Protection Agency to justify how it is using that authority. My feeling on this committee, as the authorizing committee, that is a legitimate question, and I would just ask you if we can expect to get that question answered.

Mr. REGAN. Yes. I have had a couple of meetings with my IG, just as late as this week, and that hasn't come up. But I will circle back with our IG and get that answer—that question answered for you.

Mr. BURGESS. But—and the only other request is, if you do use the title 42 hiring authority, can you—moving forward, will you help us and commit to us that each hire is properly justified and regularly reported to this committee?

Mr. REGAN. Yes, we want to be transparent and follow the rules and follow the law. So, yes.

Mr. BURGESS. I appreciate your candor.

Thank you, Mr. Chairman, for the recognition. I will yield back.

Mr. TONKO. OK, the gentleman yields back. The Chair now recognizes the gentlelady from the State of Florida, who is also waiving on to the subcommittee. She serves as chair of the Select Committee on Climate.

Representative Castor?

Ms. CASTOR. Well, thank you, Chair Tonko, for allowing me to waive on, and thank you for your leadership.

Administrator Regan, it is very good to see you again. The Environmental Protection Agency is central to the ability of our neighbors to lead healthy lives, so I am grateful to everyone who serves there every day. And it occurred to me, just over the past couple of weeks being home here in Tampa, how EPA improves the health and the lives of my neighbors day in and day out.

One, I was out at a—with the university-area CDC. They are focused on an at-risk community, and they have used a brownfields assessment grant. And the leaders there said that it has been instrumental in their ability to go into some drug-infested neighborhoods, purchase property, turn that into a park, single-family homes, and they want to do more. So it is good to see brownfields included in the budget.

Then I was out with the county commissioner earlier this week. We were looking at a part of town where they are still on a septic system, but they are very close to Tampa Bay. And they have a plan to connect a lot of those homes to water and wastewater over time, but they can only take a little chunk at a time. So it is great to see you putting more—proposing more resources for a clean water revolving loan.

And then, as my colleague Congressman Soto mentioned, we just had a devastating toxic stew from an abandoned phosphogypsum stack pour millions of gallons of—it was a very acidic water into Tampa Bay. It is pretty gross, by the way. It is impacting shellfish areas, fishermen. It is probably going to lead to harmful algal bloom, where—you know, we are suffering through red tide that comes and goes over time. But this—it also impacts the health of folks. And EPA was here, in partnership with folks at the local level in the State. And I want to thank you for that.

And then it is the Tampa Bay estuary program that has been able to follow up and keep track of the water quality in the Bay and make sure that the public understands what is happening. And I know that the estuary program is another EPA initiative as well.

So all of these, I understand, will receive additional support in the proposed budget, is that right?

Mr. REGAN. Yes, that is right.

Ms. CASTOR. That is fantastic, and that is just in my community. This is—you just replicate that all across America, and it is so very important.

Now that the—with President Biden's election, there is a new emphasis, thankfully, as many of my colleagues have mentioned, on environmental justice. Congressman McEachin and others have asked some questions on that, and we do understand that there are many working-class communities and communities of color all

across America that have been disproportionately burdened by pollution.

In the Select Committee on Climate Crisis, in our action plan that we published last year, we had some recommendations there for stepping up the monitoring of the air and water quality, increased enforcement, increased capacity of our environmental justice groups. How will EPA prioritize environmental justice communities for more monitoring and enforcement?

Mr. REGAN. Well, thank you. It is a critical component of how we plan to do business, moving forward.

Again, I have directed all of my senior leadership to incorporate environmental justice and equity into the DNA of the work that they do in all of the offices at EPA.

But as you note, in the 2022 budget and in the American Jobs Plan there are specific resources called out to focus specifically on environmental justice communities that have been disproportionately impacted, especially through that air quality lens, but also, as we look to address water quality issues, as well, like, you know, lead in pipes and the like.

So there is a combination of looking at how we integrate it through policy and regulation, through our existing work, and then those additional resources we need for air quality, water affordability, as we move forward.

Ms. CASTOR. Thank you, and I know we need to also build the capacity of those groups, so that they have a meaningful seat at the table when it comes to clean water, clean air, and action on climate. So is that included as well?

Mr. REGAN. There are. There are opportunities for grants, in partnership with communities directly, as well as with the States. We know that communities and States know themselves much better than the Federal Government ever could. And so we are relying heavily on that to get it right.

Ms. CASTOR. Thank you very much.

Thank you, Chairman Tonko.

Mr. TONKO. You are welcome. The gentlelady yields back. The Chair now recognizes the gentleman from Arizona.

Representative O'Halleran, you are recognized for 5 minutes.

Mr. O'HALLERAN. Well, thank you, Chairman Tonko, for holding this important meeting today. I would like to thank Administrator Regan for testifying today. I am encouraged by what I have seen from the EPA for the first 100 days of this administration.

I represent an area in Arizona that is large and rural, spanning more than half the State of Arizona. I guess you can say the easy part is it is larger by 2,000 square miles than the State of Illinois. Rural areas need infrastructure investments. I appreciate your mentioning the need for water infrastructure projects, which is a big concern in Arizona.

In your testimony you also said that under your leadership the EPA will do everything in its power to clean up and restore land for our communities. I hope you don't mind that I am going to hold you to that promise.

There are over 250 abandoned uranium mines on Navajo Nation land in Arizona. They are there because the Government asked them to allow that mining to go on in the 1940s. For decades, mil-

lions of tons of uranium were mined on Navajo lands. These mines have had health impact to local families, including children, including death also. None of the sites could be considered safe, but families live there, children play there, and livestock grazes there. In fact, there's 1,000 homes with—partially made out of land, adobe, from those mines.

Last year your predecessor in the EPA added the Navajo abandoned uranium mines to the Administrator's Superfund emphasis list. This is a welcome step in the right direction. It is only about 6 decades too late, or 5 decades too late.

Two months ago, the EPA announced 220 million in cleanup funds, contracts coming out of a \$1.77 billion settlement in 2015. I want to see this cooperation continue at a higher level. Those funds will only address 200-some mines, maybe, at the continuing cost figures. Those funds have been there for a long time and not been used, for whatever reason. There needs to be more personnel placed on this project. They need to work closer to the project, instead of San Francisco or—now Denver is going to open up as an area. I want to see this cooperation continue at a much higher rate.

Now, what approach are you going to take when working with communities such as the Navajo Nation, which are hardest hit by environmental hazards?

And it has been mentioned environmental justice is important.

Would you please answer that?

Mr. REGAN. Yes. Well, thank you for raising that, and I know we will continue to work very closely with the Navajo Nation on expediting the cleanup of those, as you mentioned, 230 sites. But we recognize that there's about 270 more. And we are going to put a special emphasis on 46 sites, which we have ranked really high. The reality is that, with the resources that we are asking for in the 2022 budget and with the American Jobs Plan, there is a focus on how we engage more closely and more strongly with these disadvantaged communities.

It only empowers and bolsters EPA's ability to do so if we get those results, and so my staff is keenly focused on continuing to do the work that we are doing, but also ways that we can strengthen our partnerships with these local communities to be sure that we are putting the resources in the right place.

Mr. O'HALLERAN. How is the EPA under your leadership going to make these cleanup efforts a priority?

We have heard this from past administrations, from past EPA directors, we have heard it time and time and time again, and yet decades go by and nothing gets done.

And you don't have to ask for money. It is there in the trust fund right now. So I am still wondering where we are at, and how can your leadership make a change?

Mr. REGAN. I think what we have done is we have prioritized these types of issues. And this is where, through the environmental justice lens, this Agency is taking very seriously how we prioritize our response to communities that have been disproportionately impacted for far too long.

And so it does require a new emphasis on these communities, which we are engaging on, but it also requires additional resources. This Agency has been hit severely over the past 4 years and prior.

And so the combination of additional resources and this new focus on environmental justice and equity should yield a stronger result in this area.

Mr. O'HALLERAN. Mr. Regan, I appreciate your time here today. I look forward to extended discussions on this issue and other issues of cleanup.

And, Mr. Chairman, I yield back.

Mr. TONKO. The gentleman yields back, and that, I believe, concludes the list of colleagues who have chosen to question our witness today. I will take care of some additional business before we move to adjourn.

I request unanimous consent to enter the following documents into the record: a 2020 letter from 27 Members of Congress to former EPA Administrator Wheeler on the proposed PM 2.5 rule; a 2020 letter from 28 Members of Congress to former EPA Administrator Wheeler on the proposed Ozone Air Quality Standards Rule; an article from Politico entitled "Biden's climate target math still a mystery;" an article from E&E News entitled "Whiff of the unthinkable at EPA: CO2 standards for states;" an article from Inside EPA entitled "Environmentalists Bolster Years-Old Petition for EPA to Set CO2 NAAQS;" and a client update from Baker Botts entitled "EPA's PFAS Policy Change May Delay Market Entry for Innovative Chemicals;" a 2018 letter from 6 State attorneys general to Texas Attorney General Ken Paxton; a submission of the United States' Nationally Determined Contribution, in line with article 4 of the Paris Agreement; a 2021 letter from Patrick Morrissey, attorney general of West Virginia, to EPA Administrator Regan.

So any objection?

Hearing none, without objection, so ordered.

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

Mr. TONKO. Again, Administrator Regan, we thank you for participating with us today. You have endured for several hours here, and we thank you for responding to the questions posed your way.

I speak for myself, for certain, and I believe Members across the board on this subcommittee and with the standing Committee of Energy and Commerce that we look forward to working with you.

I wish you success. Your success translates into success for the stewardship of our planet Earth. So we thank you for your leadership.

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

I ask that you, Administrator Regan, respond promptly, please, to any such questions that you may receive.

And at this time the subcommittee is adjourned.

[Whereupon, at 1:47 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

Congress of the United States
Washington, DC 20515

December 5, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler,

We write in support of the Environmental Protection Agency's proposed rule to retain existing air quality standards for fine particulate matter, also known as PM_{2.5}.

At a time when economic stimulus and public services are critical to the nation's recovery, retaining these standards, which were set by the Obama Administration, will allow air quality improvements to continue without causing local communities across the country to suffer unnecessary job loss and further erosion of tax revenue.

EPA, states, and the regulated community have successfully worked together to slash PM_{2.5} emissions, resulting in a 43% improvement in related air quality since 2000. In the last three years alone, PM_{2.5} emissions have dropped 7%. These ongoing improvements will continue under existing programs even without changes to PM_{2.5} standards.

Against this backdrop, a clear majority of the Clean Air Scientific Advisory Committee voted to retain the Obama Administration's existing PM_{2.5} standards. That majority found substantial uncertainties with studies, many of which failed to account for air quality improvements, claiming to show health effects below the Obama Administration's PM_{2.5} standards.

Our constituents are returning to the workforce, many from recent unemployment. The local communities that we represent must overcome depressed business activity and depleted tax bases. Americans cannot now afford the consequence of more stringent PM_{2.5} standards that experts conclude do not clearly improve public health — especially when PM_{2.5} emissions are already dropping under existing programs. The resulting new regulatory burdens would undermine community business investment, curtail employment opportunities, and reduce tax revenue supporting local schools as well as first and frontline responders—effectively hamstringing efforts to overcome tough economic times. These impacts could reverberate to every part of the country.

Areas that do not meet new air standards face immediate, substantial, and long-lasting economic consequences. Existing facilities could be required to install new, expensive controls. New businesses seeking to build or upgrade operations must install the most effective PM_{2.5} emissions controls, *without consideration of cost*, and are subject to enhanced EPA oversight. In

The Honorable Andrew Wheeler
December 5, 2020
Page 2

addition, businesses must offset new PM_{2.5} emissions by paying for emissions reductions at existing facilities. In the absence of affordable offsets, new projects cannot proceed. Local infrastructure is also impacted as federal funds for transportation projects are withheld unless those projects can be shown not to increase PM_{2.5} emissions. Restrictions do not end once these areas achieve PM_{2.5} standards. Instead, they must petition EPA to be re-designated to attainment by submitting a complex maintenance plan listing numerous mandatory and long-lasting measures.

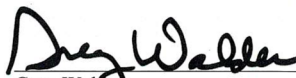
The consequences of lowering PM_{2.5} standards extend even to areas *meeting* those standards. New projects and major expansions in these areas require permits demonstrating that they will not exceed the standards. Businesses trying to make such demonstrations are already pinched between PM_{2.5} standards set near levels of emissions that naturally occur or are transported from other countries, and EPA modeling *designed* to over predict PM_{2.5} concentrations. Lowering PM_{2.5} standards further would eliminate the little margin left for businesses to obtain the necessary approvals for new, state-of-the-art projects. This could force companies operating in areas meeting PM_{2.5} standards to install controls *even more costly* than those required in areas that *fail them* – or to simply not build at all.

We therefore commend EPA for proposing to retain the Obama Administration's PM_{2.5} standards. This proposal supports local communities now fighting to get back on their feet, while continuing to drive to lower PM_{2.5} levels under existing programs. It will also provide EPA time to assess new or uncertain science regarding PM_{2.5} in the next review cycle, which will begin immediately after this proposal is finalized. We therefore encourage EPA to move quickly towards a final rule.

Sincerely,



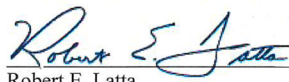
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Member of Congress



Greg Walden
Member of Congress



Cathy McMorris Rodgers
Member of Congress



Robert E. Latta
Member of Congress

The Honorable Andrew Wheeler
December 5, 2020
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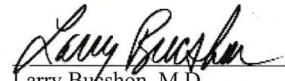

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Member of Congress


Pete Olson
Member of Congress


David B. McKinley, P.E.
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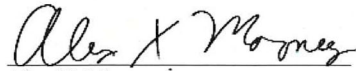

Earl L. "Buddy" Carter
Member of Congress


Jeff Duncan
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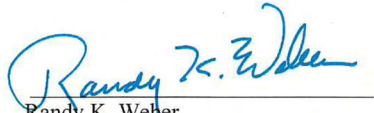
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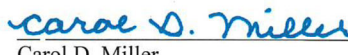
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Member of Congress



Glenn Grothman
Member of Congress



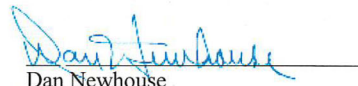
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Member of Congress



Carol D. Miller
Member of Congress



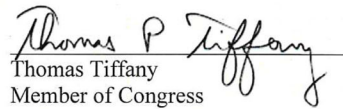
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Member of Congress



Dan Newhouse
Member of Congress



Dan Crenshaw
Member of Congress



Thomas Tiffany
Member of Congress



Steve Shabot
Member of Congress



Doug Lamborn
Member of Congress



Kelly Armstrong
Member of Congress

Congress of the United States
Washington, DC 20515

December 11, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler,

We write to support the Environmental Protection Agency's proposed rule retaining existing ozone air quality standards. With air continuing to get cleaner as states implement existing standards, this measure strikes the right balance between protecting public health while supporting recovering communities working to overcome job losses and rebuild depleted tax bases.

It is important to note that the proposal's recommendation to retain existing ozone standards is backed by consensus expert opinion. After reviewing the most recent science on health effects, EPA staff recommended retaining the existing ozone standards. EPA's Clean Air Scientific Advisory Committee similarly concluded that evidence supports those standards.

At the same time, air quality continues to improve. Since 1990, ozone concentrations have dropped by 25%, and 4% during the last three years alone. Emissions of VOC and NOx ozone precursors have dropped by 47% and 65% respectively. This progress is ongoing. Even the Obama administration noted in 2015 that "EPA expects air quality to continue to improve as recently adopted regulations are fully implemented."

States are continuing to implement two separate ozone standards set in 2008 and 2015. Revising the standards again not only will disrupt this ongoing drive to cleaner air but will introduce new local burdens. In point of fact, ozone standards are now so low that in many parts of the country they exceed "background" levels of naturally produced or foreign-transported ozone. Revising these standards once again would undermine business investment, curtail employment, and erode local government revenue for schools and first responders without providing clear public benefit. The resulting impacts could reverberate to every part of the country.

Areas that do not meet new air standards face immediate, substantial, and long-lasting economic consequences. Existing facilities could be required to install new, expensive controls. New businesses seeking to build or upgrade operations must install the most effective ozone precursor emissions controls, without consideration of cost, and are subject to enhanced EPA oversight. In addition, businesses must offset new ozone-forming emissions by paying for emissions reductions at existing facilities. In the absence of affordable offsets, new projects

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cannot proceed. Local infrastructure is also impacted as federal funds for transportation projects are withheld unless those projects can be shown not to increase ozone-forming emissions.

Restrictions do not end once these areas achieve ozone standards. Instead, they must petition EPA to be re-designated to attainment by submitting a complex maintenance plan listing numerous mandatory and long-lasting measures.

The consequences of lowering ozone standards extend even to areas meeting those standards. New projects and major expansions in these areas require permits demonstrating that they will not exceed the standards. Businesses trying to make such demonstrations are already pinched by ozone standards set at background level. Lowering ozone standards further would eliminate the little margin left for businesses to obtain the necessary approvals for new, state-of-the-art projects. This could force companies operating in areas meeting ozone standards to install controls even more costly than those required in areas that fail the standards – or to simply not build at all.

Furthermore, EPA is limited in relieving the burden created from implementing yet another ozone standard. Courts have ruled that the Clean Air Act's "anti-backsliding" provisions require states to maintain controls implemented to meet ozone standards, even if a standard is revoked. Quite simply, EPA cannot get the ozone standards wrong now and fix it later.

We commend EPA for proposing to retain existing ozone standards. This proposal supports local communities now fighting to get back on their feet, while continuing to drive improved air quality under existing programs. It is backed by both EPA and its outside scientific advisors. We therefore encourage EPA to move quickly towards a final rule.

Sincerely,



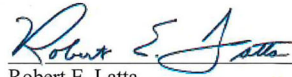
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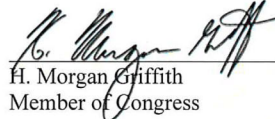
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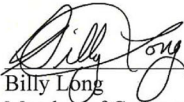
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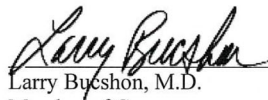
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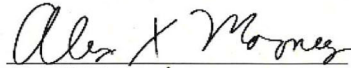


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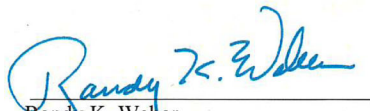
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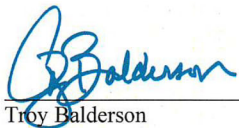
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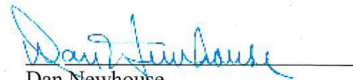
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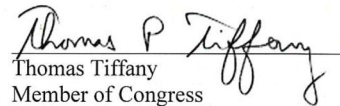
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BUSINESS AND INDUSTRY & 12 OTHERS

Biden's climate target math still a mystery



BY ZACK COLMAN | 04/28/2021 05:08 PM EDT



President Joe Biden sits in the Oval Office of the White House. | Andrew Harnik/AP Photo

White House officials have said the ambitious target to reduce U.S. emissions of planet-heating gases by 50-52 percent by 2030 was built on a rigorous analysis that laid out the pathways to success. But nearly a week later, no one outside the administration seems to have seen it.

Several Republican, Democratic and committee offices on Capitol Hill told POLITICO they had not been briefed by the Biden administration nor have they received any detailed explanation of how the White House plans to achieve the goal President Joe Biden unveiled ahead of the summit he convened with dozens of world leaders.

The lack of disclosure about what assumptions support the aggressive goal that will require seismic changes to the nation's power system, transportation sector and industry has raised questions about how the administration intends to meet its mark, especially since administration officials have been adamant that it can be met even if Congress fails to pass the climate-focused elements of Biden's \$2.2 trillion infrastructure bill.

That's raised some suspicions that the goal to eliminate more than half the nation's emissions may be more of a political aspiration than a meticulously detailed strategy.

"They were getting all kinds of pressure from progressives and the environmental left — if they said anything less, it would have been perceived as underwhelming," said Frank Maisano of the Bracewell's Policy Resolution Group, which represents power companies and other energy firms. "I don't think there is any analysis."

So far, the most detailed information about the White House's math that lawmakers received is from the administration's [official submission](#) of its climate target under Paris Climate Agreement to the United Nations climate body. But that communication only notes the administration used a "bottom-up" emissions modeling approach to assess technology advancements and retirements of aging equipment, and that it reviewed external analyses which "show that the United States can deliver on its" climate goal.

White House officials have praised the process and number crunching led by national climate adviser Gina McCarthy's office that went in to building the target, and they said McCarthy's office met with a diverse range of interests that included the U.S. Chamber of Commerce, electric utilities and the American Petroleum Institute. But White House spokesperson Vedant Patel declined to provide any details on the models used to create the targets, and said in an email "we don't have anything to share that's reporter-facing on this at the moment."

Even as Republican detractors float [bogus claims](#) that the president's climate target would force Americans to give up hamburgers, Biden's defenders suggest there's good political reason for the White House not to reveal its arithmetic: Giving such details would open the administration up to political scrutiny about whether its models are realistic, hamstringing its broader policy actions to down greenhouse gases.

"If you put out an analysis, you're immediately debating the analysis rather than policies to reduce emissions," said one Democratic congressional aide. Still, offering more details would shut down some of the criticisms, the person said. "I will guarantee you they are not assuming we ban red meat or air travel, so I guess in that sense it would answer some issues that are out there."

The White House hosted months of meetings with a range of groups, including trade associations and climate modelers who presented opposing views on whether a 50 percent reduction by 2030 was realistic.

Environmental groups and world leaders have cheered Biden's target, saying it provided much-needed momentum to galvanize action ahead of pivotal November climate talks in Glasgow, Scotland. In the run up to that event, the U.S. and others are prodding nations to increase their ambition to keep planetary warming of 1.5 degrees Celsius above preindustrial levels within reach.

"President Biden has met the moment and the urgency that the climate crisis demands," Nat Keohane, senior vice president for climate at the Environmental Defense Fund, said in a statement after Biden released the climate target, saying it "aligns with what the science says is necessary to put the world on the path to a safer climate, and vaults the U.S. into the top tier of world leaders on climate ambition. And it's backed up by numerous analyses demonstrating that it can be met through multiple pathways using existing technologies."

But industry representatives and Republicans have charged the White House process did not follow a typical consultation. They alleged the administration picked the 50 percent goal to appease environmental allies who said failing to hit that goal would fall short of heeding scientists' warnings of what's needed to keep global temperatures from crossing a dangerous precipice.

"The president's scheme will cost working families a fortune in higher energy bills. It will also hurt America's international competitiveness," Sen. [John Barrasso](#) of Wyoming, the top Republican on the Energy and Natural Resources Committee, said in a statement. "It's no wonder President Biden won't explain to the American people just how much his plan is going to cost them."

Biden and other administration officials have said developing the technologies and industries to transition the U.S. to a clean energy economy will reap economic benefits, create new jobs and make the country more competitive with rivals like China.

White House officials met with a number of organizations that had performed their own modeling suggesting the 50 percent reduction was achievable, such as Rhodium Group, the Mike Bloomberg-led America's Pledge and environmental group Environmental Defense Fund.

Administration officials contend they will share more about how it arrived at its climate figure in the future.

EPA Administrator Michael Regan said Wednesday during a Senate Environment and Public Works hearing that EPA projected the emissions it could reduce through "non-regulatory and regulatory programs" like tailpipe emissions standards

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Biden's climate target math still a mystery

for vehicles and the EPA Energy Star program for appliances. Regan said he believed EPA could make those estimated emissions reductions publicly available.

"I think the information that we generated conceptually on where these regulations might land within a range, that information can be made available," he said.

And Jonathan Pershing, who has a lead role on special climate envoy John Kerry's team, said during a Monday event that last week's two-day Leaders Summit on Climate was simply the wrong forum to disclose details about how the target would be met.

"There's been a lot of modeling done there's an extensive interagency process that's been convened, that will be forthcoming," Pershing said. "There will be a great deal more detail, there will be sectoral information, there will be policy by agency, there will be policy in terms of both national programs as well as state programs and those do roll up to be a compelling collective agenda to achieve the target we've set."

Matthew Choi contributed to this report

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- 23rd  **NEWS Article** The U.S. is back on climate. Now what?
-  **NEWS Article** The U.S. is back on climate. Now what?
- 22nd  **NEWS Article** White House dances around a big contributor to climate change: Agriculture
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E&E NEWS

CLEAN AIR ACT

Whiff of the unthinkable at EPA: CO2 standards for states

Jean Chemnick, E&E News reporter • Published: Wednesday, March 17, 2021



EPA Administrator Michael Regan is working on climate regulations. Environmental groups are pushing the agency to establish carbon dioxide standards for municipalities, similar to restricting pollution. Francis Chung/E&E News

There's renewed hope among climate advocates for an ambitious federal rule to limit greenhouse gases using the same type of mechanism that penalizes states for exceeding air pollution thresholds.

The Clean Air Act sets national air quality standards to lower pollutants that cause smog, acid rain and other health dangers. It's never been used for greenhouse gases, but environmental groups now hope EPA might finally use it after ignoring the option for 11 years.

The Center for Biological Diversity and 350.org initially petitioned EPA in December 2009 to use the landmark environmental law to set National Ambient Air Quality Standards, or NAAQS, for greenhouse gas emissions.

Doing so could potentially open the door for a more ambitious and all-encompassing climate program than EPA achieved under former President Obama. It would require states to hold their climate-warming emissions to a specific level.

"In our view, the NAAQS program is the strongest and most far-reaching Clean Air Act tool for this work," said Maya Golden-Krasner, deputy director of the Climate Law Institute at the Center for Biological Diversity.

She said the policy would encourage states to "optimally reduce emissions across all sectors and sources, and thus achieve much more in less time than a solely sector-by-sector regulation under other Clean Air Act programs."

Mitigation options run the gamut from market-based mechanisms like cap and trade to command-and-control regulation, but states would ultimately decide.

It's unclear whether EPA is actively considering such a standard for carbon dioxide and other climate pollutants. But early this month, Jane Nishida, who served as the acting EPA administrator until Michael Regan was sworn in as the new EPA chief on March 11, issued a brief retraction of the Trump administration's eleventh-hour denial of the Center for Biological Diversity and 350.org's petition proposing that EPA establish the sweeping health-based standards.

Nishida gave no indication that EPA would pursue the idea, saying in her letter to the petitioners only that the withdrawal was warranted, "as the agency did not fully and fairly assess the issues raised by the petition."

She issued similar retractions of other last-minute denials of petitions for proposed regulations submitted by the New York University School of Law's Institute for Policy Integrity and Food & Water Watch.

But Golden-Krasner of the Center for Biological Diversity said she saw some cause for optimism in EPA's speedy reversal.

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CLEAN AIR ACT: Whiff of the unthinkable at EPA: CO2 standards for states -- Wednesday, March 17, 2021 -- www.eenews.net

"I get a sense that the Biden administration is exploring all possible angles for how to address the climate crisis and didn't want to necessarily rule this one out," she said.

The two groups' petition was originally submitted to EPA at the end of President Obama's first year in office, before the agency had issued its regulations dealing with climate change. It remained unanswered under both the Obama and Trump administrations until Jan. 19 of this year, when then-EPA Administrator Andrew Wheeler denied it.

The section of the Clean Air Act that the Center for Biological Diversity and 350.org want to be used for reining in greenhouse gases is currently used to limit smog and soot. It allows EPA to set ambient air quality standards at levels that protect public health and welfare, and then mandates that states submit plans for maintaining those levels.

Long-term failure to meet the standards can result in consequences for state and local governments, including the imposition of an abatement plan by EPA that might limit economic activity in a specific region or the loss of federal highway funds.

This section of the Clean Air Act prohibits EPA from considering cost when setting standards — a limitation that doesn't apply to Section 111 of the law, which EPA has used under both Obama and Trump to set carbon standards for sectors like power plants and oil and gas development.

Wheeler's denial of the petition, issued on the last full day of the Trump administration, argued that the groups' proposal was untenable because greenhouse gases are global pollutants. Therefore, he argued, "no state implementation plan could possibly have any measurable effect on the concentration of greenhouse gases within its own borders, and no state could ever come into attainment on the basis of state level action."

A key aspect of the Center for Biological Diversity and 350.org's proposal is that EPA adopt a national air quality standard of 350 parts per million of carbon dioxide equivalent. That's a level at which scientists say the world could avoid the worst impacts of climate change, but it's also a concentration the world blew past several years ago.

The global atmosphere currently contains more than 410 ppm of CO2e, with greenhouse gases mixing evenly regardless of whether they're emitted in Chicago or Beijing. Wheeler predicted the result would be "nationwide and perpetual nonattainment."

But Karl Coplan, a professor at the Elizabeth Haub School of Law at Pace University, said the Clean Air Act provides relief if international emissions are the sole reason that a region in the United States can't reach attainment.

He argued that EPA could adopt only secondary — not primary — national air quality standards for greenhouse gases. That proposal, put forward in a recent article published in the *Georgetown Environmental Law Review*, would avoid a problem raised by some critics of air quality standards for carbon.

Where "primary" standards require attainment within a decade, secondary standards, which are based on public "welfare" instead of health, lack firm deadlines that would be hard to achieve given the length of time greenhouse gas emissions remain in the atmosphere.

On the whole, Coplan said, he favors "just biting the bullet and going with greenhouse gas NAAQS."

"We're in a time of crisis, and the time for baby steps and half-measures have come and gone," he said.

But it's unclear whether that's the route EPA will take.

Regan and Gina McCarthy, the Obama-era EPA administrator whom President Biden has charged with coordinating his domestic climate agenda, have spoken regularly about the need for a sectoral approach to regulation.

Regan told *The New York Times* in an interview published this week that the agency is already drafting new rules for power plants and automobiles. This sector-specific approach wouldn't necessarily preclude EPA from establishing a national air quality standard, too.

Support for the promulgation of greenhouse gas NAAQS standards is relatively limited, even from influential green groups devoted to climate mitigation.

Records of the daily schedule for Joe Goffman, the top political appointee at EPA's Office of Air and Radiation, obtained by an E&E News Freedom of Information Act request, show that he met with Natural Resources Defense Council climate director David Doniger on Jan. 26 to discuss national air quality standards and power plant rules. Doniger said NRDC is not asking EPA to promulgate NAAQS for climate pollutants.

"We are pursuing other Clean Air Act mechanisms that we think offer the potential for quicker abatement," he said via email.

Some experts have questioned whether the Supreme Court, with a strong conservative majority, would favor a rule compelling states to make steep cuts to emissions from a host of sectors at once.

But Coplan of Pace University said the plan, while ambitious, is on firm ground textually. The Clean Air Act allows EPA to set limits for pollutants that endanger public health and welfare — a finding EPA made more than a decade ago and that the courts have upheld.

Listing greenhouse gases as criteria pollutants for the purpose of establishing a national air quality standard would be a "no-brainer," he said. It would also be difficult to undo in subsequent administrations.

4/26/2021

CLEAN AIR ACT: Whiff of the unthinkable at EPA: CO2 standards for states -- Wednesday, March 17, 2021 -- www.eenews.net

The last half-decade has shown that sectoral rules, too, can run afoul of the courts or be reversed after a change in administration.

The Obama-era power plant rule for carbon, known as the Clean Power Plan, was stayed by a less conservative Supreme Court in 2016, even before the Trump administration repealed and replaced it.

Doubts persist about how the high court would treat another rule that, like the Clean Power Plan, takes an expansive view of the "best system of emissions reduction."

If EPA were to decide to move forward with national air quality standards for carbon, it would start by listing the gases as criteria pollutants.

That would trigger EPA into setting the standards. When they are final, states would determine how to reach attainment. It is a regulatory process that would likely stretch well beyond Biden's first four years in office.

Reporter Sean Reilly contributed.

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From Climate Extra

Environmentalists Bolster Years-Old Petition For EPA To Set CO2 NAAQS

April 14, 2021

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Environmentalists are supplementing their years-old petition for EPA to set a national ambient air quality standard (NAAQS) for carbon dioxide, submitting additional data on the science that has evolved since their original 2009 petition to the agency that the Trump EPA rejected but the Biden administration reinstated.

The Center for Biological Diversity (CBD) and 350.org sent an [April 14 letter](#) to EPA Administrator Michael Regan offering new scientific information in support of their petition to set a CO2 NAAQS.

The groups filed the supplement after the agency [March 4 withdrew](#) the Trump administration's Jan. 19 petition denial, an action that broadened the agency's statutory options for regulating greenhouse gases under the Clean Air Act as officials reconsider their approaches for cutting GHGs from power plants and other sectors. "We are pleased that the [EPA] is 'further consider[ing] the important issues raised' in the 2009 Petition," the groups' letter says, citing the petition's reinstatement by then-acting Administrator Jane Nishada.

"In light of this fact and that the 2009 Petition has now been pending for more than a decade, we write to provide some additional information regarding developments in climate research and policy since 2009, and address some of the concerns raised in the Petition denial," the letter says.

New information includes that the warming potential of certain greenhouse gases, such as methane, "has been revised upwards;" information on "additional and more extreme dangers of climate change to public health and the planet has been published; and limiting warming to 1.5 [degrees Celsius] with little or no overshoot requires a more rapid phase out of [CO2] emissions than would have been necessary had reductions begun sooner."

Also, research into nationwide carbon budgets and climate policy developments since 2009 "provide an even clearer pathway to establishing a national [GHG] pollution cap than was evident in 2009, while case law helps indicate how these emissions reductions can be apportioned among the states," the letter notes.

EPA declined to comment on the new letter.

The groups also renew their arguments that EPA is obligated to regulate CO2 under the NAAQS program, saying that listing CO2 and other GHGs as a criteria pollutant "remains mandatory under the Clean Air Act. It is imperative that the United States now take bold actions to address climate change" and the NAAQS program is the air law's "most far-reaching and important tool for doing so."

Free-market and other critics of climate rules have long opposed regulation of CO2 as a criteria pollutant, though Brittany Bolen, the Trump EPA's policy chief and senior counsel, said recently that proceeding with such an approach is unlikely to move quickly.

NAAQS reviews are rigorous and require multiple steps, especially because the Biden EPA is also expected to revive the role of the Clean Air Scientific Advisory Committee that offers input on the development of such standards, adding another layer of review to the process, which already "takes years," Bolen told *Inside EPA* in a [recent interview](#).

"I think for the time that they're there . . . this is not going to be accomplished in a first term. I believe this is more of a leverage point, exploring next steps."

National Framework

But the environmental groups argue that listing CO2 as a criteria pollutant would provide a national framework for addressing the most pervasive forms of emissions from numerous sources and is "best suited to the regulation of" GHGs, they add in the letter to Regan.

The NAAQS program also activates the "widest possible approach to tackling" GHGs, "and offers states maximum flexibility to choose the measures, across multiple sectors, which will allow each state to achieve its emission reduction requirements."

The groups stress that reductions of other criteria pollutants under sections 108-110 of the air law, such as ozone and particulate matter, "have provided large economic benefits and have been achieved during periods of rapid economic growth."

Finally, the letter endorses simultaneous GHG reduction programs under other sections of the air law -- such as 115 addressing foreign emissions, 111 for stationary sources, and 202, 213 and 231 for mobile sources. They say these rules "have an important role to play and will complement a national pollution standard. But incremental approaches such as the Clean Power Plan [power plant GHG rule under section 111] have not delivered the urgently needed pollution reductions. Seeing a national science-based standard is critical to protecting the health and welfare of the nation."

In an accompanying press release the groups say they reinforced their original petition in response to EPA reopening consideration of it, pointing out that the urgency of the climate crisis has grown exponentially in the last 12 years.

"We have such an abundance of evidence of the dangers [GHG] pollution poses to human health and survival," Maya Golden-Krasner, director of CBD's Climate Law Institute, said. "Every flood, fire and superstorm reminds us how desperately we need bold EPA action, right now."

Natalia Mebane, 350.org's policy director, added, "The Supreme Court decided years ago that the executive branch can regulate carbon as an air pollutant. The EPA has a duty to enforce the laws that protect our air, water and climate. The Biden administration has already taken great steps to reduce our carbon emissions, and we call on them to use their full authority to combat the climate crisis."

Last month, Golden-Krasner told *Inside EPA* that EPA was giving "[serious consideration](#)" to setting a secondary CO2 NAAQS to protect the environment, rather than a primary one to protect human health, in a bid to have the rule survive review by a conservative high court. She said while the group prefers it set both, "there may be some aspects" to a secondary-only approach "that makes sense" because it would offer more flexibility on compliance timelines.

But **not all environmentalists are on board** with the idea of a CO2 NAAQS, with groups such as the Natural Resources Defense Council arguing that the best approach is for EPA to issue a new round of section 111 rules, known as new source performance standards.

Meanwhile, some conservatives including the *Wall Street Journal* editorial page are warning that EPA's plan to tighten the ozone NAAQS could be a "**backdoor**" way to regulate CO2 citing work by acting air chief Joe Goffman while at Harvard University in 2019 with Democratic state attorneys general (AGs) to pitch this option. On Jan. 19, 16 Democratic AGs filed suit over the Trump EPA's decision to retain the ozone NAAQS. -- Dawn Reeves (dreeves@iwnews.com)

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EPA's PFAS Policy Change May Delay Market Entry for Innovative Chemicals

28 April 2021
Client Updates

On April 27, 2021, the U.S. Environmental Protection Agency ("EPA") announced an important policy shift in its pre-market review of new per- and polyfluoroalkyl substances ("PFAS") under the Toxic Substances Control Act ("TSCA"). EPA's change, which is immediately effective, removes all types of PFAS from eligibility for the expedited 30-day low volume exemption ("LVE") market entry process. The new policy means that PFAS must now go through the pre-manufacture notice ("PMN") review process that should take 90 to 180 days, but often takes much longer. It also means that innovative replacement PFAS, which can be less environmentally persistent and more effective than existing chemistries, could face a longer horizon for market entry.

The LVE process has been used for PFAS and other chemical approvals since the 1990s, and to enter market through the LVE program, EPA must find that the chemical "will not present an unreasonable risk of injury to health or the environment." In removing PFAS from eligibility for the LVE program, nothing suggests that EPA conducted a scientific assessment to find that its prior approval of over 400 PFAS LVEs were scientifically unsupported or failed to meet the statutory "not present an unreasonable risk" test. Additionally, this statutory language was not changed in 2016 when Congress comprehensively overhauled TSCA through the Lautenberg Amendments.

Spotlight on the LVE Program

Under TSCA, a new chemical may not enter commerce until EPA has completed the PMN review process and issued any orders or significant new use rules to address any risks identified by EPA. Due to the lengthy PMN process, EPA created the 30-day LVE process for companies that commit to a limited production volume for the chemical at issue. Environmentalists have long viewed the LVE as a "loophole" to approving PFAS and other chemicals without robust review. However, there is nothing to suggest that EPA has not conducted proper, sufficient safety reviews prior to market entry for PFAS – or any other chemicals in the LVE program – up to the point of the immediately-effective policy change.

EPA supports the change by stating that "[g]iven the complexity of PFAS chemistry, potential health effects, and their longevity and persistence in the environment, an LVE submission for a PFAS is unlikely to be eligible for this kind of exemption under the regulations. While EPA will consider each LVE application individually, the agency generally expects that pending and new LVE submissions for PFAS would be denied."

EPA's announcement is notable also because it applies broadly to all PFAS, without distinguishing between particular PFAS classes and subclasses that can have quite different characteristics of persistence, toxicity or bioaccumulative effect. While the Agency has not formally announced any intent to regulate PFAS collectively as a single class under TSCA, the LVE policy change may signal EPA's current inclination toward such an approach.

What's Next?

Companies should expect more lengthy review processes of new chemicals, including PFAS, before being allowed to enter the market. EPA also is exploring ways in which to "work cooperatively" with companies to voluntarily withdraw previously granted LVEs.

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KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 23, 2018

The Honorable Elaine L. Chao
Secretary
United States Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Madam Secretary and Administrator Wheeler:

As the attorneys general for our respective states, we write to stress the importance of the President's proposal to improve and bring national harmony to the Corporate Average Fuel Economy (CAFE) standards.

One state should not be able to effectively dictate fuel economy standards, tailpipe emission requirements, and mandates for zero emission vehicles (ZEV) for the entire nation where Congress has set a clear policy favoring a single federal standard and no compelling air quality concern exists that is unique to that state.

We believe in the rule of law and concur with the assertion in the proposed rule that state-based greenhouse gas (GHG) tailpipe standards and ZEV mandates are preempted under the Energy Policy Conservation Act of 1975. That legislation was enacted to address the United States' dependency on OPEC by establishing uniform motor vehicle fuel economy standards across the entire nation.

Unfortunately, it is impossible to achieve those uniform standards under current federal policy. Instead, the voters of states that prefer more stringent standards are allowed the latitude to legislate as they see fit while voters in states that prefer less stringent standards find themselves subjected to the more stringent state's standards. Allowing one state the authority to increase federal standards for the entire nation while preempting any state that seeks to decrease them is inconsistent with bedrock principles of federalism and thwarts Congress' purpose of establishing a unified national standard when it created the CAFE program in 1975.

The current policy originated with a purported waiver issued under the Clean Air Act. We agree that this ostensible waiver was likewise preempted by the terms of the Energy Policy Conservation Act. Contrary to the Environmental Protection Agency's prior interpretation of the

correlation of these statutes, state standards preempted under the Energy Policy Conservation Act cannot rationally be afforded a valid waiver of preemption under the Clean Air Act.

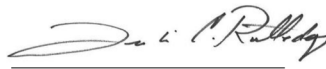
We also believe that the California GHG waiver was improperly granted and is inconsistent with Section 209 of the Clean Air Act. There is no sound basis on which to conclude the California standards address “compelling and extraordinary” air quality concerns unique to California. In fact, California has made no secret of the fact that their standards are aimed at establishing nationwide policy toward carbon emission and will not meaningfully address ambient GHG concentrations in the state. Moreover, the California standards are unlawful in that they are infeasible and do not provide sufficient lead time or give appropriate consideration to compliance costs under Section 209 of the Act.

We support implementation of the proposal and urge revocation of the Environmental Protection Agency’s previous waivers to California, thereby precluding the nine other opt-in states under Section 177 from enacting California’s fuel economy standards.

Very truly yours,



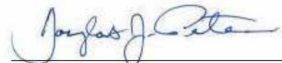
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The United States of America

Nationally Determined Contribution

**Reducing Greenhouse Gases in the United States:
A 2030 Emissions Target**

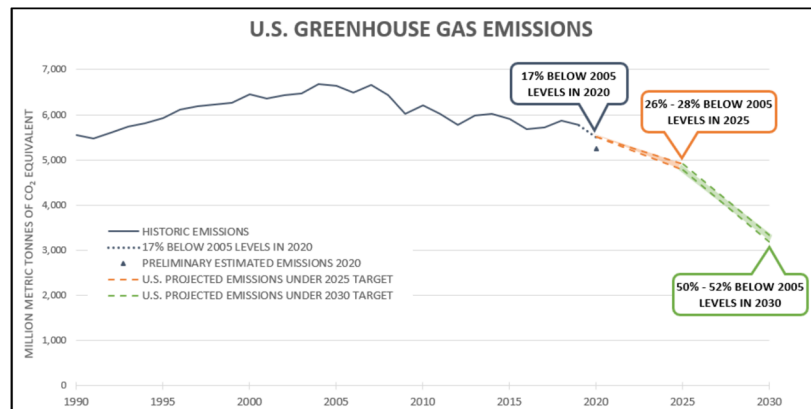
The United States' Nationally Determined Contribution Reducing Greenhouse Gases in the United States: A 2030 Emissions Target

INTRODUCTION

This submission communicates the United States' nationally determined contribution (NDC) in line with Article 4 of the Paris Agreement. The Paris Agreement establishes a goal of holding the increase in the global average temperature to well below 2° C above pre-industrial levels and pursuing efforts to limit the temperature to 1.5° C.

Climate change is an existential threat and demands bold action. Solutions exist today to reduce emissions rapidly while supporting economic growth and improving quality of life. Addressing the climate crisis requires scaling the many solutions we already have, while investing in innovation to improve and broaden the set of solutions, enabling multiple pathways to reach global net zero emissions.

After a careful process involving analysis and consultation across the United States federal government and with leaders in state, local, and tribal governments, **the United States is setting an economy-wide target of reducing its net greenhouse gas emissions by 50-52 percent below 2005 levels in 2030.** The National Climate Advisor developed this NDC in consultation with the Special Presidential Envoy for Climate, and it was approved by President Joseph R. Biden Jr..



United States Historic Emissions and Projected Emissions Under 2030 Target

Deploying zero-carbon solutions in the United States will create good jobs and improve the health of our families and communities. Local air pollution reductions that come along with reaching this goal will avoid tens of thousands of premature deaths by 2030. The United States is committed to standing with the workers and communities too often left behind — people and places that have suffered as a result of economic and energy shifts — and creating well-paid employment in the low carbon economy. The United States reaffirms its commitment to the creation of decent work and quality jobs as an integral part of its efforts to combat climate change. The United States will work to ensure that our firms and workers are not put at an unfair competitive disadvantage and cooperate with allies and partners that are committed to fighting climate change. As appropriate, and consistent with domestic approaches to reduce United States greenhouse gas emissions, this includes consideration of carbon border adjustments in relation to carbon-intensive goods.

Furthermore, acknowledging that the worst impacts of climate change have hit historically disadvantaged communities hardest, the United States is committed to environmental justice and to prioritizing investment that benefits these communities. In addition, American innovation will increase the diversity of available and accessible low-cost low-carbon technologies to eliminate greenhouse gas emissions. The United States also notes the importance of natural climate solutions, terrestrial and marine, in climate ambition and resilience. It further recognizes the role of the broader suite of ocean-based climate solutions, including scaling-up offshore renewable energy and reducing emissions from shipping and ports, in increasing climate ambition and creating jobs.

There are multiple paths to reach this goal, and the United States federal and subnational governments have many tools available to work with civil society and the private sector, mobilizing investment to meet these goals while supporting a strong economy. The solutions are affordable, and the cost of inaction far outweighs the cost of action in economic and humanitarian terms.

Based on preliminary estimates, the United States is expected to have met and surpassed its 2020 target of net economy-wide emissions reductions in the range of 17 percent below 2005 levels and is broadly on track to achieve 26-28 percent emissions reductions below 2005 levels in 2025. The 2030 target represents increased ambition made possible in part through advances in technology and resulting market responses.

A whole-of-government approach on climate action at the federal level will play an important role in achieving our target in 2030, building upon and benefiting from a long history of leadership on climate ambition and innovation from state, local, and tribal governments. Strong and predictable policy frameworks support private investment in innovation and deployment of carbon pollution-free technology and infrastructure, spurring markets that drive continued progress. All levels of government and the private sector will partner to drive and implement this NDC and create a more equitable, resilient, zero carbon future for the American people.

The National Climate Advisor and the White House Office of Domestic Climate Policy, in consultation with relevant departments and agencies across the federal government, conducted a detailed analysis to underpin this 2030 target, reviewing a range of pathways for each sector of the economy that produces CO₂ and non-CO₂ greenhouse gases: electricity, transportation, buildings, industry, and the land sector. Technology availability, current costs and available savings, and future cost reductions were considered, as well as the role of enabling infrastructure. Standards, incentives, programs, and support for innovation were all weighed in the analysis.

In addition to the techno-economic analysis, the National Climate Advisor and the White House Office of Domestic Climate Policy ran an interagency process across the federal government and consulted a range of other stakeholders, including groups representing: tens of millions of advocates and activists including environmental justice leaders; the unions that collectively bargain for millions of Americans who have built our country and work to keep it running; thousands of scientists; hundreds of governmental leaders including governors, mayors, and tribal leaders; hundreds of businesses; hundreds of schools and institutions of higher education; as well as many specialized researchers focused on questions of pollution reduction.

Sector-by-sector Pathways to 2030

In developing the NDC, the United States considered sector-by-sector emissions reduction pathways. Each policy considered for reducing emissions is also an opportunity to improve equity and support good jobs in the United States.

The United States will decarbonize the energy sector, including by cutting energy waste; shifting to carbon pollution-free electricity; electrifying and driving efficiency in vehicles, buildings, and parts of industry; and scaling up new energy sources and carriers such as carbon-free hydrogen. Actions to be pursued include, for example:

- **Electricity:** The United States has set a goal to reach 100 percent carbon pollution-free electricity by 2035, which could be achieved through multiple cost-effective technology and investment pathways, each resulting in meaningful emissions reductions in this decade. Eliminating greenhouse gases from the electricity sector will also reduce air and water pollution, improving public health while supporting good jobs building modern infrastructure. Policies that contribute to emissions reduction pathways consistent with the NDC include incentives and standards to reduce pollution. The federal government will work with state, local, and tribal governments to support the rapid deployment of carbon pollution-free electricity generating resources, transmission, and energy storage and leverage the carbon pollution-free energy potential of power plants retrofitted with carbon capture and existing nuclear, while ensuring those facilities meet robust and rigorous standards for worker, public, environmental safety and environmental justice. The United States will also support research, development, demonstration, commercialization, and deployment of software and hardware to support a carbon pollution-free, resilient, reliable, and affordable electricity system.

- **Transportation:** The largest sources of emissions from transportation are light-duty vehicles like SUVs, pickup trucks, and cars, followed by heavy trucks, aircraft, rail, and ships. These transportation modes are highly dependent on fossil fuels, with more than 90 percent of transportation energy use coming from petroleum. Transportation provides essential access to services and economic opportunities, but has historically contributed to racial and environmental inequities in the United States. There are many opportunities to reduce greenhouse gas emissions from transportation while also saving money for households, improving environmental quality and health in communities, and providing more choices for moving people and goods. Policies that can contribute to emissions reduction pathways consistent with the NDC include: tailpipe emissions and efficiency standards; incentives for zero emission personal vehicles; funding for charging infrastructure to support multi-unit dwellings, public charging, and long-distance travel; and research, development, demonstration, and deployment efforts to support advances in very low carbon new-generation renewable fuels for applications like aviation, and other cutting-edge transportation technologies across modes. Investment in a wider array of transportation infrastructure will also make more choices available to travelers, including transit, rail, biking, and pedestrian improvements to reduce the need for vehicle miles traveled. While the emissions pathways analyzed focus on domestic emissions reduction, the United States is also exploring ways to support decarbonization of international maritime and aviation energy use through domestic action as well as through the International Maritime Organization (IMO) and International Civil Aviation Organization (ICAO).
- **Buildings:** Building sector emissions come from electricity use, as well as fossil fuels burned on site for heating air and water and for cooking. There are many options to avoid these emissions while reducing energy cost burden for families and improving health and resilience in communities. The emissions reduction pathways for buildings consider ongoing government support for energy efficiency and efficient electric heating and cooking in buildings via funding for retrofit programs, wider use of heat pumps and induction stoves, and adoption of modern energy codes for new buildings. The United States will also invest in new technologies to reduce emissions associated with construction, including for high-performance electrified buildings.
- **Industry:** Emissions in the heavy industry sector come from energy use, including on-site fuel burning as well as electricity, and direct emissions resulting from industrial processes. The United States government will support research, development, demonstration, commercialization, and deployment of very low- and zero-carbon industrial processes and products. For example, the United States will incentivize carbon capture as well as new sources of hydrogen – produced from renewable energy, nuclear energy, or waste – to power industrial facilities. In addition, the United States government will use its procurement power to support early markets for these very low- and zero-carbon industrial goods.

Beyond the energy sector, the United States will also reduce emissions from forests and agriculture and enhance carbon sinks through a range of programs and measures for ecosystems ranging from our forests and agricultural soils to our rivers and coasts. Actions to be pursued include, for example:

- **Agriculture and lands:** America's vast lands provide opportunities to both reduce emissions, and sequester more carbon dioxide. The United States will support scaling of climate smart agricultural practices (including, for example, cover crops), reforestation, rotational grazing, and nutrient management practices. In addition, federal and state governments will invest in forest protection and forest management, and engage in intensive efforts to reduce the scope and intensity of catastrophic wildfires, and to restore fire-damaged forest lands. Alongside these efforts, the United States will support nature-based coastal resilience projects including pre-disaster planning as well as efforts to increase sequestration in waterways and oceans by pursuing "blue carbon."

The United States also recognizes the crucial importance of reducing non-CO₂ greenhouse gases, including methane, hydrofluorocarbons and other potent short-lived climate pollutants. Actions to be pursued include, for example:

- **Non-CO₂ Greenhouse Gas Emissions:** The United States will implement the American Innovation and Manufacturing (AIM) Act to phase down the use of hydrofluorocarbons. To address methane, the United States will update standards and invest in plugging leaks from wells and mines and across the natural gas distribution infrastructure. In addition, it will offer programs and incentives to improve agricultural productivity through practices and technologies that also reduce agricultural methane and N₂O emissions, such as improved manure management and improved cropland nutrient management.

NATIONALLY DETERMINED CONTRIBUTION

The nationally determined contribution of the United States of America is:
To achieve an economy-wide target of reducing its net greenhouse gas emissions by 50-52 percent below 2005 levels in 2030.

INFORMATION FOR CLARITY, TRANSPARENCY, AND UNDERSTANDING

Recalling Article 4.8 of the Paris Agreement, as well as decision 4/CMA.1 and its Annex 1, the United States provides the following descriptive and contextual information to enhance the clarity, transparency, and understanding of the United States' NDC.

Information to facilitate clarity, transparency and understanding of the United States nationally determined contribution			
1. Quantifiable information on the reference point (including, as appropriate, a base year):			
a	Reference year(s), base year(s), reference period(s) or other starting point(s);	2005	
b	Quantifiable information on the reference indicators, their values in the reference year(s), base year(s), reference period(s) or other starting point(s), and, as applicable, in the target year;	United States net emissions in 2005, as published in the Inventory of U.S. Greenhouse Gas Emissions and Sinks ("Inventory") on an annual basis. At the time of submission, this value is reported as 6635 million tonnes CO _{2e} in the Inventory submitted April 15 2021. This value may be adjusted in the future as described below in 1(f).	
c	For strategies, plans and actions referred to in Article 4, paragraph 6, of the Paris Agreement, or policies and measures as components of nationally determined contributions where paragraph 1(b) above is not applicable, Parties to provide other relevant information;	n/a	
d	Target relative to the reference indicator, expressed numerically, for example in	A 50-52 percent reduction below 2005 net emissions levels	

	percentage or amount of reduction;	
e	Information on sources of data used in quantifying the reference point(s);	Information sources of data on greenhouse gas emissions and removals as reported in the Inventory on an annual basis. At the time of submission, Annex 6.4 of the Inventory submitted on April 15, 2021, linked here , contains a full list of sources of data for the Inventory.
f	Information on the circumstances under which the Party may update the values of the reference indicators	Consistent with IPCC good practice guidance, and paragraph 28 of Decision 18/CMA.1 Annex 1, the United States is committed to improving the quality of its inventory and will perform recalculations to the inventory time series as needed to reflect the latest data and to maintain methodological consistency over time. The carbon dioxide equivalent mass of net greenhouse gas emissions used as a basis in tracking progress towards the NDC target will be the 2005 net emissions reported in the most recent Inventory at the time of submission of the relevant biennial transparency report (BTR).
2. Time frames and/or periods for implementation:		
a	Time frame and/or period for implementation, including start and end date;	2030 ¹
b	Whether it is a single-year or multi-year target, as applicable.	Single-year target
3. Scope and coverage:		
a	General description of the target;	Economy-wide target of reducing net greenhouse gas emissions by 50-52 percent below 2005 levels in 2030

¹ As described in Section 5, progress towards the implementation and of the NDC will be tracked using annual net GHG emissions for 2021 through 2030, compared with net greenhouse gas emissions for 2005. The achievement of the NDC will be assessed by comparing net greenhouse gas emissions for 2030 with net greenhouse gas emissions for 2005.

b	Sectors, gases, categories and pools covered by the nationally determined contribution, including, as applicable, consistent with Intergovernmental Panel on Climate Change (IPCC) guidelines;	The NDC is economy-wide. It reflects all anthropogenic emissions and removals as reported in the Inventory, and specifically: • All sectors, as defined by the IPCC 2006 guidelines; • All greenhouse gases included in the IPCC 2006 guidelines; • All categories, as included in the IPCC 2006 guidelines, occurring in the United States; • All carbon pools, as included in Volume 5 of the IPCC 2006 guidelines.
c	How the Party has taken into consideration paragraph 31(c) and (d) of decision 1/CP.21;	The United States has included all categories of anthropogenic emissions or removals in its NDC. No source, sink, or activity that was included in the previous version of the NDC has been excluded.
d	Mitigation co-benefits resulting from Parties' adaptation efforts and/or economic diversification plans, including description of specific projects, measures and or initiatives of Parties or adaptation actions and/or economic diversification plans	n/a
4. Planning processes:		
a	Information on the planning processes that the Party undertook to prepare its nationally determined contribution and, if available, on the Party's implementation plans including, as appropriate:	
a(i)	Domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner;	Executive Order 14008, dated January 27, 2021, specified that the United States would immediately begin the process of developing its NDC under the Paris Agreement and that the process would include analysis and input from relevant executive departments and agencies, as well as appropriate outreach to domestic stakeholders.

	The National Climate Task Force² conducted a whole-of-government process to develop this nationally determined contribution. The process included a bottom-up analysis of existing and potential policies and measures at the federal level, accounting for capital stock turnover, technology trends, infrastructure needs, and continued subnational policies and measures. The analysis considered multiple pathways across all sources of greenhouse gas emissions: • The energy sector including electricity, transportation, buildings, and industry; • Land sector CO₂ including forests and soil carbon, as well as other opportunities for emissions reductions, such as ocean-based solutions; and, • Non-CO₂ greenhouse gases including hydrofluorocarbons, methane and N₂O, as well as other opportunities for reducing black carbon emissions. In addition to the emission reductions included in the Inventory and as part of the NDC, the United States continues to explore opportunities to advance reductions in black carbon emissions and ocean-based emissions. In addition to the techno-economic analysis, the National Climate Advisor and the White House Office of Domestic Climate Policy ran an interagency process across the federal government and consulted a range of other stakeholders, including groups representing tens of millions of advocates and activists including youth, the unions that collectively bargain for millions of Americans who have built our country and work to keep it running; thousands of scientists; hundreds of governmental leaders including governors, mayors, and tribal leaders; hundreds of businesses; hundreds of schools and institutions of higher education; as well as many specialized researchers focused on questions of pollution reduction.
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² The National Climate Task Force is comprised of the National Climate Advisor (Chair), Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Education, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Homeland Security, Administrator of General Services, Chair of the Council on Environmental Quality, Administrator of the Environmental Protection Agency, Director of the Office of Management and Budget, Director of the Office of Science and Technology Policy, Assistant to the President for Domestic Policy, Assistant to the President for National Security Affairs, Assistant to the President for Homeland Security and Counterterrorism, and the Assistant to the President for Economic Policy.

a(ii)		Following this analysis, modeling, and consultation, the NDC was approved by President Joseph R. Biden Jr.
a(ii)a	Contextual matters, including, inter alia, as appropriate: a. National circumstances, such as geography, climate, economy, sustainable development and poverty eradication;	The United States is the largest economy in the world and the third largest country in terms of population and geographic area. The United States is a federal republic of 50 states. The Constitution of the United States assigns certain powers to the federal government, with other responsibilities devolved to the states. Local governments are charged with governance responsibilities at the corresponding level of subnational government. Indian tribal governments exercise governmental authority over a broad range of internal and territorial affairs. This shared responsibility for policy in areas such as economic growth, energy development, transportation, land use planning, and natural resource use creates the opportunity for action at multiple levels. The United States federal government is divided into three branches: executive, legislative, and judicial. Each branch of government is assigned specific authorities and plays distinct roles in enacting, implementing, and adjudicating laws and regulations. This same three-branch structure is also replicated at the state level, and often at lower levels of government as well. This structure creates a system of “checks and balances,” which shapes the development and implementation of policy. Responsibility for addressing energy, environment, and climate change-related issues within the federal government cuts across each of the three branches within their assigned constitutional roles. The estimated population of the United States as of July 1, 2020 was 329.5 million, making the United States the third most populous country. This represents an increase of over 30% above 1990 levels. From 2019-2020, the United States population grew at a rate of 0.35% reflecting both net births and net international migration. By 2050 the total population of the United States is expected to reach nearly 400 million people. This estimate reflects United States Census Bureau assumptions that growth rates will decline slightly over the coming decades. The population is not evenly distributed across the country; rather, the distribution of the population is affected by a series

	of biogeophysical, climactic, social, and economic factors. In the United States, the amount of energy used per unit of economic growth (energy intensity) has declined steadily for many years, while the amount of CO₂ emissions associated with energy consumption (carbon intensity) has generally declined since 2008. With a mainland bounded by the Atlantic Ocean to the east, the Pacific Ocean to the west, Canada to the north, and Mexico and the Gulf of Mexico to the south, the United States is a large and diverse country. Its 9,192,000 square kilometers (3,548,112 square miles) are spread across six time zones. Given the size and extent of United States territory, its biogeophysical profile is diverse. Ecosystems range from the Arctic tundras of northern Alaska to the tropical forests of Hawaii and the overseas United States territories. Approximately 60 percent of land in the United States is privately owned. Another 28 percent is owned and managed by the federal government. This area includes protected areas such as national parks, wilderness areas, wildlife refuges, and monuments; national forests; rangelands; and other public lands. Approximately 8 percent of land is owned and managed by state and local governments, and 3 percent is held in trust for Native Americans by the Bureau of Indian Affairs. The United States is the world's second-largest producer and consumer of energy. This creates significant opportunities to mitigate greenhouse gas emissions through energy efficiency, electrification of end-uses that currently burn fossil fuels, and carbon-free energy supply. The United States is a leader in clean energy innovation and deployment, with recent increases in investment into research, development, demonstration, and deployment of clean energy, other greenhouse-gas mitigating activities, and technologies to support resilience and adaptation to the changing climate. The evolving energy mix has a direct impact on greenhouse gas emissions, with carbon intensity declining largely as a result of a decrease in the consumption of carbon-intensive fuels, and an increase in lower- or zero-carbon fuels. In 2020, United States renewable generation reached a new record of 761 million megawatt-hours (MWh) – approximately 19 percent of the total United States electricity use. This
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	was more than double the renewable generation in 2010, with more than 90 percent of the increase in renewables over the past decade coming from wind and solar generation. Total carbon-free generation in 2020 represented approximately 39 percent of total United States electricity generation. From 2005 to 2019, total net greenhouse gas emissions fell at an average annual rate of 0.8 percent. This decline reflects the combined impacts of policy (e.g., efficiency standards for vehicles and appliances and renewable energy incentives) and energy market and technological trends. In 2016, the United States transportation sector overtook the power sector as the leading source of greenhouse gas emissions for the first time since the late 1970s, and represented 29 percent of 2019 gross United States greenhouse gas emissions. Transportation emissions have grown significantly since 1990, in large part due to increased demand for travel. The power sector still represented 25 percent of total gross greenhouse gas emissions in 2019, though its carbon intensity has fallen rapidly over the past decade. The industrial sector as a whole, excluding emissions from electricity used by industry but generated offsite, represented 23 percent of total gross greenhouse gases in 2019. The carbon intensity of the industrial sector has fallen substantially, declining nearly 7 percent between 2005 and 2019. As a result of energy efficiency improvements and other structural factors – including shifts in industrial output away from energy-intensive manufacturing products to less energy-intensive products (e.g., from steel to computer equipment) – industrial energy consumption was only about 5 percent higher in 2019 than in 2005. Agriculture remains a critical industry in the United States. United States farmers and ranchers produce food and fiber crops, feed grains, oil seeds, fruits and vegetables, and other agricultural commodities for domestic consumption and export. While the area under harvest today is roughly the same area as was harvested in 1910, United States agriculture now feeds a population three times larger and still exports additional product. Emissions from agriculture come from a number of sources, including soil, fertilizer use,
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		enteric fermentation, and manure. Agricultural soil management activities, such as fertilizer application and other cropping practices, were the largest source of United States nitrous oxide (N₂O) emissions in 2019, accounting for 75 percent of emissions of this gas. However, soils also have the potential to sequester and store large quantities of carbon, reducing atmospheric CO₂ concentrations. N₂O from fertilizer use and methane from farm animals' enteric fermentation and manure are other large sources of emissions. Forests play a key role in the economy, ecology, and culture of the United States, with the approximately 290 million hectares of forest comprising the fourth largest forest area of any country in the world. This area has remained fairly stable since the beginning of the 20th century, even as the population of the country tripled. In recent decades, the area of forest land has even increased slightly. The dynamics vary from region to region. In the East, active farmland is decreasing and returning to a forested state. In 2019, total net sequestration from land use, land use change, and forests was approximately 800 million metric tonnes of CO₂e, which offset approximately 12 percent of total United States greenhouse gas emissions. Sequestration was primarily the result of carbon uptake by standing United States forests, forest management, increased tree cover in urban areas, storage in harvested wood products, and the management of agricultural soils. The United States developed its NDC to be both ambitious and achievable. It promotes the achievement of the Paris Agreement's aims, including pursuing efforts to limit global average temperature increase to 1.5 degrees Celsius, as well as the need to drive toward net zero global emissions no later than 2050. The NDC was developed based on sector-by-sector assessments of emission reduction potential informed by a whole-of-government process via the National Climate Task Force, led by the White House Office of Domestic Climate Policy. Economy-wide projections about future greenhouse gas emissions were conducted using a detailed, bottom-up system dynamics model accounting for capital stock turnover timelines and relative costs of technology and equipment in each greenhouse gas emitting sector of the economy. It also considered and compared against economy-wide modeling from
a(ii)b	Best practices and experience related to the preparation of the nationally determined contribution;	

		external research. The analysis considered the emissions reducing benefits from federal actions, including standards, investments, incentives, taxes, programs, and support for innovation. The assessments also included consideration of contributions from subnational actions, noting that states and local governments contribute substantially under the United States federal system to national efforts to reduce emissions. These analyses show that the United States can deliver on its NDC, including by investing in efficiency, beneficial electrification, clean energy, plugging methane leaks, addressing direct greenhouse gas emissions from industrial processes, climate smart agriculture and forestry, innovation, and other priorities. These actions will also create good jobs, improve public health, and help to advance equity and achieve environmental justice priorities. These investments will allow American firms to invest to develop and export innovative greenhouse gas-reducing solutions and put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.
a)(i)c	Other contextual aspirations and priorities acknowledged when joining the Paris Agreement;	n/a
b	Specific information applicable to Parties, including regional economic integration organizations and their member States, that have reached an agreement to act jointly under Article 4, paragraph 2, of the Paris Agreement, including the Parties that agreed to act jointly and the terms of the agreement, in accordance with Article 4,	n/a

	paragraphs 16 18, of the Paris Agreement;	
c	How the Party's preparation of its nationally determined contribution has been informed by the outcomes of the global stocktake, in accordance with Article 4, paragraph 9, of the Paris Agreement;	n/a
d	Each Party with a nationally determined contribution under Article 4 of the Paris Agreement that consists of adaptation action and/or economic diversification plans resulting in mitigation co-benefits consistent with Article 4, paragraph 7, of the Paris Agreement to submit information on:	n/a
d(i)	How the economic and social consequences of response measures have been considered in developing the nationally determined contribution;	n/a
d(ii)	Specific projects, measures and activities to be implemented to contribute to mitigation co-benefits, including information	n/a

	on adaptation plans that also yield mitigation co-benefits, which may cover, but are not limited to, key sectors, such as energy, resources, water resources, coastal resources, human settlements and urban planning, agriculture and forestry; and economic diversification actions, which may cover, but are not limited to, sectors such as manufacturing and industry, energy and mining, transport and communication, construction, tourism, real estate, agriculture and fisheries.	
5. Assumptions and methodological approaches, including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals:		
a	Assumptions and methodological approaches used for accounting for anthropogenic greenhouse gas emissions and removals corresponding to the Party's nationally determined contribution, consistent with decision 1/CP.21, paragraph 31, and accounting guidance adopted by the CMA;	The United States intends to apply a net-net accounting approach in accounting for the NDC. Net emissions in the target year will be compared against net emissions in the base year to calculate the percentage emissions reductions achieved. Consistent with Articles 4 and 6 of the Paris Agreement and any applicable guidance, in tracking progress towards and accounting for the NDC, the United States intends to make corresponding adjustments for any internationally transferred mitigation outcomes that the United States Government authorizes for use towards NDCs, and for mitigation outcomes that the United States authorizes for other international mitigation purposes. The estimates of emissions and removals used in accounting for the NDC are those reported in the Inventory, which follows IPCC good practice guidance and the guidance included in Section II of the Annex to 18/CMA.1. The definitions, data sources, and

		models used to estimate net emissions are those described in the Inventory. The most recent submission can be found here: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks In accounting for the NDC on a net-net basis using the estimates of economy-wide emissions and removals reported in the Inventory, and consistent with the inventory guidance contained in the Annex to decision 18/CMA.1, the United States' accounting approach strives for transparency, accuracy, completeness, and consistency, and promotes environmental integrity. The accounting approach described above is consistent with Article 4.13 of the Paris Agreement, decision 4/CMA.1, paragraphs 13-17, and Annex II to that decision. The estimates of emissions and removals used in accounting for the NDC are those reported in the Inventory, which follows IPCC guidance and guidelines, and the guidelines included in Section II of the Annex to decision 18/CMA.1.
b	Assumptions and methodological approaches used for accounting for the implementation of policies and measures or strategies in the nationally determined contribution,	n/a
c	If applicable, information on how the Party will take into account existing methods and guidance under the Convention to account for anthropogenic emissions and removals, in accordance with Article 4,	Please see the information below on the approach to natural disturbances (e)(i) and harvested wood products (e)(ii), both of which take into account existing methods and guidance under the Convention.

	paragraph 14, of the Paris Agreement, as appropriate;	
d	IPCC methodologies and metrics used for estimating anthropogenic greenhouse gas emissions and removals;	In accounting for the NDC, the United States intends to use the IPCC 2006 guidelines (or any updated IPCC guidelines that may be agreed upon by the CMA in the future), and 100 year global warming potential from AR5, for estimating anthropogenic emissions and removals.
e	Sector-, category- or activity-specific assumptions, methodologies and approaches consistent with IPCC guidance, as appropriate, including, as applicable:	n/a
e(i)	Approach to addressing emissions and subsequent removals from natural disturbances on managed lands;	The United States may address emissions and subsequent removals from natural disturbances on managed lands in accounting for its NDC. Should such an approach be used, the same methodology will be applied for both the base year (2005) and target year (2030). The emissions and subsequent removals from such natural disturbances would be included in the national totals of the Inventory. Any approach used to address emissions and removals from natural disturbances will be consistent with the guidance included in the IPCC 2006 guidelines and any subsequent version or refinement, as applicable, and will draw on best practices generated by Parties that have addressed natural disturbances under the UNFCCC and the Kyoto Protocol. These include: • Reporting the CO₂ and non-CO₂ effects of natural disturbances where natural disturbances occur on lands that are subject to land-use change following the disturbance. • Reporting emissions from salvage logging.

		Reflecting the same methodological approach to addressing natural disturbances in estimations for the base year and the target year.
e(ii)	Approach used to account for emissions and removals from harvested wood products;	The United States intends to use a production approach consistent with the IPCC 2006 Guidelines to estimate emissions and removals from Harvested Wood Products, consistent with paragraph 56 of the Annex to decision 18/CMA.1. The methodology is described in detail in the Inventory.
e(iii)	Approach used to address the effects of age-class structure in forests;	n/a
f	Other assumptions and methodological approaches used for understanding the nationally determined contribution and, if applicable, estimating corresponding emissions and removals, including:	n/a
f(i)	How the reference indicators, baseline(s) and/or reference level(s), including, where applicable, sector-, category- or activity-specific reference levels, are constructed, including, for example, key parameters, assumptions, definitions, methodologies, data sources and models used;	The reference indicator for the NDC is net greenhouse gas emissions in 2005, as published in the Inventory on an annual basis. The definitions, data sources, and models used to estimate net emissions are those described in the Inventory.

f(ii)	For Parties with nationally determined contributions that contain non greenhouse-gas components, information on assumptions and methodological approaches used in relation to those components, as applicable;	n/a
f(iii)	For climate forcers included in nationally determined contributions not covered by IPCC guidelines, information on how the climate forcers are estimated;	n/a
f(iv)	Further technical information, as necessary;	n/a
g	The intention to use voluntary cooperation under Article 6 of the Paris Agreement, if applicable.	At this time, the United States does not intend to use voluntary cooperation using cooperative approaches referred to in Article 6.2 or the mechanism referred to in Article 6.4 in order to achieve its target. Should the United States decide to use such voluntary cooperation towards achievement of its target or to authorize the use of internationally transferred mitigation outcomes towards the NDCs of other Parties, it would report on such use or authorization through its biennial transparency reports and consistent with any guidance adopted under Article 6.
6. How the Party considers that its nationally determined contribution is fair and ambitious in the light of its national circumstances:		

a	How the Party considers that its nationally determined contribution is fair and ambitious in the light of its national circumstances;	The United States' NDC exceeds a straight-line path to achieve net-zero emissions, economy-wide, by no later than 2050. It also promotes the goal of keeping within reach a 1.5 degree Celsius limit on global average temperature increase.
b	Fairness considerations, including reflecting on equity;	See 6(a)
c	How the Party has addressed Article 4, paragraph 3, of the Paris Agreement;	While Article 4.3 does not necessarily apply to this NDC, the United States nevertheless notes that this NDC substantially increases ambition compared to the NDC previously submitted in relation to 2025.
d	How the Party has addressed Article 4, paragraph 4, of the Paris Agreement;	The NDC is an absolute economy-wide emissions reduction target.
e	How the Party has addressed Article 4, paragraph 6, of the Paris Agreement.	n/a
7. How the nationally determined contribution contributes towards achieving the objective of the Convention as set out in its Article 2;		
a	How the nationally determined contribution contributes towards achieving the objective of the Convention as set out in its Article 2;	As noted above, this NDC exceeds the pace required for a straight-line path to achieve net-zero emissions, economy-wide, by no later than 2050. This NDC would therefore contribute substantially towards achieving the ultimate objective of the UNFCCC of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, and within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

b	How the nationally determined contribution contributes towards Article 2, paragraph 1(a), and Article 4, paragraph 1, of the Paris Agreement.	As noted above, the United States' NDC is consistent with the Paris Agreement temperature goal of holding the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change (Article 2.1(a)). This NDC is expected to put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050, which would contribute substantially to the aim outlined in Article 4.1 to reach global peaking of greenhouse gas emissions as soon as possible, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century.
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State of West Virginia
Office of the Attorney General

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April 14, 2021

The Honorable Michael S. Regan
Administrator, Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan,

As Attorney General of West Virginia, I write seeking an explanation for the recent reports that you have “purge[d]” all members from Environmental Protection Agency’s Science Advisory Board (“SAB”) and Clean Air Scientific Advisory Committee (“CASAC”).¹ Objectivity is essential to these committees’ scientific and technical work. Such aggressive and wholesale restructuring threatens to politicize their work, and thus calls their future objectivity into question.

Extraordinary actions require extraordinary explanations—and comprehensive purges of the Agency’s scientific advisors are unprecedented in modern memory. Because of their objective and technical nature, these boards are often unmoved by the political waves of a new party winning the White House. This customary continuity meant that many of the purged SAB members were initially appointed under President Obama and re-appointed under President Trump.

Although your statement following this upheaval expressed commitment to “scientific integrity,” it fell short of explaining why such a drastic purge was necessary for or consistent with that goal.² For example, your statement referred to the previous administration’s policy of not appointing members to these boards if they received Agency funding in their professional capacity. You may plan to appoint members who do receive Agency funding, but it does not stand to reason

¹ Lisa Feldman, *The EPA Administrator Purges Its Scientific Advisory Boards, Which Included Many Trump Appointees*, NEW YORK TIMES (Mar. 31, 2021), available at <https://www.nytimes.com/2021/03/31/us/epa-advisory-boards-trump.html>.

² U.S. Env’tl Prot. Agency, *Administrator Regan Directs EPA to Reset Critical Science-Focused Federal Advisory Committees* (Mar. 31, 2021), available at <https://www.epa.gov/newsreleases/administrator-regan-directs-epa-reset-critical-science-focused-federal-advisory>.

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 April 14, 2021
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that existing members who did not receive such funding should have been terminated—particularly when those members served under Republicans and Democrats alike.

In these uncertain times, it is more important than ever that SAB and CASAC remain free of political influence. Pressure cannot be allowed to steer the Agency away from comprehensive, objective, and scientific assessment of both the problem and the proposed solutions.

For example, the SAB reviews the guidelines for how the Agency analyzes the economic impact of its actions and proposals. Last year, my Office highlighted the good work the SAB was doing to improve the Agency’s understanding of a problem that West Virginians understand very well: regional economic dislocation.³ Previous Agency guidelines simply assumed that if a regulation required a business to spend more on compliance costs, then that added spending will create jobs. The proposed revisions rightly note that the question is rarely that simple. Regulations can increase the demand for some types of labor while decreasing the demand for other types. And when these different types of labor are concentrated in different States or regions, shifting demand from one to the other can cause severe regional unemployment—even if there is no net effect on national employment overall.

Regional economic dislocation is just one example of the issues facing the SAB, but it promises to be a crucial factor in advancing new technologies. For example, the path chosen by the Agency in its ill-fated “Clean Power Plan” was explicitly premised on “generation shifting”—forcing existing generation sources to subsidize the transition to other forms of power.

It is essential that you remain conscious of the impartial advice of the SAB as you choose your course. The U.S. Supreme Court’s extraordinary stay of the Clean Power Plan should no doubt caution against following its furthest legal excesses in any future rule, but the SAB’s guidance on economic dislocation should help steer you away from taking any step down that deeply flawed pathway.

* * *

President Biden’s executive order on climate expressly stated that “we must listen to science” in meeting the challenge of climate change.⁴ Thus, it is crucial to demonstrate that the decision to purge the Agency’s scientific boards was not driven by political calculations. It would be entirely antithetical to the scientific method—to say nothing of the Administrative Procedures Act—for the Agency to decide its preferred policies in advance *before* any objective analysis is done, and then stack the deck to ensure that analysis is done by people who share those preferences.

³ *Comments of Attorney General Patrick Morrisey on Proposed Revisions to the Board of Scientific Advisors’ Guidelines for Preparing Economic Analyses* (Apr. 23, 2020), available at [https://ago.wv.gov/publicresources/Documents/2020-04-23%20SAB%20Letter%20\(M0407875xCECC6\).pdf](https://ago.wv.gov/publicresources/Documents/2020-04-23%20SAB%20Letter%20(M0407875xCECC6).pdf)

⁴ *Tackling the Climate Crisis at Home and Abroad* (Executive Order 14008), 86 Fed. Reg. 7619, 7619 (Jan. 27, 2021).

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April 14, 2021
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Attempting to shape the science, rather than listen to it, would of course be unsuccessful. As always, my Office stands ready to file suits against any Agency actions that are unsupported by objective and reasoned decision-making. Nonetheless, I hope you can provide an explanation for these recent actions that dispels any doubt that these committees will remain committed to practicing objective analysis, rather than simply printing loyal partisan propaganda.

Sincerely,



Patrick Morrissey
Attorney General of West Virginia