

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2023

WEDNESDAY, MAY 18, 2022

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

The subcommittee met at 10:00 a.m. in Room SD-124, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Reed, Tester, Murkowski, Capito, Hyde-Smith, and Hagerty.

ENVIRONMENTAL PROTECTION AGENCY

**STATEMENT OF HON. MICHAEL REGAN, ADMINISTRATOR
ACCOMPANIED BY MR. DAVID BLOOM, CHIEF FINANCIAL OFFICER**

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Ranking Member Murkowski, Administrator Regan, Mr. Bloom, welcome. We are delighted to have this hearing today.

Welcome to this Appropriations Hearing on the fiscal year 2023 President's Budget Request for the Environmental Protection Agency.

Administrator Regan, we are in a climate emergency, and everyday life, we are feeling the impacts. And out in Oregon we feel it through the wildfire season, we are seeing it through heat waves, and through drought, through dropping groundwater levels, through decreased average snow packs, through warmer, smaller streams for our trout and our salmon, and we certainly see it offshore where our kelp forests are being decimated by an ecosystem driven out of balance by the warmer, more acidic ocean waters.

As we come together today a massive wildfire is threatening communities in New Mexico, been doing so for more than a month, uprooting lives and communities, as tens of thousands of people have been forced to evacuate. And it is shocking how normalized deadly months-long fire seasons have become over just a decade.

As you know, the Environmental Protection Agency has a critical role in tackling climate chaos, the Clean Air Act charges EPA to protect our communities from greenhouse gas pollution, and those same communities are counting on EPA to act swiftly and boldly. The impacts are here now, and we don't have any time to waste.

We need to act with urgency to address our country's long history of environmental injustice. Everyone in this country deserves clean

air, clean water, and a stable climate. But we know that the burdens of environmental pollution disproportionately fall on the shoulders of low-income communities, and communities of color.

And I am very pleased that our fiscal year 2022 Appropriations Bill took an important step to address this injustice, providing historic level of \$100 million for EPA's Environmental Justice Program.

This significant increase will support community-driven projects to improve local environments and public health, will embed environmental justice voices throughout the Agency, helping ensure the EPA programs and decisionmaking are responsive to on-the-ground stakeholders. Of course, much more work remains to make the progress we need to remedy environmental justice challenges.

Administrator Regan, I applaud your continued focus on expanding EPA's efforts, as reflected in the fiscal year, fiscal year 2023 Budget Request. And I look forward to hearing how the Agency has moved to spend last year's fiscal year 2022 money effectively, efficiently, and for this proposed increase that you have in this budget.

And I want to emphasize the importance of continuing the work to ban asbestos from our shelves, more than 60 nations, virtually every developed nation, has already recognized asbestos as a deadly substance, and has acted to protect citizens by banning it. It is time for us to join the rest of the developed world, and I appreciate EPA's recent commitment to ban the most common form of asbestos, one of the six asbestos fibers. It is a welcome progress, but we need to absolutely end this dangerous public health threat once and for all.

Today is also an opportunity to hear about how EPA is administering the more than \$55 billion for water infrastructure, Superfund cleanups, and other programs funded in the Bipartisan Infrastructure Bill; these resources will help communities finally make progress on long-standing challenges.

All across Oregon, I hear from small, underserved communities with crumbling water infrastructure that struggle to provide reliable, clean drinking water, or maintain wastewater systems. We need to prioritize programs that can reach these communities who can't come up with financing or matching funds equal to the huge price tags that these water projects require.

I look forward to discussing with you how EPA is working to ensure the funding from the Bipartisan Infrastructure Bill, and EPA's existing water programs is reaching these underserved communities, and how this subcommittee can be a partner in that effort.

These one-time investments can make a real difference across the country. But we shouldn't have reached this crisis point in our infrastructure in the first place. We need enduring, consistent progress in addressing our environmental challenges, and for that we need major changes to our annual budget. We need to rebuild our environmental protection framework which was battered by the decade of budget caps, and by short-sighted efforts to deliberately dismantle or damage this framework.

As Congress has charged EPA with additional responsibilities to address toxic chemicals, eliminate climate warming hydrofluorocarbons, support water infrastructure, and the Agency's resources have not kept pace with these expanded duties. They

have not even remained level. The Agency's workforce is down nearly 3,000 staff below its 2010 total, down to numbers not seen since the 1980s. And we certainly know that the challenges are increasing, not decreasing.

And as states, tribes, and local partners have faced new responsibilities their grant funding has also deteriorated in real terms.

I was disappointed that the fiscal year 2022 budget deal did not allow us to accommodate the full scale of need for rebuilding the EPA and its grant programs supporting state, tribal, and local programs. And I am relieved we were able to avoid more of a backslide, but I look forward to the conversation today on the fiscal year 2023 request on where we can actually make additional progress.

On far too many of the challenges our communities face there is a common theme, we are behind, we are overdue, we are late. We need urgency, we need boldness, the impacts are here now, there is not a second to waste.

I want to impress upon you today the urgent need for EPA to take bold action on its vital mission of protecting human health and the environment.

And with that, I will turn the microphone over to Ranking Member Murkowski.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman, and good morning.

Administrator, welcome back to the committee; I am glad to be talking about EPA's fiscal year 2023 Budget Request. I think it is fair to say that it has been a big year for the Agency since you testified before us last June. In that time Congress passed both the Bipartisan Infrastructure Law, as well as the fiscal year 2022 Omnibus.

As one of the negotiators for that Bipartisan Infrastructure Bill, I am very proud of what we were able to include with over \$60 billion in needed investments to our aging infrastructure through EPA programs.

The Infrastructure Investment Jobs Act included almost 50 billion for water infrastructure improvements, 5 billion to help clean up contaminated sites, and also 275 million for a new grant program under the Save Our Seas Act, to help our communities better handle waste and recycling management.

I have always prioritized funding for EPA programs that really do focus on getting tangible results in providing cleaner air, cleaner water, and support for our lands across the country.

As you know, because we have had many conversations about this, Alaska has some unique needs and challenges on infrastructure, and therefore it is just an imperative that we continue to work together to ensure that Alaska receives the intended benefits from these investments that we have just talked about.

I do appreciate, I am very grateful that representatives from the Agency attended a grant symposium that we held in Anchorage just last month. It was not only well attended, it was extraordinarily well attended by people from across the state; about 1,300 people flew into Anchorage, to come, to listen to representatives from the agencies.

And what I got back in terms of feedback was, it was not only that I got a glossy brochure on the benefits of certain programs, they actually got answers to status on different projects. And so very appreciative for that level of engagement, but I do hope that a high level of engagement will continue as the Agency rolls out this infrastructure funding, but also with the congressionally directed spending projects that are contained in the fiscal year22 Omnibus.

I know that many in my state are particularly anxious right now as they are awaiting the guidance on CDSs from the Agency on how and when they might receive their funding.

While we have done a lot of great work together on infrastructure and other issues I, unfortunately, must note that I do have some serious concerns on some of the regulatory actions under this administration, and particularly as it has to do with waters of the United States.

I believe that the new WOTUS Rule proposed last year is too broad, and it fails to recognize the special characteristics on the ground in Alaska, and this continued ambiguity on a definition, along with the overreach of the current proposal is going to have impact. And it will be a negative impact on economic development within Alaska.

I was happy to be able to host a WOTUS roundtable in Alaska. Thank you for making sure that Assistant Administrator Fox was there. I think that that was a very good opportunity for that kind of back and forth. It is my hope that many of the concerns that were voiced by state officials and other Alaskans that she heard at that roundtable will be reflected in the Final Rule.

So unsurprisingly, we can't agree on every issue out there, but know that I do appreciate your willingness, your continued willingness to hear me out on some of these issues. Some of them are more controversial than others, but also your commitment to work with me on so many of these important matters to Alaska.

One long-standing issue to my state has been the contaminated lands that the Federal government conveyed to Alaska and to Alaska native communities, decades ago. A large percentage of these contaminated lands, as you know, have not yet been cleaned up, and the Federal government, for too long, has not shown any real willingness or interest to accept the responsibility that is theirs, for the remediation of these lands.

And we know, we know because we see it played out all the time. If these were—if this was a private entity, some business or corporation and they failed to comply with cleanup and remediation, they would be out of there, they would be sued. Instead, it is the Federal government. And even adding further insult to the injury, is knowing that in so many cases contaminated lands were conveyed to Alaska Native peoples as a settlement for their native claims in—as part of the Native Claims Settlement Act.

So Administrator, I appreciate the openness that you and your team have shown so far in engaging on this issue, and for agreeing to explore some creative solutions. I think you know, I think Assistant Administrator Fox clearly felt, this is a matter of environmental justice to our Alaska Native, and to our rural communities.

And I know that that is important to you. I know that is important to this administration.

So as the Agency looks to expand its role in helping on contaminated lands, I am going to be asking for your support in having us work together to make some real progress on this issue.

So as we look to the Fiscal 2023 Budget Request, the Agency proposes significant new increases across accounts. There are some proposed increases in the request that I can support, a number that I can't. And I commend the request, though, for maintaining strong support for state, and tribal grant, and loan programs, along with the other infrastructure investments already mentioned. I think that these programs achieve real on-the-ground improvements for communities nationwide.

I am also pleased to note that the request prioritizes funding for efforts to better understand and tackle PFAS, so many communities in my state, and I know in others as well, face PFAS contamination and the problems—that poses for providing clean water and other services to residents.

So we need to both prevent new PFAS contamination, as well as remediate contaminated areas as soon as possible. So I am hoping to hear more on how the budget request will achieve just that, and build upon the funding that we provided in the infrastructure law to help with PFAS remediation.

So again, I want to express my appreciation for your personal commitment to work with me on many of these issues that may be very discreet, very unique to Alaska. I do hope that, along with our conversations, our staffs can once again set up the All Things Alaska call, so we can kind of go down our list as we work through some of these measures.

So I will have an opportunity to present some questions to you throughout, but again, my thanks for being here this morning, and for the level of engagement that we have had today. Thank you so much.

Thank you, Mr. Chairman.

Senator MERKLEY. Administrator Regan, we look forward to your testimony.

SUMMARY STATEMENT OF HON. MICHAEL REGAN

Mr. REGAN. Well, thank you, Chairman Merkley, and Ranking Member Murkowski, and members of this committee, I truly appreciate the opportunity to appear before you today to discuss the bold vision laid out in the United States EPA's Proposed fiscal year 2023 Budget Request.

In this budget request we lay out an ambitious and transformative plan for the EPA, with the goal of a healthier more prosperous Nation, where all people have equal access to clean air, clean water, and healthier communities,

President Biden's proposed fiscal year 2023 Budget Request for EPA provides 11.9 billion to advance key priorities, including tackling the climate crisis, delivering environmental justice and equity for all, protecting air quality, upgrading the Nation's aging water infrastructure, and rebuilding core functions at the Agency to support and keep pace with the growing economy.

Over the last year, we have made important progress towards many of these goals. And I am proud of the foundation that we have laid together throughout our partnerships that have underpinned our success.

But there is still much more work to be done to ensure that all children have safe, healthy places to live, learn, and play, build a stronger, more sustainable economy, and to advance American innovation and ingenuity.

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

I have had the privilege to visit many of your communities in your states, and see first-hand the environmental and public health challenges many of your constituents continue to experience. From unprecedented flooding events, to crumbling wastewater infrastructure I have even spoken to mothers whose children have been lead poisoned. I have met with people who are living with toxic waste in their backyards. I have seen conditions that are simply unacceptable in the United States of America. From investing in our nation's climate resilience, to cleaning up contaminated lands, there is no shortage of critical work to be done.

But members of this committee; let me assure you, EPA is up to the task. We are eager to work with all of you to deliver for our fellow Americans, and to secure our Nation's global competitiveness. But we need your support.

Both the urgency and economic opportunity presented by climate change require that we leave no stone unturned. The 2023 budget invests 773 million towards tackling the climate crisis, and reaping the benefits that come with it. Healthier communities, good-paying jobs, and increased energy security. The communities hit the hardest by pollution and climate change are most often communities of color, indigenous communities, our rural communities, and economically disadvantaged communities.

For generations many of these communities have been overburdened with higher instances of polluted air, water, and land. This inequity of environmental protection is not just an environmental issue, a justice issue, but it is a civil rights issue as well.

In fiscal year 2023 EPA will expand upon its historic investments made in Environmental Justice and Civil Rights, to reduce the historically disproportionate health impacts of pollution in communities with environmental justice concerns.

Across the budget, EPA is investing more than 1.4 billion to advance environmental justice, clean up legacy pollution, and create good-paying jobs in the process. Across the country, poor air quality affects millions of people, perpetuating harmful health and economic impacts. In fiscal year 2023, the Agency will protect our air quality by cutting emissions of ozone forming pollutants, particulate matter, and air toxics.

The President's budget includes 1.1 billion to improve air quality and set standards that reduce pollution from both mobile and stationary sources.

A thriving economy also requires clean and safe water for all. Although progress has been made, many still lack access to healthy

water, face inadequate wastewater infrastructure, and suffer the effects of lead pipes.

America's water systems are also facing new challenges, including cybersecurity threats, climate change, and emerging contaminants such as PFAS. This budget proposes more than four billion to upgrade drinking water and wastewater infrastructure nationwide, with a focus on underserved communities. These investments build on historic resources allocated in the Bipartisan Infrastructure Law.

The fiscal year 2023 President's Budget positions EPA to create durable environmental policy that sets our nation on a path to win the 21st century. It increases the Agency's capacity to allow us to meet the pressing need faced by millions of Americans, and fundamentally improve people's lives for the better.

Thank you all for the opportunity to be here today, and offer this testimony. And I look forward to our continued partnership to achieve these ambitious yet necessary goals.

And I welcome all of your questions. Thank you all.

[The statement follows:]

PREPARED STATEMENT OF MICHAEL S. REGAN

Thank you, Chairman Merkley, Ranking Member Murkowski, and members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the bold vision laid out in the U.S. Environmental Protection Agency's proposed fiscal year 2023 Budget request. In this Budget request, we lay out an ambitious and transformative plan for the Agency with the goal of a cleaner, healthier, and more equitable Nation where all people have equal access to safe and clean water, air, and communities.

THE FISCAL YEAR 2023 PRESIDENT'S BUDGET REQUEST

President Biden's proposed fiscal year 2023 Budget request for EPA provides \$11.9 billion to advance the key priorities outlined in our new fiscal year 2022–fiscal year 2026 EPA Strategic Plan, including tackling the climate crisis, delivering environmental justice, protecting air quality, upgrading the Nation's aging water infrastructure, and rebuilding core functions at the Agency. Almost half of EPA's Budget request, \$5.7 billion, is directed to support Tribal, state, and local partners through grants and to directly reach communities. Additionally, the Budget includes an increase of more than \$900 million to fully fund the water programs authorized in the Drinking Water and Wastewater Infrastructure Act (DWWIA). The Budget complements the resources provided in the bipartisan Infrastructure Investment and Jobs Act (IIJA) and will expand the Agency's capacity to protect human health and the environment across the Nation.

TACKLING THE CLIMATE CRISIS

Under the continued leadership of the Biden-Harris Administration, EPA is prioritizing addressing climate change with the focus and resources the crisis demands. President Biden has directed a whole of government effort to confront this urgent threat, and EPA will be at the center of delivering on this agenda. The fiscal year 2023 Budget invests \$773 million towards the strategic goal of tackling the climate crisis while also uplifting underserved and overburdened communities, creating good-paying jobs, and building a cleaner energy economy.

At EPA, we know both climate mitigation and adaptation are essential components of the strategy to reduce the threats and impact of climate change. We will invest in programs to reduce greenhouse gas emissions, including an additional \$100 million for air quality grants to states and tribes to reduce greenhouse gas emissions on a local and regional scale. We will direct an additional \$60 million to improve knowledge of the impacts of climate change on human health and the environment through our research programs—an increase that more than doubles EPA's climate change research. We will leverage an additional \$35 million to implement the American Innovation in Manufacturing Act to continue phasing out hydrofluorocarbons (HFCs), and we will invest an additional \$13 million in wildfire prevention and readiness.

Tackling the climate crisis depends not only on the Agency's ability to mitigate the effects of climate change, but also our capacity to adapt and deliver targeted assistance to ensure our partners across the Nation are also prepared to meet these challenges. As part of a whole-of-government approach, EPA will directly support Federal partners, Tribal governments, states, territories, local governments, environmental justice organizations, community groups, and businesses as they deal with the impacts of climate change. As part of this effort, the Budget provides \$150 million to expand the availability of Diesel Emissions Reduction Act (DERA) grants and rebates, focusing on school buses, ports, and where conditions disproportionately affect vulnerable populations, including our children. EPA will provide \$20 million for climate adaptation efforts to strengthen the adaptive capacity of our partners. In addition, the Agency will lead through example and prioritize climate resiliency investments across EPA-owned facilities. We will invest \$35 million to pursue aggressive energy, water, and building infrastructure improvements to advance the Agency's use of carbon-pollution free electricity.

ELEVATING ENVIRONMENTAL JUSTICE

The communities hardest hit by pollution and climate change are most often communities of color, indigenous communities, rural communities, and economically disadvantaged communities. For generations, many of these vulnerable communities have been overburdened with higher instances of polluted air, water, and land. This inequity of environmental protection is not just an environmental justice issue, but also a civil rights concern. Neither an individual's skin color nor the wealth of their zip code should determine whether they have clean air to breathe, safe water to drink, or healthy environments in which their children can play. And yet, the development, implementation, and enforcement of environmental laws, regulations, and policies has not always ensured the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income.

To address these inequities, EPA recognizes that effective environmental policy must clean up the legacy pollution that many historically overburdened and underserved communities have lived with for far too long and ensure equitable practices for the future. A foundational component of the Agency's work to address environmental justice is the President's Justice40 Initiative, with the goal of delivering at least 40 percent of the overall benefits of relevant Federal investments to underserved and overburdened communities.

In fiscal year 2023, EPA will expand upon the historic investments made in fiscal year 2022 towards advancing environmental justice and civil rights, aimed at reducing the historically disproportionate health impacts of pollution in communities with environmental justice concerns. Across the Budget, EPA is investing more than \$1.45 billion to advance environmental justice by cleaning up legacy pollution in overburdened and underserved communities and creating good-paying jobs. To ensure the success of these investments, we propose creating a new Environmental Justice National Program to be led by a Senate-confirmed Assistant Administrator to elevate and maximize the benefits of environmental justice efforts across EPA. Under this new Program area, more than \$300 million is included for the Environmental Justice program to expand support for community-based organizations, indigenous organizations, Tribes, states, local governments, and territorial governments in pursuit of identifying and addressing environmental justice issues through multi-partner collaborations. This includes \$150 million in six environmental justice grant programs to support states, tribes, and local communities in addressing the impacts of environmental harms. Importantly, the Budget includes \$25.9 million to increase civil rights capacity across the Agency and ensure recipients of EPA's financial assistance comply with Title VI of the Civil Rights Act. The budget would also invest \$100 million will support a new community air quality monitoring and notification program. The Budget proposed additional funds and FTE to increase fenceline inspections in communities with disproportionately high pollution exposure.

ENFORCING ENVIRONMENTAL LAWS

Enforcing and ensuring compliance of our Nation's environmental laws is central to achieving EPA's mission. The Agency holds, and will continue to hold, bad actors accountable for their violations, with a particular focus on communities with multiple pollution sources. This Budget invests \$213 million for civil enforcement efforts, such as increasing enforcement efforts in communities with high pollution exposure and preventing the illegal importation and use of hydrofluorocarbons in the United States. The request also includes \$148 million for compliance monitoring and \$7 million to implement a coal combustion residuals compliance program.

We know that overburdened and underserved communities are often victims of environmental crime. Accordingly, the Budget sets aside \$69 million for criminal enforcement efforts, including funding for a specialized Criminal Enforcement Initiative focused on addressing environmental justice issues in partnership with the Department of Justice (DOJ).

ENSURING CLEAN AND HEALTHY AIR FOR ALL COMMUNITIES

Poor air quality still affects millions of people across the country, perpetuating harmful short- and long-term health and quality of life impacts. In fiscal year 2023, the Agency will improve air quality for communities by reducing emissions of ozone-forming pollutants, particulate matter, and air toxics. The President's Budget includes \$1.1 billion for the strategic goal of improving air quality and reducing localized pollution, reducing exposure to radiation, and improving indoor air for communities across the country. The Budget dedicates \$152 million to the development and implementation of national emission standards to reduce air pollution from vehicles, engines, and fuels. EPA's work to set these standards provides certainty to industry, builds on advances in technology, and reinforces market movement towards a cleaner energy system that provides reliable and affordable energy.

The Budget includes \$289 million to assist Tribal, state, and local air pollution control agencies in the development, implementation, and evaluation of programs for the National Ambient Air Quality Standards (NAAQS) and to establish standards for reducing air toxics. EPA will continue to build on its historic progress in protecting human health and the environment from the harmful effects of air pollution and work to assure clean air for all Americans, with a particular focus on those in underserved and overburdened communities.

ACHIEVING CLEAN AND SAFE WATER FOR ALL COMMUNITIES

Clean and safe water is a foundation for healthy communities and a thriving economy, and the Agency is committed to ensuring clean and safe water for all, especially for overburdened and underserved communities where adequate drinking water and wastewater infrastructure has not been a priority. Although immense progress has been made across our Nation, many still lack access to safe and clean water and suffer the effects of aging infrastructure and legacy lead pipes. America's water systems also are facing new challenges, including cybersecurity threats, climate change, and emerging contaminants of concern, such as PFAS.

In fiscal year 2023, EPA will continue our work with Federal, Tribal, state, and nongovernmental partners to advance water quality science, provide clean and safe water for all communities, and protect our Nation's waterbodies from degradation. The Budget proposes more than \$4.1 billion to upgrade drinking water and wastewater infrastructure nationwide, with a focus on underserved communities. This includes a total of \$2.8 billion for the Clean Water and Drinking Water State Revolving Funds and \$80 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program. Also included is \$1.2 billion for grant programs authorized in the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN), the America's Water Infrastructure Act of 2018 (AWIA), and the Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA) and \$25 million for a new water sector cybersecurity grant program dedicated to help utilities and operators protect their systems. EPA requests to fully fund all the water programs authorized by DWWIA, including \$565 million to create 20 new water grant programs, a \$240-million increase to the Sewer Overflow and Stormwater Reuse grant program, and other critical water infrastructure investments. To further the President's goal of replacing all lead pipes within the next decade, the Budget proposes a \$160-million increase for grants to reduce lead in drinking water. This Budget request will complement the supplemental funds provided by the bipartisan Infrastructure Investment and Jobs Act (IIJA), totaling \$8.4 billion in EPA's State Revolving Funds for fiscal year 2023.

In fiscal year 2023, EPA will continue to work across environmental programs to advance Agency efforts to tackle Per- and Polyfluoroalkyl Substances (PFAS) pollution. As part of the President's commitment to tackling PFAS pollution and EPA's PFAS Strategic Roadmap, the fiscal year 2023 Budget proposes approximately \$126 million for EPA to increase its understanding of PFAS and their human health and ecological effects; restrict PFAS use to prevent new PFAS pollution from entering the air, land, water; and remediate PFAS that have been released into the environment.

From the Chesapeake Bay to Lake Pontchartrain to the Puget Sound, the United States is home to water bodies of ecological, cultural, and economic significance. The Budget invests \$578.6 million to continue strong support for EPA's Geographic

Water Programs to protect and restore these water bodies of special ecological and economic importance to the Nation. EPA's Geographic Programs deliver technical and financial assistance to solve problems and support healthy resilient ecosystems and to maintain, restore, and improve water quality, which yields environmental, economic, and recreational benefits to their communities.

SAFEGUARDING AND REVITALIZING COMMUNITIES

Preventing and cleaning up environmental pollution that harms communities and poses a risk to public health and safety continue to be a top priority for the Administration. The fiscal year 2023 Budget enables the Agency to clean up hazardous waste sites in communities across the Nation, including those where vulnerable populations, such as children, the elderly, and economically-disadvantaged individuals, reside. EPA collaborates with Tribal, state, and local partners to improve the livelihood of all residents of the United States by addressing contaminated sites, including Superfund, brownfields, leaking underground storage tanks, and other waste sites and restoring them to productive use. Reuse and restoration of these sites directly support President Biden's Justice40 initiative.

The Budget provides \$1.15 billion for EPA's Superfund programs to continue cleaning up some of the Nation's most contaminated land and to respond to environmental emergencies. In fiscal year 2023, EPA will begin to use the Superfund chemical tax revenue collected in fiscal year 2022, along with the \$3.5 billion provided to EPA under IIJA and other appropriated resources, to implement the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The Budget also includes \$215 million for EPA's Brownfields programs to provide grants and technical assistance to communities along with 60 additional Brownfields community specialists. Taken together, these investments will ensure EPA is cleaning up sites and fully engaging the communities we serve in the process.

ENSURING THE SAFETY OF CHEMICALS FOR PEOPLE AND THE ENVIRONMENT

Chemicals and toxic substances are ubiquitous in our everyday lives and are often released into the environment from their manufacture, processing use, or disposal. EPA has significant responsibilities under amendments to the Toxic Substances Control Act (TSCA) to ensure the safety of chemicals in or entering commerce and addressing unreasonable risks to human health or the environment. The Budget provides \$124 million and 449 FTE to implement TSCA and deliver on the promises made to the American people by the bipartisan Lautenberg Act, an increase of more than \$60 million. These resources will support EPA-initiated chemical risk evaluations, issue protective regulations in accordance with statutory timelines, and establish a pipeline of priority chemicals for risk evaluation.

The Agency also has significant responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to screen new pesticides before they reach the market and ensure pesticides already in commerce are safe. In addition, EPA is responsible for complying with the Endangered Species Act (ESA) and ensuring that federally endangered and threatened species are not harmed when the Agency registers pesticides. The fiscal year 2023 Budget includes an additional \$4.9 million to enable the Pesticide program to integrate ESA requirements in conducting risk assessments and making risk management decisions that protect federally threatened and endangered species from exposure to new active ingredients.

RESTORING EPA'S CORE CAPACITY AND FOLLOWING THE SCIENCE

The Budget strategically increases the capacity of the Agency across both mission and mission support functions to position the EPA to address both current challenges and prepare for the future. EPA has lost nearly 1,000 staff in recent years, hindering the Agency's ability to carry out its mission to protect human health and the environment. The Budget looks to restore EPA's programmatic capabilities that focus on achieving clean air, land, and water and tackling climate change. Restoring capacity across the Agency and building a diverse and equitable workforce will strengthen our ability to tackle multiple priorities, from clean air and water, to cutting edge research at the Agency. Underpinning all our work is a commitment to follow the science, which is why this budget includes \$864 million for the Science and Technology account, an increase of more than \$100 million above current levels that will ensure programs have the best available data to inform decisions.

The Budget increases the Agency workforce by more than 1,900 new FTE relative to current levels, for a total of more than 16,200 FTE. The Budget will also dedicate resources to continue strengthening the Agency's ability to recruit, hire, develop, promote, and retain top talent and remove barriers to equal opportunity at manage-

ment and staff levels to strengthen and advance diversity, equity, inclusion, and accessibility.

CONCLUSION

The fiscal year 2023 President's Budget positions the EPA to advance our important goals of protecting human health and the environment, championing environmental justice, and tackling the climate crisis. With these investments we can advance a better future for all our citizens and ensure the benefits of a cleaner environment for future generations.

Thank you for the opportunity to be here today to submit this testimony for the record. I look forward to our continued partnership to achieve these ambitious yet necessary goals and welcome any questions you may have.

Senator MERKLEY. Thank you very much for your testimony. And we have your lengthier, more detailed written testimony, which I ask unanimous consent to enter into the record; so ordered.

So you mentioned climate and the funding for climate; what are the most important funding increases for making progress in tackling climate chaos, in staff, in research, in grants, what is the vision?

Mr. REGAN. You know, thank you for that question. We have a very strong vision, and the 2023 budget request covers a range of those. On standards we want to focus on the implementation of the bipartisan AIM Act which will phase down the consumption and production of HFCs, we want to hit that mark of 85 percent reduction over the next 15 years, so the Agency requests an additional \$35 million, and 28 FTE to be sure that we can do that.

We also want to continue to focus on keeping pace with the growing economy, and the demands of the market, and the employment of our strong unions, by continuing to push on the light-duty vehicles, and the heavy-duty vehicles transition to a lower carbon transportation economy.

We want to continue to focus on very innovative and transformative technology standards, like the one to reduce methane from the oil and gas sector, technology standards that allow for artificial intelligence, remote sensing, and just fascinating innovation and entrepreneurship that can help capture that lost product, while also protecting the planet.

And then also, we are having some very engaging conversations around the power plant sector. The budget requests \$100 million for air quality grants for states and tribes. We believe that states, and tribes, and localities know their communities better than the Federal government ever could; and on the research side \$60 million to improve the knowledge of the impacts of climate change on human health.

So we have got some really, what I would call, pragmatic but focused request as it relates to climate change and public health.

Senator MERKLEY. You can largely sum up the challenge ahead as electrifying everything with renewable energy to decrease both the massive methane and carbon dioxide releases, and one piece of that is electric vehicles; and you have laid out in the, or we have laid out in the Bipartisan Infrastructure Law, 5 billion to replace diesel school buses. So it is one piece of that initiative.

And we have in the Omnibus, fiscal year 2022 Omnibus, \$92 million to replace diesel engines through, DERA, the Diesel Emission Reduction Act. And so we are starting to see the impacts of this, 11 school districts in Oregon are preparing to use electric school

buses as part of their fleet, but it is just the very beginning of this effort. How will this new funding speed up the transition to electric vehicles?

Mr. REGAN. It is critical. We are definitely building on the success of the DERA program, and we are grateful for those resources to do that. DERA for a long time has demonstrated how funding support for cutting-edge clean technologies reduce exposure to diesel emissions for all people. I am really excited, and get really excited to talk about the \$5 billion for clean school buses.

There is nothing more important than cleaning up the yellow school buses that carry our most precious cargo to and from school every day. And so there are approximately 500,000 school buses on the road right now, the \$5 billion for clean school buses is going to be transformational in terms of better protection for our children, and our school bus drivers, but it sends a very strong signal to the manufacturers as well, that there is a market demand for these cleaner vehicles.

Senator MERKLEY. Okay. So brass tacks, when will you start awarding the School Bus Replacement Grants?

Mr. REGAN. We are going to make an announcement very soon about the first tranche of grants, it will be \$500 million. That is very soon, and we are excited about that. And then the second tranche will come a few months after.

And by the way, we are going to make it as easy as possible, we want these resources to be able to go directly to these school districts, so we are going to have online access, and we are going to have easy forms, and we are also going to have built-in technical assistance to these school districts to be sure that those districts that need them the most actually get the resources.

Senator MERKLEY. Is very soon, like June?

Mr. REGAN. Very soon is next couple of weeks we are going to make a very important announcement.

Senator MERKLEY. Good. Okay, great, great. And then I want to turn to the issue of wildfire smoke. We didn't use to talk about smoke, but so many of our fires burn so long, and in such a fashion that smoke is having a huge impact. It is affecting our agriculture. It has affected the grapes, our wine grapes. It has affected all kinds of community efforts.

You know, including like, for example, the furniture salesman who says, how do I sell this furniture that, you know, everything smells with wildfire smoke? Not to mention what people are breathing, and their need for places they can go, of the aggravation of asthma, it is just having a significant impact. Impact on our children, impact on our adults, the problem is getting worse.

So I am very pleased that in the Omnibus I secured \$4 million to start a new EPA grant program that helps communities prepare for, and protect against wildfire smoke.

So can you tell me? Have grants gone out the door? And is this going to help communities better protect themselves and their community members?

Mr. REGAN. It absolutely will help us communicate more effectively, to moms who want to go out for jobs, or children who want to go out and play, and are not really understanding what the implications of wildfire smoke may be from thousands of miles away.

So this is going to give EPA a competitive advantage to communicate these health disparities to those who need it the most. We are currently planning stakeholder engagements this summer to inform how we can best assist states, tribes, and public preschools, local educational agencies, and we are going to issue a competitive grant solicitation targeted for this fall, late this fall, that meets the needs of the impacted community.

So we want to do a little bit more homework up front, make sure that the impacted community has what it needs in terms of communication, and then put that grant process out there.

Senator MERKLEY. Great. And I hope you will also replicate your emphasis on simplicity. So many of the small communities, you know, do not have grant writers, they find that the process is so complicated that they give up, and don't apply in the first place.

Mr. REGAN. Yeah.

Senator MERKLEY. And my team tries to assist them, and guide them, how they can effectively apply, but we want to make sure that small communities, and small counties, with limited staff are able to apply effectively.

Mr. REGAN. Absolutely. And one of the things that we have really focused on with our core budget, and flexibility with the Bipartisan Infrastructure Law, EPA providing technical assistance, and that is where you see us asking for additional resources in our regional offices.

We know these communities don't have the technical capacity, and there are many aspects of that that I have quite frankly wanted to replicate, and spending time with Tom Vilsack and USDA, having people on the ground to provide that technical assistance is invaluable.

Senator MERKLEY. Thank you. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Administrator, I might commend to you and your team to do a check-in with the school district in Tok, Alaska. They have been engaged in a pilot of an EV school bus up there, how these buses—or how this bus operates in extreme cold weather environments. I am not going to comment on the success, or lack of success, but just to recognize that there are some considerations, and I think we can learn something from what they are doing up there.

I want to direct my first questions to you regarding waters of the United States. And as I mentioned in my opening, there is perhaps different impact to a state like Alaska where a significant portion of our state is considered to be wetlands. So it kind of puts us in a different place than most other states, and it impacts economic development, particularly in our rural communities that are trying to do very small, perhaps very routine projects, and get stopped after this.

So this was, again, a good roundtable that Assistant Administrator Fox was able to engage in. And so I would like you to share with me this morning, how you plan to integrate the feedback that was heard at that roundtable from Alaska constituencies, and more specifically, to the issue of compensatory mitigation.

One of the challenges that we have with compensatory mitigation in the state is that we don't have areas that are in need of mitigation. For us, we may need some more creative solutions allowing

the Agency to explore whether its projects, like water infrastructure projects, that are desperately needed in rural Alaska and Alaska Native villages that will improve water quality, just improve life there.

So what are you planning to do with the feedback that you have received? And are you considering these beneficial proposals in lieu of what could—what would be determined more typical compensatory mitigation?

Mr. REGAN. Well, thank you for that question. I can tell you that we were very thoughtful in these regional roundtables, and we chose 10 regions that we believe would be more reflective of the diversity across the country. And Assistant Administrator Fox came back from Alaska with a lot of great intelligence.

We are definitely not just checking boxes or going through the motions, these round tables are very instructive for us, and will inform how we approach waters of the U.S. As a former state regulator, I know the difficulties of ambiguity. I also understand the frustrations of an overly complex and administratively burdensome rule, that doesn't necessarily reflect the needs of North Carolina, or Alaska, but maybe advantages a state like Florida.

And so what we are trying to do is to strike a balance, where we meet our legal obligations under the Clean Water Act, as a Federal agency and a Federal government, but also provide the flexibility and autonomy that we know states need to handle some of the conditions that are on the ground.

And so that is the goal we are trying to achieve. I believe that when you look at the current proposed rule, it goes back to 2015 which was a—in my opinion—a simpler rule prior to some of the changes that were enacted. It will codify some of the decisions that the Supreme Court has made. But it will retain the permitting exemptions, which are identified in the Clean Water Act itself, and a lot of the exclusions that we know our farmers and ranchers in states like Alaska will need.

So we are trying to strike a balance where we get a legally sound, durable rule that gives states the flexibility to do some of the more innovative things that I think Assistant Administrator Fox heard during the Alaska roundtable.

Senator MURKOWSKI. I am glad to hear you use the word "flexibility". Again, this is not an effort to get around a rule, this is just a reality that we don't have a system that accommodates what compensatory mitigation might look like in other parts of the country. And yet you have extreme need, extreme need, when it comes to certain aspects of water, water quality, water safety; and so just your commitment to keep working on this to ensure that the state's input is considered is appreciated.

Mr. REGAN. Okay.

Senator MURKOWSKI. Let me switch to the contaminated lands, and again you have heard me express my concerns and how critical an issue this is, and how unacceptable it really is that so little progress has been made to date by the Federal government.

We have to do better on this, we must do better on this, and again I want to make sure. I am not blaming your Agency, I am not blaming the EPA, but I do think that EPA is uniquely positioned to help us find a real—and to use your word—a durable so-

lution to this problem that has plagued these communities in Alaska for so long.

So thank you for your willingness to engage on this. I appreciate what you have done so far, but we are here in the committee now, we are talking about providing resources and to help drive new initiatives within the Agency. So I would ask for your commitment today, to have our two staff sit down together by the end of this month, and begin to explore some creative solutions to this problem.

Mr. REGAN. You absolutely have my commitment there, and I think your staff will find that the Acting Assistant Administrator Carlton Waterhouse, who grew up and spent some time in Alaska, who was leading our Superfund and Brownfield efforts, has some really innovative ideas about how we can approach this problem. And he has been doing a great job conversing with DOI, DOD, DOE, NOAA.

So we have got some ideas. We need the resources, we need to start putting shoulder to this wheel. And you have my commitment, you also have Carlton's commitment, to focus on the unique issues that are facing the Alaska natives.

Senator MURKOWSKI. Well, I appreciate that. And you are right, we need to resource it, we just can't talk about it, we have been talking about it for too long, and the result has been the same, which is, nothing. So I appreciate this willingness to work together, and I look forward to what we are going to do to change this dynamic.

Mr. REGAN. Absolutely.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you. Senator Tester.

Senator TESTER. Yes. Thank you, Chairman, Ranking Member. Administrator Regan, thanks for being here.

I want to start out parochial. Last week I talked to you about getting people on the ground at Columbia Falls, to talk about the issue that they have. My staff tells me that they were there yesterday; is that accurate?

Mr. REGAN. It is, yes.

Senator TESTER. Okay. So the Superfund process tends to be a little bit—well, we will call it clunky; there is probably a better word for it than that, but it is pretty complicated. Are there plans to ensure that the public has an opportunity to give input on any potential solution, and are there plans for the people to be able to give input after the remediation plan goes public; both “pre” and “post”?

Mr. REGAN. Absolutely. This is an area where we, number one, we believe in community engagement.

Senator TESTER. Okay.

Mr. REGAN. To your point, this is especially important. So we did have a meeting just yesterday, and I think the report back to me was it was a great meeting. We are also planning monthly activities with the community leading up to any release of any proposed plan.

Senator TESTER. Good.

Mr. REGAN. We want to be sure the community has active opportunities to contribute to the process.

Senator TESTER. I appreciate that, and look forward to making sure that that does happen because it is critically important.

Now I want to talk about waste in place. We have got a number of places in Montana. You know this, Butte, Smurfit-Stone, potentially, Columbia Falls, where Waste in Place is used.

Let us stick with Columbia Falls, we could go to either one of them, and Smurfit-Stone is the same kind of thing. We have got an area of land that has been contaminated, that is next to the Flathead River that flows into Flathead Lake; that is at the headwaters, of water that impacts the entire west. Okay?

If it is Waste in Place, the question becomes why do we even do that, number one? And number two, is there adequate testing that can be done to make sure that this stuff isn't leaching? Because the reason it was brought to the attention of the EPA to begin with, is because common sense would tell you this stuff is going to leach into a river that runs right through it.

And so the question is, is that when it comes to Waste in Place, do you have accurate or adequate testing regime to be able to make the determination, or whether it is actually the right thing to do?

Mr. REGAN. We do under the Superfund Program and the Circular Program we have in place the abilities to do a thorough scientific evaluation, and we also have the methodologies in place to do the appropriate monitoring if Waste in Place is the proposed option.

Senator TESTER. So if Waste in Place is a proposed option it doesn't, like I said, it doesn't matter where it is, we have got the same kind of situation on Smurfit that is going to be dealt with. Can that area ever be developed?

Mr. REGAN. You know, I would have to circle back with the experts to determine, number one, what the cleanup levels would be around there. And two, what the developmental opportunities would be at the point of the closure, and the securing of it, and any kind of future economic development opportunities.

Senator TESTER. Because the reason I say that is because when I was in Columbia Falls, in particular, but it is the same thing with any of these, these places are pretty landlocked. I mean, they are in the middle of mountains, and they have got water running, and this area had been industrial.

And I think the hope the hope that I had, the community could have a different hope, and I would absolutely yield to them on their opinion, but the hope that I had is it would be cleaned up to a point where it could be developed. And it would be cleaned up to the point where we didn't have to worry about a river that is—the headwaters would pollute one of the largest lakes in the west, and everything downstream from it.

Mr. REGAN. Yes. Well, I can assure you that any remedy chosen is to protect public health, first and foremost, as well as the environment. I will circle back with you on the answer of future economic development opportunities.

Senator TESTER. Yes.

Mr. REGAN. But I can tell you, we thoroughly look at what is most protected, disturbing, trying to move, and excavate, and transport radioactive materials, or looking at a way we can contain it to be most protective of public health and the environment. So

I will circle back with you on the future development pieces, but I can assure you, it is designed to protect public health.

Senator TESTER. Okay. That is good, because last time I checked, as my Native American friends would say, "Water literally is life", you can live without a lot of things, you can't live without clean water.

Mr. REGAN. I agree.

Senator TESTER. I want to thank you and your staff for your work on the Kootenai. As you well know, this is an impaired watershed with selenium flowing into the United States from Canada. I have been trying to get attention to this issue for some time, and your regional staff have been very helpful in organizing a multi-agency response.

I am frustrated that negotiations with Canada seem to have stalled again, but I want to make sure you have the resources and staff that you need to support the State Department in those conversations, and from the International Joint Commission. In depth, if we ever get to a reference, is there anything we can do to help you with the fight?

Mr. REGAN. I think the support that you have given. I greatly appreciate it. And we are positioned very well to support the State Department, this has been a priority for me. As you know, I have also sent the word directly to my counterpart in Canada through our international bilaterals as well. And so we hope to get it unstuck and continue to make progress.

Senator TESTER. And this isn't in your bailiwick, but it certainly is in the State Department's. I mean, Canada is a huge friend of ours, a great trading partner, and the fact is that there is water that flows from United States North, we shouldn't be polluting them, and they shouldn't be polluting us. And that is really the bottom line.

I want to talk very, very briefly, in the next 40 seconds, and about what we are doing in the area of climate change. Now, we have got gasoline, diesel price is 5.50 a gallon. Last week I had one of these hearings, it was 5.44, it is 5.50 this week. God knows what it is going to be next week. And I think this is a real opportunity to get more energy into the marketplace.

And I would encourage you, as we talk about batteries, and buses, which is important, but let us get it so we can have batteries and cars that go more than 350 miles. Let us get it in over-the-road semis that emit a lot, let us get it in my field tractor.

Mr. REGAN. Yes.

Senator TESTER. Let us get that battery technology. I think the motor technology is there, the battery technology is not. So I would encourage you to do what we can do to get that, and get it affordable. If it is affordable, and if it is in the marketplace, people will change overnight, and we don't have to give subsidies for it. And so I would just encourage you to try to push that envelope as much as possible.

I like tax incentives, they are great, but they don't fix the problem. If we have affordable battery technology, that fixes the problem.

Mr. REGAN. I agree. And I can tell you I have spent time with the executives, and the CEOs, and the presidents of Mack Truck,

Volvo, and others, the technology is there, it is on the horizon, we are looking at the cost effectiveness of it. But when we look at our heavy-duty vehicles rules, stages one and two, we are just as focused on our longer range vehicles and our trucks, as we are on our light-duty vehicles as well. So I agree with you.

Senator TESTER. I appreciate that. Thank you.

Thank you, Mr. Chairman, and Ranking Member.

Senator MERKLEY. Senator Hyde-Smith.

Senator HYDE-SMITH. Thank you, Mr. Chairman.

And thank you, Mr. Regan, for being here today; and you know exactly what I am going to talk about, because it is one of my very top concerns, as being the Senator for Mississippi, and always has been since the day I got here.

The Yazoo Backwater Area Pump Project, and it is a concern to me, but it is definitely a concern to the Mississippi Delta.

The November 17th, 2021, letter from the EPA Office of Water, the U.S. Army Corps of Engineers, brought this long overdue, congressionally authorized flood control project to a screeching halt, leaving thousands of Mississippians without hope of decent flood control, and more than \$10 million in taxpayer money totally just flushed down the drain.

Mr. Administrator, I cannot begin to express my frustration and disappointment by your Agency's decisions, which was, by all accounts, an abuse of the EPA's authority under the Clean Water Act.

And to my colleagues on this committee, this may be a Mississippi issue today, but make no mistake, the same abuse of authority may end up in your backyard tomorrow.

Mr. Administrator, you and other administration officials, including the White House Council on Environmental Quality, profess that the Yazoo Backwater pumps are a priority, and that you are actively looking for a solution. And talk about an environmental injustice, this is a true minority community who live in true poverty. They cannot afford homeowners' insurance.

And you heard a testimony, I think, of Mr. Anderson Jones that talked about an elderly man that talked about his Senior Class Party that he went to with mud on his pants because he had to wade through the water. And he said, "My grandchildren are wading through those same waters." I will never forget that man's testimony.

What is the status of that process? And are you involving local stakeholders? Are the congressionally authorized pumps an option under this administration, and if not, why not?

Mr. REGAN. Well, thank you for that question. And I also thank you and the delegation for the invitation to host me in Mississippi and Vicksburg, and actually see it firsthand. That was really helpful.

You know, I am going to stay with my commitment to you, which is this process is a priority. I think what I agree to, and we are meeting that obligation, is I pull the White House in. I think there is been a—number one, this issue has been there for decades. We can agree that it is not political because I think it was the Bush administration that put the veto in place, and the Trump adminis-

tration that had a process that was deemed political interference to change the Bush administration's decision on this project.

But that aside, I have asked the White House, the Council For Environmental Quality, to convene all of the Federal agencies that are involved: U.S. Fish and Wildlife, U.S. Army, USDA, and FEMA, to focus on this project. And we have done just that. We have got technical experts from all of those agencies reviewing all of the available data. There are no options off the table, to your question.

Green and gray, hard and natural infrastructure solutions are on the table. What I can say is our teams have started meetings, and there are weekly two-hour meetings occurring over the next month to put solutions in front of both leadership at EPA, and U.S. Army Corps of Engineers.

So we are tracking on that timeline that I committed to you on. We have got all of the agencies; we have an interagency council actually focused on this problem. I committed to you and Senator Wicker that, instead of continuing to kick the football down the road, like we have seen for the past 20, 30 years, we are going to get a solution to this problem.

Senator HYDE-SMITH. During all these meetings, and all these hearings that you are having, and all the agencies that you say you are bringing in, it should be very clear that the letter that was sent, that the pump project is subject to EPA's 2008 veto of a different Corps plan. You should easily find that.

According to the EPA Assistant Administrator of the Office of Water, the 2020 proposed plan is the same plan proposed by the Corps in 2007. The 2020 proposed plan would discharge fill material into the same disposal site prohibited under EPA's 2008 veto.

This is just not true. The facts are, the proposed location of the pump station in the new 2020 plan is in a completely different county than the 2007 plan's project site. That is a big difference. And when I got that, and I saw that you were looking at the things in 2007 in a completely different county, I was just totally amazed.

Another fact, the 2020 plan included in the new mitigation features to help sustain aquatic habitat, fisheries, and mussels during low flow season, the 2007 plan called for nothing of that sort. That is a big difference.

Another fact, the 2020 plan included an adaptive management plan in light of the uncertainty related to the effects of pumping out surface water within that area, and to allow the flexible decisions making when operational adjustments are needed. The 2007 plan did not include any of that. So this is a big difference. And the list goes on.

The bottom line is, the 2020 plan is not the 2007 plan, given the long list of differences detailed in the Corps' Final Supplemental Environmental Impact Statement, how can your Agency determine that these two plans are basically one and the same?

Mr. REGAN. I think that, you know, the experts—I think you we can agree that this issue has been going on since 1940 or 50s, and EPA, and Army Corps, and Fish and Wildlife, these agencies have been having this discussion for 50 years, and placing the blame in different categories.

Senator HYDE-SMITH. But it is time to straighten it out

Mr. REGAN. It is. Which is why I am proud to say that for the first time in 50 or 60 years, I got the White House to convene an interagency council to pull all these agencies together so that staff can't hide, people can't hide, we are going to take a look, we are going to do the analysis, and we are kind of—we are going to come out with a solution.

And I feel very good about the process that we have underway, because it has never been done before. And what you are going to find, with the proposed solutions, is for the first time in decades you are going to see a U.S. EPA, a USDA, you are going to see an Army Corps, and a U.S. Fish and Wildlife in the same administration stop bickering, and agree on what we believe to be a legally sound, and engineering durable solution to the Yazoo pump issue.

The other thing that we are going to also do, because you raised Environmental Justice, is Army Corps' evaluation of the Yazoo Pumps Project has never done an evaluation on EJ, never provided any data to support that. We are going to do that this time around.

So we want to button this thing up. I want to button this thing up, probably not as much as you do, but I want to button this thing up, because it is the right thing to do. And I believe we can get it done.

Senator HYDE-SMITH. Well, if you look at the facts and the science, you can get it done. And I am just asking that all of this is cleared up, because this is information coming from your office that needs to be cleared up, and I truly appreciate you trying to find the solution.

And it has been a long time coming, and I just hope that this is a quick resolution to this, and that it is not two or three more years down the road, because these people in the Mississippi Delta need your help. And it did come to a screeching halt after it was congressionally approved.

So I think you have got a lot of explaining to do. I think you have got a lot of corrections to make. And I truly appreciate your efforts in this.

Mr. REGAN. Well thank you. And I agree with you, 50, 60, 40 years, however many years, is way too long. And this is a priority for me, and we want to find the solution.

Senator HYDE-SMITH. Thank you very much.

Senator MERKLEY. Thank you. Senator Capito.

Senator MOORE CAPITO. Thank you, Mr. Chairman.

Thank you, Mr. Administrator. Good to see you again. And I look forward to our visit together, to West Virginia in June. And thank you for agreeing to do that. I appreciate that.

I am going to follow up on a topic we have talked about, I think it is about 13 months now, and that is the EPA's involvement in developing the U.S. nationally determined contribution target. Since you testified in April we did receive some documents. And thank you for that. So your staff had also agreed to schedule a briefing.

So that has not been scheduled yet. So I am asking you to please have that briefing scheduled as soon as we can with my staff.

Mr. REGAN. Okay.

Senator MOORE CAPITO. Good.

Mr. REGAN. And it is that briefing on?

Senator MOORE CAPITO. On the materials that were submitted.

Mr. REGAN. Okay.

Senator MOORE CAPITO. The other question on those materials, there was information that—I think there was a feeling that maybe not all of the information was brought forward. You had previously said that EPA provided qualitative information about our regulatory and voluntary programs, and discussed approaches to quantitative analysis.

So in the materials we didn't see any of that quantitative analysis. And I am wondering, did we get all the materials? I mean, are you satisfied that you have presented all the materials to our staff that we have been requesting?

Mr. REGAN. I am. I posed this question just yesterday, and my staff knows how serious I am about being responsive to your requests.

Senator MOORE CAPITO. You knew you would see me, right?

Mr. REGAN. And so to the best of my knowledge, you all have all of the materials that we have.

Senator MOORE CAPITO. Okay. And I look forward to the briefing. I think that will help us understand more some of the data. I think there were some questions as to how the data was presented.

Mr. REGAN. Okay.

Senator MOORE CAPITO. I did ask you, and this is a question, and there have been a couple articles about, you are asking for a thousand more employees in this budget. How many people are presently full-time at EPA?

Mr. REGAN. We have—let me get you an accurate number here—we have right now 14,000—about 14,824 employees.

Senator MOORE CAPITO. Okay. So the thousand would take you up to 16,200, so you are not even at your full capacity right now?

Mr. REGAN. Yes, our fiscal year 2023 budget request would support right around 16,000.

Senator MOORE CAPITO. Right, so you are still, you are still shy. You are still not hiring into the max that you have from last year quite yet? You must not be, because a thousand would be 15,200, so you are 600 people shy of your max.

Mr. REGAN. We are still hiring.

Senator MOORE CAPITO. Are all of those people back in the office and working post-pandemic?

Mr. REGAN. Yes. Our return to work strategy was, it began February 28th, our political appointees, and senior Agency leadership returned. Beginning March 28, our managers, and our non-bargaining staff returned. So we are still—we worked extensively with our unions, still working with our unions. But you know, we are, in the coming weeks, all of our EPA employees will be fully phased into, what we are calling our new schedules.

Senator MOORE CAPITO. Yeah. And your new schedule for some people includes fully remote work, right?

Mr. REGAN. Well, yes.

Senator MOORE CAPITO. According to an article, yeah, that I read.

Mr. REGAN. Yes.

Senator MOORE CAPITO. And then also, coming in one day every two weeks, another—

Mr. REGAN. Yes we have a range of flexibilities——

Senator MOORE CAPITO. So this is not actually everybody coming in, it can be a blended system, correct?

Mr. REGAN. Correct.

Senator MOORE CAPITO. Okay. You know, I had a meeting yesterday with some energy folks, and you have been, in your confirmation, and I think every time you have been in front of all of our committees, and I think you have exhibited this. In certain instances you have pledged to have all stakeholder involvement to listen to everybody before making a decision, knowing that you are not going to please everybody in the room.

And there was a general feeling within this as related to pipelines, and natural gas development, that they had made numerous requests to EPA to be a stakeholder, to have their positions heard.

And I think we all see what is happening in Europe, we know that the reliance on our own natural—our own energy resources, in an all-of-the-above energy plan, and we are feeling—I think most of us in energy states feeling as though that is not really moving forward through the administration with some of the pipelines that have been canceled. I have an MVP pipeline in West Virginia that has had some huge difficulties, even though it is 95 percent complete.

I just want to ask for your pledge again, that folks in the energy industry have an ability to come, knock on your door, and actually have their side of the story heard. I think they are doing a lot to reduce their emissions in half on the methane side, and other side, I know you are getting ready to do a Methane Rule.

I sense some frustration with them. Do you publish who you meet with? And have you had meetings with folks in that industry around the Methane Rule?

Mr. REGAN. Yes, we are fully transparent with who I meet with, and who staff meets with. And yes, I have met with leadership from the power sector, the oil and gas sector. I was down in Houston at a CERA Conference meeting with executives around all of the potential for methane capture, and the like.

And so if there is a frustration, I would love to get that from you and your staff. But it is my understanding, and personal experience, that we are meeting with all of our stakeholders.

Senator MOORE CAPITO. Well, I will circle back with them and make sure that that your door is open and that you are willing to meet with them.

Mr. REGAN. Yes.

Senator MOORE CAPITO. Maybe it is just not this particular—these were a whole variety of different people, and I was sort of frustrated by that.

On the Justice40 issue, I have tried to, like, dig deep into that to see—it is pledged that 40 percent of the funding that is going, is going to go to justice communities. Are you quantifying that? I mean, is there a website that we can go to that is going to show me where and how this pledge of 40 percent is actually being translated into different communities, in Alaska, or West Virginia, or Mississippi?

Mr. REGAN. Yeah I think that—so the Justice40 Initiative, obviously, is being quarterbacked out of the White House and so——

Senator MOORE CAPITO. So who would we go to at the White House?

Mr. REGAN. The Center for Environmental Quality, Brenda Malory's job.

Senator MOORE CAPITO. Right. Okay.

Mr. REGAN. And as agencies, we all participating in pilot projects to demonstrate how to do this. So let me give you a couple examples. With the Bipartisan Infrastructure Law, the \$5 billion for Superfund and Brownfield, as we put that money out, you know, we have got more than 50 or 60 percent—I will get you the right number—that goes to disadvantaged communities. When we look at our—

Senator MOORE CAPITO. Are you using the screening tool that the CEQ put together?

Mr. REGAN. No we have our own screening tool.

Senator MOORE CAPITO. Is it different than CEQ?

Mr. REGAN. I think there are some differences, and EPA has had an Environmental Justice screening tool for decades. We also are very well versed in environmental justice, we are one of the agencies that has been doing this for a number of years, and some of this is actually built into our programs.

Like with the State Revolving Loan Funds, 49 percent of our dollars have to go to disadvantaged communities. So EPA has some built-in infrastructure that really does a good evaluation of where our resources actually go. So we are using ourselves as pilot projects for the Justice40 Initiative, as some of that has been built out.

Senator MOORE CAPITO. And then you feed that up to CEQ?

Mr. REGAN. That is right.

Senator MOORE CAPITO. Are you satisfied you are reaching the 40 percent?

Mr. REGAN. I am very satisfied with the focus that my Agency has given to environmental justice, and equity issues, and when I look across my programs, numbers matter to me, data matters, fairness, and equity, and transparency matters. With our State Revolving Loan Fund Program, with our Brownfields and Superfund, we are doing an excellent job making sure that the people that need these resources the most, are actually getting the resources.

Senator MOORE CAPITO. Thank you.

Senator MERKLEY. Thank you very much, Senator Capito.

Senator Reed.

Senator REED. Thank you very much, Mr. Chairman.

And welcome, Mr. Administrator. Good to see you. I am looking forward to hosting Deputy Administrator McCabe, in our Region 1, Administrator David Cash from Rhode Island to celebrate the success of the Southern New England Program, or the SNEP program as we call it.

I once had the privilege to work as chairman of the subcommittee, along with my ranking member, Senator Murkowski, to create the SNEP program.

Thank you, Lisa.

And it is doing a lot of great work in Southern New England, the estuaries, and the Narragansett Bay, and all throughout Massachusetts, Connecticut, and Rhode Island. Can you speak to the im-

portance of these geographic programs in terms of your overall mission?

Mr. REGAN. Oh. Well I listen there. They are national treasures, they are invaluable, and we are thankful to Congress for the resources that we received in the 2022 budget to help accentuate the value there, not just from an ecosystems' protection standpoint, but that many of these geographic programs provide drinking water for so many millions of Americans.

The \$15 million in the Bipartisan Infrastructure Law, specifically for the Southern New England Program, will definitely surge the efforts to protect water quality and ecological health for diverse habitats.

But you know, I think that the program, this specific program ensures that the strategies that we are putting in place are comprehensive, durable, and sustainable. So the short answer is invaluable, we have it as a high priority, the budget reflects that priority, and we are doing the most with the resources that we are applying.

Senator REED. Well, thank you, Mr. Administrator. One of the aspects why this program is so important is that the Narragansett watershed, actually most of it is in Massachusetts. So Narragansett Bay is in Rhode Island, so if we get funding for Narragansett Bay, that is nice, but if we are not dealing with the source of pollution in Massachusetts and elsewhere, and this program's flexibility, given the Regional Director the ability to fund projects in Connecticut, Massachusetts, Rhode Island, that ultimately enhance the quality of the Narragansett Bay, it is just first rate. So thank you for your support.

Mr. REGAN. Okay.

Senator REED. Environmental justice is a critical issue. In this pandemic we saw the impacts, dramatically, of disparities between racial and ethnic groups, in terms of so many different programs, and Environmental Quality is one of those programs.

I was pleased to see the President included it in the '23 budget EPA's State Environmental Justice Cooperative Agreement Program. In my Department Of Environmental Management, excuse me, is working to set up its own justice program. Can you talk about how you are going to help develop these local Environmental Justice programs?

Mr. REGAN. Absolutely. And I believe it is critical that they are developed at the local levels, and I believe it is critical that the communities are involved. And I thank you for your leadership in this space.

Senator REED. Sure.

Mr. REGAN. And what Rhode Island is doing. We are excited about what Rhode Island is doing. I know my team has recently connected with your staff to think through how to stand this up. And we want to be sure that that the state is aware of the Environmental Justice Cooperative Agreement Grant Program, because we believe it will be instrumental in not only setting up the program in Rhode Island, but pulling some of the best management practices from programs that we have seen all across the country.

And so we are excited, we are engaged, and if there is anything that we can do to help with that success, we stand ready.

Senator REED. Well, thank you. I am going to sort of put on my hat, in my service as committee member, and ask you about cybersecurity challenges in your department. Unfortunately, no area of life today is immune from cybersecurity, and that is something that has sensitivity in national security agencies, but I don't know of the same sensitivity in quote-unquote, "domestic agencies".

But can you just comment, from your perspective, as to your cybersecurity issues?

Mr. REGAN. There are. We are laser focused on this, this has been a high priority for me since becoming administrator, because as a state regulator I recognize the vulnerabilities when I was director in North Carolina, 180,000, I believe, independent water systems in this country, most states don't really have a good understanding of the cyber-protective measures that are in place, and how vulnerable they are.

Senator REED. Yes.

Mr. REGAN. And so, yes, in this budget we are requesting 15.5 million for EPA's activities to help enhance the states' cybersecurity: 25 million to create a new grant program that helps water systems establish and build necessary capabilities, 35 million for technical assistance, and then 50 million to support a new grant program for the resilience and sustainability of public water systems serving more than 10,000 people. This is a priority for us, and we are laser-focused on it.

Senator REED. Well, I appreciate it, because there are—we have in Rhode Island a major water system, the Providence Water System, which through the foresight of my ancestors many, many years ago, they bought a large part of Scituate, which is a community to the west, and they are supplying most of the state.

But we have small systems that are being operated by three or four people, and they do not have the sophistication to deal with, you know, any type of cyber attack. So I think you this is a good start, but we have to be able to reach down to the lowest—

Mr. REGAN. Yes.

Senator REED [continuing]. you know, the smallest areas, and also don't assume that the big water systems know what they are doing either. This is rather novel for these types of organizations. But thank you very much for your great work, and I look forward to working with you.

Mr. REGAN. Thank you.

Senator REED. Yes. Thank you.

Senator MERKLEY. Senator Hagerty.

Senator HAGERTY. Thank you, Chairman Merkley, and Ranking Member Murkowski. It is good to be with you today.

Administrator Regan, good to see you as well. First, I want to talk a bit about the proposed Environmental Management Disposal Facility, we call the EMDF at Oak Ridge, in my Home State of Tennessee. DOE is cleaning up legacy waste and buildings from the Manhattan Project era of the Cold War.

The cleanup has been a success story so far. For the first time in history the United States has cleaned up a former uranium enrichment complex, it has done so 4 years early, and under budget. I am sure my colleagues here are pleased to hear that. It has made

more land available for economic development, and like you, I served in my Home State Cabinet.

We are excited about the potential this creates from an economic development perspective, and it gives us an opportunity to reuse some previously contaminated land for other DOE purposes as well. One of the concerns about this though, is that the current on-site disposal facility will be full by 2028, and that threatens to delay clean up, leave contaminated buildings on site, it could cost hundreds of jobs and waste, again, millions of taxpayer dollars.

For over a decade the State of Tennessee, the Department of Energy and the EPA, have been discussing approval of a second disposal site. And the process has been transparent, it has been rigorously reviewed, I must say, it has been open to public comment.

And I was very pleased to hear that on May 4th the DOE, the EPA, and the State of Tennessee reached an agreement on site groundwater study, waste acceptance criteria, and protection of water quality in Bear Creek, in this area.

DOE is currently hosting a 30-day public engagement period, and just last night DOD hosted a public meeting in Oak Ridge, Tennessee, to discuss this facility.

I want to particularly call out and commend one of your—one member your team, Jeff Prieto, your General Counsel, who has done an excellent job. He and I talked about this before his confirmation. He stayed in touch with me. I appreciate him working with me on this issue to get us to this point.

So Administrator Regan, on June the 7th, next month, when the 30-day comment period closes, what will the next steps be for your Agency to get through the process and sign a Record of Decision?

Mr. REGAN. Well, and Senator, thank you for that. I think our staffs are very proud that we are on time, under budget, and making some headway here. What I will do is I will circle back with you and your team on what those exact next steps are, because I don't have that right here at my fingertips.

Senator HAGERTY. Understood, my main goal is to see that there will just be no further delays in the process. That we get it done, get it approved, get the Record of Decision in place. There are substantial costs—risk of cost overruns associated with this, if we don't get the agreement in place now, the timeline is going to get pushed, and we are going to have a real problem in terms of running out of storage space there.

Mr. REGAN. I hear you loud and clear.

Senator HAGERTY. I appreciate your personal attention to that.

Mr. REGAN. Absolutely.

Senator HAGERTY. Thank you, Administrator. I would like to turn now to another topic that impacts our Nation's gas prices, and capacity, and that is the topic of small refinery exemptions. I am sure you are well familiar with this.

You know, prices at the pump are at record highs, Americans are feeling a lot of pain right now, and there doesn't seem to be major relief in sight. However, your Agency continues to move forward with attacking small refineries by denying all petitions for small refinery exemptions from the renewable fuel standard. My understanding is that the EPA has already issued 31 retroactive denials

for petitions that were awarded in 2019, that covered the 2018 compliance years.

And industry anticipates that you will deny all 60-plus SRE petitions that are pending for 2019, 2020, and the 2021 compliance years. I just want to ask, Administrator Regan, is that accurate?

Mr. REGAN. We have made the first tranche of decisions because of a court order deadline. And the second tranche of decisions have not been made yet. What I will say is I think that the 10th Circuit's decision really informed how the Agency should approach these SREs.

And what we have tried to do also, in addition to the SRE issue, is not necessarily have it in isolation, but in the context of thinking about how we look at refineries, and biofuels, and RVOs, and just getting that program on a much stronger footing.

So what I can commit to you is that we are looking for a way to provide certainty to both the AG industry, and refining industry in terms of those obligations under the RVO Program, and how that plays into these exemptions—that these exemption decisions that the Agency is having to make.

Senator HAGERTY. One thing I want to point out is that how these decisions unfold will have a real impact on compliance cost. And compliance costs, particularly with respect to these exemptions that we are talking about, have grown, my understanding, is 69 percent since the EPA published the 67 percent of—the proposal to eliminate small refinery exemptions.

That moves, what was a 0.13 cent per gallon compliance cost, up to 0.22 cents per gallon. And if all of these further exemptions are denied that will take that compliance cost even further.

Mr. REGAN. Yeah, I would like to—and I think we would have to sort of look at those sort of site-by-site, because when you take a look at the exemptions that were not recently granted, there is also compliance flexibility built into that. So it ranges from, you know, some decisions have been made in the past so far back that some of that compliance was forgiven.

There is also some that were made more recent that have payment plans, or compliance plans, put in place in a phased way. So it wasn't a blanket denial, you are on your own. I think that that was carefully thought through, and there were very serious considerations given to those who we felt did not deserve the compliance, even though decisions were made years past, and we are making this decision today we thought we would—we did it with thought and care.

Senator HAGERTY. So you have got an easy payment plan, so to speak, when you have come back and denied retroactively?

Mr. REGAN. Yes. There is a payment plan that has been built into those decisions that were made most recently. I can't speak to the decisions that haven't been made yet.

Senator HAGERTY. Sure.

Mr. REGAN. But when you look back at the ones that were denied you can look back at different flexibilities built in for repayment.

Senator HAGERTY. I understand the concept here. I would just encourage you strongly, given the fact that we are hitting record high gas prices at the pump every day, families are having to make decisions between groceries that they buy, or filling up their tank.

And anything that would increase compliance cost, I think we should look at very carefully right now.

And having blanket exceptions, you know, retroactive withdrawals of exemptions, I think you know, obviously, puts upward pressure on prices, when you have an opportunity right before you to put downward pressure by granting the exemptions.

So I am going to encourage you, please to consider reversing course here, in this blanket exemption denial, and please take into account the impact on, you know, hard-working families that are trying to make things work at home, at the pump.

Not doing it, I think it implicates, not only the economics of an American family, making it harder for them to get by, it has upward pressure on inflation, it also impacts our national security. And all of this I think is something that is extremely challenging, in my mind, to understand why we would be pursuing a policy like this at this point in time, when we see the type of inflation and energy costs that we have got.

I am also concerned about the way the policy is being done in terms of being implemented through guidance, rather than going through a more formal rule-making process that would actually subject it to congressional review, because I can tell you that we would like to have the opportunity to review this.

It feels like a policy change to me, and particularly given the economic implications on the American consumer, it is significant. So again, I would encourage you to take a very strong look at that and reconsider.

Mr. REGAN. And I appreciate that, and we are—listen I understand that people are hurting, the price at the pump is really putting pressure on all of our fellow citizens, because of this unprovoked war. And I will say that we are very thoughtful about that—

Senator HAGERTY. Just to clarify, this started well before the unprovoked war.

Mr. REGAN. Well, on the SRE.

Senator HAGERTY. The war may be exacerbating it, but these decisions don't have anything to do with the war in Ukraine.

Mr. REGAN. I think that the prices that we are looking at now, and then some of the pressure that the refineries are facing, this war doesn't help. And these SRE decisions that, quite frankly, I don't enjoy making, but have been forced to make because, during the previous administration the previous administration gave these exemptions out in a way that the 10th Circuit Court disagreed with. And so they were remanding it back.

The decisions that we are making in terms of these SREs, we are trying to do it in a way where we follow the law. And I am trying to stay on the right side of the law, while also doing exactly what you just laid out, which is being sensitive to the prices that we are facing now, and how we can do that to alleviate the burdens of just average, everyday—

Senator HAGERTY. I appreciate your sensitivity to that, Administrator. And I would encourage you then to put it through a formal rulemaking, so we can have proper notice and comment, and proper review by this body. Thank you.

Mr. REGAN. Thank you.

Senator HAGERTY. Thanks, Mr. Chairman.

Senator MERKLEY. Thank you very much, Senator.

I am going to try to get through a bunch of questions quickly. And first in terms of water infrastructure for tribes, and I am particularly concerned about the situation faced by the Warm Springs in Oregon who have a myriad of problems with their water system. And the Indian Health Service is using the Bipartisan Infrastructure Bill to tackle that to a degree.

But some of the issues are ineligible for funding through that mechanism, including the water system that supplies hospital, and schools to the drinking water system. Do you have a sense of how the funding that comes through your side of the world might be able to help in that situation?

Mr. REGAN. You know, we are very in tune with this issue, and will absolutely continue to work with the Indian Health Services, and we will keep you and your staff in the loop. I would say that, you know, EPA's experts have met with the Indian Health Service to explore some flexibilities and innovation here. We don't have the funding or the authority to directly support operation maintenance and repair, but that hasn't prevented us from continuing with the conversation to think about where and how EPA can weigh in on this very important issue.

Senator MERKLEY. Well I like the terms "innovation" and "flexibility", so let us brainstorm on how to get this—how to get this done.

Mr. REGAN. Okay.

Senator MERKLEY. So that we have a complete water system in that situation. And in fiscal year 2022, we had a number of water infrastructure challenges that were addressed through, what I would call community-initiated projects, here in D.C. they are called congressionally-directed, which makes no sense to me.

Mr. REGAN. Okay.

Senator MERKLEY. Because it is all about the communities initiating ideas, and then we fight for our communities to get those things funded. And they are very happy when we fight for them, and are able to assist them with the priorities that they see on the ground. But when are those grants going to start actually going out the door?

Mr. REGAN. I believe the—let us see—we have about 483 congressionally-directed projects totaling about 841 million. We are committed to a timely and transparent process, but to be perfectly honest it is the implementation of what we consider to be a new program. The magnitude is great, and while the 2022 appropriations gave resources for the projects, it did not provide dedicated administrative funding to support the implementation.

So we are trying to stand that up as quickly as possible, and we are working on that that final process. I believe, if my information is correct, fall of 2022 I believe is our targeted timeframe there.

Senator MERKLEY. Well, let me explain something that you probably have realized. There is a hundred Senators who have communities that have received grants, and they are very excited about the grants in there, but they are very concerned about costs going up while they are waiting.

They are like: Okay, we submitted a proposal. We were awarded a grant. Why can't we get the check? I would like you to brainstorm with your inner circle on, like, realizing that these communities will be really well served by finding a way to expedite that process, because I am sure you don't have a hundred senators calling you up and saying: My community just found out their costs doubled because the grants haven't come yet.

Mr. REGAN. I agree with that 100 percent.

Senator MERKLEY. I am sure you don't want those phone calls. All right, so I want to turn to the issue of plastics. You can't hardly pick up any kind of newspaper that doesn't talk about the expanding problems with microplastics, the problems with the plastics being swept out to sea. You know, in the past all the mantra was the three R's, reduce, reuse, and recycle.

And when I look at those little triangles, and we sit there and we go, hmm, can this piece of plastic that was on top of my coffee cup be recycled when it has coffee on it? And there is a whole lot of wish cycling, where you put things into a recycling bin, but they are not actually getting recycled. And a lot of those plastics that have those triangles with those numbers on them, there is not even a market, there is not even—nothing is happening with them. We are just deceiving the American public about it.

In fact recycling has dropped from 8 percent to 6 percent over this last year. So it is not working. What really happens with plastics, is not the three R's, but it is the three B's, they are burned, they are buried, or they are borne out to sea. And now, because of the microplastics, every American is consuming, it is estimated, about a credit card worth of plastic a week.

And, you know, there is a lot of chemicals in those plastics, hormone disruptors, so on, and so forth. This can't be good for our children, it can't be good for anybody, and we need to radically improve plastics. How are you going to make that happen?

Mr. REGAN. Well, I can tell you this was a surprise to me, but in my conversations, especially with young people in this country, the very number one issue is climate change, but a close second is plastics. And this is something that in recycling, something that EPA is really focused on.

We are in the process of developing a national strategy to reduce plastics and other waste in waterways and oceans—which identifies key actions that are needed to reduce and collect plastic waste material. And these are strategies that are part of a series of strategies on building a circular economy for all, that we believe will fulfill the mandate for strategy under our Save Our Seas Act 2.0.

And so that is where we are focusing most of our time, efforts, and resources, and we believe that will contribute to the solution that you are looking for.

Senator MERKLEY. Yeah. Well, here is my impression. There is a whole lot of nice sounding language regarding reducing waste, and improving recycling in a circular economy, but a whole lot of inaction and actually delivering changes. When we grab our coffee, and we get a plastic cap on it. Why is that necessary? Why can't it be done in some other fashion?

I mean, you have got research teams, you have got experts, we need a dramatically improved plan, not just simply a new version

of a recycling strategy that fails for a whole host of very understandable reasons. And so I am going to really push the Agency to say, this is a huge, huge issue. And failure on this is a massive failure for the American people. So I will keep pressing for a really dramatic, significant set of solutions to be proposed and implemented by the Agency.

Mr. REGAN. Yes, absolutely.

Senator MERKLEY. Thank you. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Just to follow up on the Chairman's comments about plastics. As you well know, we have challenges in Alaska with recycling efforts, just limited capacity. Most of our recycled product is shipped outside, probably down to Senator Merkley's state in Oregon.

Senator MERKLEY. We are happy for you to keep that up there.

Senator MURKOWSKI. Well, we are trying to get it out, and get it to a place where it can be recycled, but the marine debris that we deal with, that just comes to our shoreline as a result of the currents, it is just—we may be doing a good job of keeping our state clean, but it gets delivered on our beaches, it gets delivered on our coastline.

And so it is costly to remove it, and of course the longer that it stays there in the title zone, the more the debris deteriorates into microplastics, the more challenging it is on a host of different levels. So the Agency, I think, is rightly looking at what more we need to be doing. I was pleased to see that a Phase 2 Small Business Innovation Research Grant was provided to an Alaska constituent who has a pretty innovative way of recycling plastic ocean waste. So we are encouraged by levels of innovation like that.

But as you are looking to expand grants for recycling efforts, I am hoping that you are also going to be considering in seeking funding for marine debris and plastic ocean waste collection and recycling efforts, as well as that, as well as what you have just discussed with the Chairman.

Mr. REGAN. Okay.

Senator MURKOWSKI. So I mentioned PFAS, again this is a big issue for us in Alaska, but I know that it is a priority for others on the committee, and here in Congress, and in my state the list of communities that is facing the challenges of PFAS and PFAS contamination is only growing.

As you know, we had 10 billion in the Bipartisan Infrastructure Law that is going to be helpful, but we have got to start making meaningful impact on PFAS contamination while we wait for Federal standards. And I think the Infrastructure Bill is a good first step on that.

So can you walk the committee through how you envision this 10 billion from that law making a difference on PFAS? And how the Agency is working with states, working with our local communities to perhaps provide some best practices on how to spend these funds on remediation of PFAS?

Mr. REGAN. Absolutely. You know, this is a top priority for the administration, and so we have got a couple of tracks going, but we do have this PFAS strategy for the \$10 billion. You know, most of these funds are being pushed through to the states being provided, as fully forgivable loans or grants without a state match re-

quired. So that is going to help us get the resources to the communities that need them the most, in terms of putting some protective measures in place.

We are also working on guidance for the proper destruction and disposal of PFAS, so we want to be able to not only give these communities resources to handle the products, but we want to be able to give the right guidance as well.

Senator MURKOWSKI. So are you working with the Department of Defense on that in terms of the proper destruction of PFAS?

Mr. REGAN. We are on track to update our guidance on that. And yes, we are working with the Department of Defense, we are working with HHS, we are working in an inner agency capacity to be sure that we are all focused on solving the same problem.

Senator MURKOWSKI. Okay. All right. Well, sooner is better than later, but I think you agree with that. And I appreciate that the administration is placing a priority on it.

PM2.5, we can't have a hearing on EPA's budget without talking about fine particulate matter. This is an ongoing issue of course, in primarily the Fairbanks North Star Borough. I just wanted to check in with you on the current status of the PM2.5 standards. In June of last year you announced that you were going to re-examine the previous administration's decision in 2020 to retain the existing particulate matter on national ambient air quality standards.

So can you give me an update on the Agency's review, and if you have made a decision to revise the 2020 Rule? And if so, what the timeline is for a proposed and then a final rule on that?

Mr. REGAN. Yes. We are working on. We are continuing to work closely with the Alaska Department of Environmental Conservation, and the Fairbanks North Star Borough to continue to provide technical assistance there. I think we have met, or our team has met with the mayor a number of times this year, just to talk about PM2.5, more specifically the challenges of wood stoves.

And we are continuing to coordinate and meet regularly with Nescon to better understand some of the concerns. And then we are—we have, you know, since 2016 awarded over \$31 million in grants. So we are continuing to have that conversation, to look at some of the unique aspects of the Fairbanks community, and we are just going to continue to push that ball.

Senator MURKOWSKI. Well, if there is a new proposed rule, we want to make sure that there is going to be plenty of opportunity for public review and comment on that, and just making sure that these very unique concerns related to the issues there, again primarily in Fairbanks North Star Borough are considered.

Mr. REGAN. Absolutely.

Senator MURKOWSKI. So you mentioned wood stove testing, and again, this is an issue where you have a real genuine, committed effort by those in the community to address a problem, and we have got a situation where we don't have the technology, or the standards to—that are in place to appropriately address this issue.

So what we have is a situation where people in the Fairbanks area, in a non-attainment area want to try to address their own level of emissions. They are being told that if you buy a new wood stove, then you are going to be able to make some impact there.

And yet the Agency is letting wood stoves come to market that don't meet the existing standards. And so we have got a great program through the Targeted Airshed Grant, but this wood stove change-out, we are using good Federal money, important taxpayer dollars, but because of the standards issue it is not making a difference. And that is not fair to the constituents, it is not fair to the Agency, it is really not fair to anyone. So this is something that we have got to do better on.

I had the mayor and his assistant fly out to Washington, D.C., specifically to have a meeting with folks in the Agency, and when they got here they were told: Okay fine, your meeting is on Zoom, and we will meet you—you know, come online at X o'clock.

They came to my office instead. And I said no, you have flown all away from Fairbanks, Alaska, to be here, we are going to get the individuals that you have been talking to, in. This goes to the point that Senator Capito raised about, you know, whether or not EPA folks are actually back in office. And they told me that that was the very first week that they had been called back in, and weren't quite sure what their protocols are.

I just share that with you, because it was a real live instance where you have got a serious issue with constituents, they have managed to make the effort to come back here, and their government isn't there. So their Senator has to call the Agency and demand a meeting.

They came over, it worked out fine, they got good information back and forth, I think both sides would agree it was a meeting worth taking. But I just need to know that we are going to—we are going to see some better efforts in how EPA is reviewing the current wood stove standards, and how, in the meantime, you are you are engaging the industry to fix the current flaws here. So it is it is something that shouldn't be so hard, and I am hoping that we are making better progress than we have seen.

I have gone on far longer than I have. But thank you, Mr. Chairman, for letting me raise that issue before the Administrator this morning.

Mr. REGAN. Thank you for sharing that.

Senator MERKLEY. Thank you. Senator Hyde-Smith.,

Senator HYDE-SMITH. Thank you, Mr. Chairman.

You know, I keep up with the Mississippi River on my phone, because of the unnecessary flooding that we just stay under a threat of. And a few days ago the Corps closed the Steele Bayou flood-gates, because the Mississippi River is on the rise. And that means the rivers and streams that are inside the levee system, they have no exit because we have no pumps.

So with any measurable rainfall right now, today, as we sit here in the next several hours, in the next few days, we could be looking at another flood. And I just want to invite you that if that does occur, I would love for you to come down and join me in a helicopter ride over the river, to see the significance. And that is all I have.

Thank you, Mr. Chairman.

Senator MERKLEY. Thank you very much, Senator.

I imagine, Administrator, you are familiar with the term, "Insect Armageddon"?

Mr. REGAN. Yes.

Senator MERKLEY. We have seen a massive drop in insects in this country. I am really struck by how being a kid when we drive north and south in the state; we would always be stopping to clean all the insects off our windshield, and now that is a very, very rare moment.

And we see it in things, for example, like the collapse of the monarch. And California has taken efforts to do things, such as plant significant amounts of milkweed, but one of the things, that I took a trip down to California to go to over one of the overwintering spots along the coast.

And they are noting now some of the challenges include things like, with climate change, the milkweed rhythm is changing, and sometimes the milkweed isn't out at the time that the monarchs need to start leaving the coast to the first kind of evolution of—because they go through several life—several life cycles of subsequent groups in a single year.

And also that milkweed that people might plant to help out monarchs in their home gardens and so forth, they may be contaminated with neonicotinoids, or other pesticides that will actually hurt pollinators rather than help them.

Anyway this issue of pollinators is a big deal for the broader ecosystem, and how is the EPA really tackling this problem?

Mr. REGAN. Well, thank you for that question. And you know, we recognize, as you do, that pollinators are important to the environment and the economy. And I think the Endangered Species Act is one of EPA's best tools to protect endangered pollinators when we register pesticides.

And so we have invested heavily in strengthening our work in this area. In the 2023 budget it proposes to include, for the first time ever, a targeted increase for our ESA pesticide work. So we have asked for \$4.9 million and 10 FTE to focus specifically on this issue.

We are also working to finish our review of some of the pesticides that pollinators are vulnerable to, although some of this work has slipped a little bit behind where we want to be, we are continuing to forge ahead on this very important issue. So it is a priority, and it is reflected in our budget.

Senator MERKLEY. I will give you just one example of the types of things that might be real facts on the ground changes, and that is to have a system in which we can make sure that as we replant pollinators, or the flowers, and appropriate plants for pollinators, we are making sure that that they are raised in a fashion, that is that the plants are prepared in the nurseries in a fashion that doesn't make them damaging to insects rather than helpful.

And so it is just one of the pieces to look at. And I hope that there will be a moment 10 years from now when we can say that that 98 percent collapse in the monarch has been reversed before we lose the western monarch. But it is just as—it is a beautiful symbol, but it is representative of the broader challenge of a whole classes of pollinators, including, obviously, our bee populations.

I want to turn to your broad effort to rebuild the EPA, and we have seen a proposal for a really significant expansion, and you have got a lot going on with toxic chemicals, and water supplies,

and hydrofluorocarbons, you have got a massive set of responsibilities.

So as you look at your plan to go forward, and your work—restore your workforce, you are also facing a retirement wave. And I understand that 43 percent of your workforce have enough service that they could be retirement eligible within 5 years. And so not only rebuilding the vacancies you have now, but preparing for probably a significant wave of retirements.

How will your budget proposal rebuild and modernize EPA's enforcement and compliance efforts in the context of this personnel challenge?

Mr. REGAN. You know, I think that the enforcement piece is something that I have indicated we are wanting to build up and build capacity up very quickly, because we have a lot of laws and rules on the books that just aren't being enforced, that protect our most vulnerable.

So our enforcement budget is mostly comprised of many of those employees—any of the employees that are in our regional offices. Our 2023 budget request is about \$104 million, we are asking for 122 FTE that will ensure EPA can follow through with compliance and enforce our Nation's environmental laws.

I would say that, you know, unfortunately, our enforcement budget has remained flat over time as payroll costs have increased, in addition to cost of living adjustments. And so as a result, during the past decade, we have seen about a 22 percent of our enforcement capacity, or resources drop.

We need more boots on the ground. We need to be able to follow through and do our job to protect our fellow citizens. And so this fiscal year 2023 budget has that pragmatic, and practical request in there to get us to that workforce level that we need to be at.

Senator MERKLEY. So I did specifically mention enforcement. But let me turn more broadly to your overall number of staff that you need to add. And I was glancing back, looking at the fiscal year 2023 request proposes to fund 16,200 FTE, an increase of 2,000 above fiscal year 2021 staffing level. So now let me just kind of zoom out to this broader challenge of those—how essential are those 2,000 staff members? And I think you are going—is that in addition to the thousand that you are you are hoping to hire through the Bipartisan Infrastructure Bill?

Mr. REGAN. We are looking at an addition, yes. We know that the resources that we are asking for, for the Bipartisan Infrastructure Law, those are resources that look at a five-year window. We are trying to really rebuild the core EPA workforce here.

To the point you just made about 25 percent of all EPA employees are eligible to retire with 19 percent eligible in the next 5 years. And so we can look at just really basic examples. If we want to implement the TSCA laws the way Congress has asked that we do, we need the bodies there to do that. We have about 200 less staff to focus on processing, and getting new chemicals to the market, than we did in 1988.

So we need to rebuild capacity at the core, but we also really need to rebuild capacity in strategic programs that, quite frankly, are trying to keep pace with the growing economy.

Senator MERKLEY. Yeah. Thank you, and thank you for highlighting the toxic chemicals bill, the TCSA Bill, with the Lautenberg rewrite of it, the Lautenberg amendments. And consumers in America, are just kind of really believe that we are monitoring the chemicals that go into products in a way we are not. But TCSA makes that possible as rewritten, but you need the personnel, the 200 FTE that you noted, the additional 200 FTE to make it work. I think that is incredibly important.

On that note, I will turn back to my colleague from Alaska.

Senator MURKOWSKI. Mr. Chairman, I want to thank the Administrator for being here this morning, for the engagement that you have had with each of us on issues, some very parochial, some more national in scope, and just would ask that you continue with a very direct engagement as you have committed to.

I share the Chairman's desire, and concern, and knowing what we can anticipate with regards to the guidance, and the guidelines with the congressionally directed spending. This is something where I think we know full well, certainly on the water and wastewater projects that we have in Alaska, a very, very keen interest in starting to move out on this quickly.

And in many parts of my state we have got issues where timing is pretty important, as the season is not unlimited as we work to build out these projects. I wanted to just ask a question, and based on—based on your response to the Chairman, you probably have not yet determined, but the staffing set asides from the infrastructure bill funding, curious to know whether they could be used to help offset the costs of administering the congressionally directed spending projects.

That is something that has been raised. So as you are considering that, perhaps you should just include that as part of the discussion as you are moving forward in laying down this particular guidance.

And with that, Mr. Chairman, I thank the Administrator. And thank you for having a good hearing today.

Mr. REGAN. Thank you very much.

ADDITIONAL COMMITTEE QUESTIONS

Senator MERKLEY. Thank you, Senator. And if there are no other statements, the hearing record will be open until the close of business on May 25th.

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

CALIFORNIA COAST DUMPING CLEANUP

Question. I continue to be deeply concerned about industrial waste dumped off the California coast between the 1930s and 1960s that still remains in our ocean. This toxic waste includes DDT—a chemical so harmful it was banned in 1972.

We now know that oil and gas-related chemicals are also likely to have been dumped there as well. Scientific studies point to decades of detrimental impacts to the marine life, including cancer in dolphins, sea lions and California Condors.

The survey conducted by NOAA and partners in March 2021 mapped approximately 36,000 acres at 3000 feet depth of the sea floor. This area, known as dumpsite #2, revealed around 26,000 dumped barrels of industrial waste, and over 100,000 other debris objects. We also know based on historical record, there are a total of 14 known offshore dumpsites off the California coast. This is alarming.

Both EPA and NOAA have informed my office a number of times that they have more questions than answers on this problem and a follow-up survey mission is the

best next step to understand the state of the barrels, as well as the chemicals in them and around them in the water and on the sea floor. Yet, more than a year later, neither agency has provided a funding estimate or including funding in the fiscal year 2023 budget proposal despite repeated requests by my staff, nor a plan of action for next steps. Lastly, EPA has yet to fulfill its commitment to a public website for the public to learn more and understand the scope of the issue.

Administrator Regan, I ask, once again, that EPA and its partners act with urgency and prioritize this issue. Can you describe the next steps EPA will take to help us better understand the impacts of this historic ocean dumping?

Answer. This historic toxic dumping is a major problem off the California coast. Although the United States outlawed this practice decades ago, major problems and risks from these lingering chemicals still exist. Based upon scientific studies, EPA agrees that these deep-water sites need to be further examined. EPA is collaborating with state and Federal agencies and key institutions, including the Scripps Institute of Oceanography and the University of California Santa Barbara, to identify a strategy to investigate this area and the potential risk to human health and the marine environment.

Question. Does EPA have the statutory authority it needs to monitor or conduct testing on the impacts of the DDT and other toxic waste that was dumped decades ago but remains active in our environment?

Answer. CERCLA provides discretionary authority under Sections 104(a) and 104(b) to undertake monitoring and testing of releases or threatened releases of hazardous substances, such as DDT and to respond to releases or threats of release, including releases into United States territorial waters or ocean waters with natural resources under the exclusive management authority of the United States. The US Coast Guard is delegated lead response authority for releases in the coastal zone, with EPA serving in a support capacity, subject to further agreement between the Agencies.

BAY DELTA WATERSHED

Question. I appreciate the President's budget proposal investing in geographic ecosystem restoration programs nationwide including San Francisco Bay Delta, however, I am disappointed that San Francisco Bay appears to be the only program—when compared to at least seven others—not to have received a funding increase despite demonstrated need of the region and success of the program.

The San Francisco Bay Delta watershed system is one of the largest in the nation. It covers 75,000 square miles and includes the largest estuary on the west coasts of North and South America. It also contains the only inland delta in the world. In addition, the watershed provides a primary source of drinking water for 25 million Californians, irrigation for 7000 square miles of agriculture, and includes important economic resources such as California's water supply infrastructure, ports, deepwater shipping channels, major highway and railroad corridors, and energy lines. In the Delta specifically, declining water quality and increasing demand for limited water resources are the subject of intense review and planning to protect this valuable resource for the future.

The watershed includes a diversity of fresh water, brackish water, and salt water aquatic habitats. Several endangered and threatened aquatic species are found here including delta smelt, steelhead, spring run Chinook salmon, winter run Chinook salmon, and others. Two-thirds of California's salmon pass through these waters, and at least half of the state's Pacific Flyway migratory water birds rely on the region's wetlands.

Administrator Regan, can you provide an explanation as to why San Francisco Bay did not receive an increase from fiscal year 2022 funding levels in your budget proposal for fiscal year 2023 while at least seven other programs received double or more, including similar programs such as Puget Sound and South Florida?

Answer. EPA is committed to continue working with Congress, as well as our Federal and state partners, to protect human health, support economic growth, and improve environmental conditions for Americans that live and work in the San Francisco Bay Delta.

The fiscal year 2023 President's Budget was formulated before enacted levels were fully available for the San Francisco Bay Program and, therefore, reflected a \$3 million increase when compared to the fiscal year 2022 Annualized Continuing Resolution Levels as contained in the request.

SOUTH COAST AIR QUALITY DISTRICT

Question. For over 20 years, the South Coast Air Quality District has been working to meet Federal Clean Air Act standards. Since these standards were set in

1997, California has led the nation in taking action against pollution and climate change.

While I am appreciative of the EPA's action to reinstate California's waiver so it can set its own fuel emissions standards, as well as actions to increase standards for heavy-duty trucks and regulate hydrofluorocarbons, I think we can both agree that the Federal government must do more to limit emissions, including from ocean-faring cargo ships, trains, and out-of-state trucks and airplanes—all of which affect the South Coast's air quality. Until it does so, it is unreasonable to expect that the state will meet their Federal air quality goals, and still more unreasonable to penalize air quality districts for non-attainment. Further, the withholding of highway funds in pursuit of this penalty will only make it more difficult for the district to complete projects which would help them reach their attainment goals.

What is the EPA doing to fast-track emissions standards for interstate and international travel and commerce, including ships, trains, trucks, and airplanes?

Answer. EPA recognizes the significance of the public health challenges that California faces and is acting on a range of fronts to reduce emissions from the transportation sector. That includes: a March 2022 proposal to reduce oxides of nitrogen from Heavy Duty Vehicles, for which EPA intends to finalize standards by December 2022; evaluating whether emissions from piston-engine aircraft operating on leaded fuel contribute to air pollution that endangers public health and welfare, then issuing a proposal this year for public review and comment, and taking final action in 2023; and leveraging the significant investments in the Bipartisan Infrastructure Law's Clean School Bus program to achieve air quality improvements in communities and help drive the market for electric heavy duty vehicles. In addition, EPA is engaged as an active member of the U.S. Government delegation at the International Maritime Organization working on programs to reduce air pollution from ocean-going vessels and at the International Civil Aviation Organization working on programs to reduce air pollution from aircraft. Refer to the proposed rule <https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-control-air-pollution-aircraft-engines>.

Question. What plans does the EPA have to help the South Coast Air Quality District meet their attainment goals, given large sources of federally preempted sources of pollution in the area?

Answer. EPA appreciates these air quality challenges and shares your concern about reducing pollution from sources needed to reach attainment. A coordinated, collaborative Federal- state partnership is critical to address these long-standing air pollution problems. EPA's Office of Air and Radiation (OAR) and Region 9 leadership are working closely with the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB) to address these time-sensitive issues regarding Clean Air Act obligations and sanctions. OAR and Region 9 have established a team that began meeting with SCAQMD and CARB to develop a common understanding of the area's ozone attainment challenges, potential Federal and state solutions, required timelines for achieving compliance with ozone air quality standards, and potential triggers of Federal sanctions. EPA is committed to determining how EPA, our colleague agencies, and our state and local counterparts can move forward to ensure attainment and maintenance of the ozone NAAQS.

Question. What is EPA's long-term enforcement posture to ensure air quality districts are able to meet their goals and avoid inappropriate penalties in future situations?

Answer. EPA's desire is always to help air quality planners meet the requirements and the goals of the Clean Air Act collaboratively, and we will continue to provide support to state and local compliance monitoring and enforcement programs with the goal of achieving the reductions envisioned by the regulatory framework designed to improve air quality.

RENEWABLE FUELS

Question. Currently, the EPA allows biomass cleared from areas that are "at risk from wildfire" to be classified as a renewable fuel. However, that definition relies on outdated information that may not include many locations in California that are actually areas of high wildfire risk according to the U.S. Forest Service, as I mentioned in my December 2021 letter to you. If vegetation cleared from wildfire hazard areas could be classified as renewable biomass under EPA rules, it would help reduce wildfire risk in these areas, improve forest health, and make use of cleared vegetation.

Will you update this guidance with a more recent U.S. Forest Service Wildfire Hazard Potential map to more accurately reflect California's wildfire risk?

Answer. It is clear that climate change and extreme weather are exacerbating wildlands fires across the country. As requested in your December 2021 letter, EPA has been working with the U.S. Forest Service and interested stakeholders to evaluate if such a change is permissible under the Clean Air Act. Any changes to EPA's current approach will need to go through notice and comment rulemaking to amend the existing regulations.

As the EPA processes additional pathways for biofuels under the Renewable Fuel Standard, including from canola and rapeseed oil, I urge the agency to be as aggressive as possible with other pathways. The agency's expertise is critical to evaluate new transportation fuels lifecycle greenhouse gas benefits.

Question. What is the current status for additional pathways that is EPA considering, such as biomass and biogas for electric or fuel cell vehicles or those technologies that pair direct air capture and/or carbon capture and sequestration?

Answer. EPA intends as part of an upcoming rulemaking to propose new regulations that would allow renewable electricity to participate in the RFS program, consistent with Congressional intent to expand renewable fuel use. EPA has met with multiple stakeholders over several months to gather input on the upcoming proposal, which will provide details regarding how program implementation would work.

WILDFIRES

Question. Wildfires in California have become increasingly prevalent and intense in recent years. While the science exploring the environmental impacts of these fires is ongoing, comparatively little attention has been paid to the health impacts for Californians resulting from the resulting poor air quality. Researchers in my state have attempted to quantify these impacts and found that wildfire smoke was linked to 11,500 deaths in California between 2008—2018. Another recent study estimated that the 2020 California wildfires resulted in an additional 20,000 COVID-19 cases as people were more likely to stay indoors. As smoke from California wildfires can potentially impact states as far away as New York, more funding is needed to study the impacts of these wildfires across the nation.

Administrator Regan, what is the EPA doing to fund research on the environmental and health impacts of wildfire smoke? Have you explored using the EPA STAR program to prioritize this research?

Answer. EPA works to mitigate the public health impacts of both wildfire and prescribed fire smoke events. EPA provides trusted information about air quality conditions and health impacts before, during and after fire and smoke events. EPA also conducts research and builds the tools needed to understand the impacts of fire on air quality, water quality, and health.

EPA researchers are working to increase understanding of who is most at risk for adverse health effects of smoke; what strategies and approaches are effective in communicating impacts of wildfires on air quality and health to reduce smoke exposures and protect public health; how best to measure and model wildfire emissions and related air quality; and the impacts of wildland fire on surface waters and drinking water quality. This work will help citizens and local governments to understand and minimize the impact of wildfire smoke on public health.

EPA is also working with tribes, states, and other Federal agencies to address wildfires. EPA is expanding the Wildfire Smoke Air Monitoring Response Technology (WSMART) program to increase the capacity of air agencies and air resource advisors affiliated with the Interagency Wildland Fire Air Quality Response Program to expand air quality monitoring during wildfire smoke events.

EPA Wildfires Research is expected to be funded at approximately \$3.0M in fiscal year 2022. A \$4.8 million increase to address wildfires research is being requested in fiscal year 2023 for a total investment of \$7.8M.

In 2021, as part of its Science to Achieve Results (STAR) program, EPA awarded \$9 million in grant funding for researchers to address behavioral, technical, and practical aspects of interventions and communication strategies to reduce exposures and health risks of wildland fire smoke. To improve public health, the institutions receiving these grants are conducting research to understand what actions might be effective for reducing exposures to wildland fire smoke and how best to communicate these actions to various groups.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

LAKE CHAMPLAIN

Question. I want to thank you and the administration for once again including \$20 million in funding in the President's budget to support the EPA's Geographic Program for Lake Champlain. The Lake—Vermont's "Great" Lake—is critical not only to our state's economy, but to the entire Champlain Valley. New and ongoing threats, however, from climate change, invasive species, water contamination, and more, demand continued investment in restoration and preservation.

You and I have spoken about the success of the EPA's Lake Champlain Program. It is a model for other geographic area programs across the country. What future investments do you believe are necessary to ensure that Lake Champlain remains protected, and with it, the economies that rely on the Lake?

Answer. The Infrastructure Investment and Jobs Act, or Bipartisan Infrastructure Law (BIL) invests \$40 million in Lake Champlain which will allow us to extend additional support throughout the basin to support underserved and disadvantaged communities and increase resiliency in the face of climate change through programs to conserve important lands and access to them, improve aquatic organism passage, reduce flooding, and restore the function of floodplains in the basin. This investment in Lake Champlain and other geographic programs across the country will help clean up waters and accelerate our work in special places like Lake Champlain. Support for activities to address aquatic invasive species through the Vessel Incidental Discharge Act (VIDA) will also serve to protect the important ecosystem of the Lake Champlain basin. Potentially detrimental species, such as the round goby that is currently threatening to enter the basin, could have far-reaching impacts on the fishery and water quality that the economy of the basin depends on. On top of their base appropriations, these expanded and multi-year resources will accelerate the programs' long-standing work to improve water quality, enhance ecosystem and community resilience, conduct environmental education and outreach, and more. EPA is committed to being a strong partner to support their growth and to working with Congress and key local stakeholders to ensure effective, efficient, and equitable implementation.

BURLINGTON HIGH SCHOOL CONTAMINATION

Question. When you last appeared before this Committee, I spoke with you about the high levels of PCBs found in Burlington High School shortly before the 2021–2022 school year <https://www.yahoo.com/entertainment/scheana-shay-reveals-million-dollar-130827403.html>. Leahy was set to begin, forcing the school to relocate in order to remediate these toxic chemicals—and construct a new high school, free of toxins on the site. The cost of the project is staggering.

Burlington is Vermont's largest and most diverse city, with the greatest number of disadvantaged students in the State. Congress has provided billions of dollars through the bipartisan infrastructure to support projects like this one. What support can the EPA provide, beyond technical assistance, for dire situations such as the need for environmental remediation at Burlington High School, which is attended by over 1,000 Vermont students?

Answer. EPA is committed to improving children's environmental health in schools and has provided information on and implemented programs to address PCBs. EPA continues to engage across state, tribal, and local government partners, and their stakeholders, to reduce or eliminate PCB contamination, particularly in schools and environments with children or susceptible sub-populations as well as disadvantaged and environmental justice communities, so that all Americans are safe from environmental and health hazards, including exposures to PCB-containing materials.

The fiscal year 2023 President's Budget includes an increase of \$1.7 million to provide some additional capacity for the Agency to help assess the risk of PCB exposure at local schools and buildings. EPA support for capacity building and improved ventilation in schools serving communities with environmental justice concerns are options for funding under the American Rescue Plan (ARP) Act. In fiscal year 2021, EPA launched the Healthy Learning Environments in Low- Income and/or Minority Communities grants program to address children's environmental health in schools and childcare settings using ARP funds. EPA would welcome the opportunity to work with you on ways to address environmental and health hazards in schools. Our staff from Region 1 have been supporting Burlington and will continue to do so.

LAKE CHAMPLAIN BASIN PROGRAM

Question. The Lake Champlain Basin Program was created by the Lake Champlain Special Designation Act of 1990. It brings together partners in Vermont, New York, and Quebec to coordinate and fund solutions to the challenges faced by the Lake Champlain Basin. For over 30 years, the program has addressed phosphorus pollution, toxic substances, biodiversity, and aquatic invasive species. Today, these interconnected issues are exacerbated by the effects of the climate crisis. Considering the growth of the Lake Champlain Basin Program since its establishment in 1990, its reauthorization in 2002, in addition to the increasing complexity of challenges in the Lake Champlain watershed, would you agree that it is timely to consider reauthorizing the program expeditiously?

Answer. Thank you for your leadership on efforts to protect and restore this resource of national significance. EPA is one of several agencies that jointly administer the Lake Champlain Basin Program. Lake Champlain is a precious resource, and as such EPA stands ready to provide technical assistance to Congress on any effort to reauthorize the program to account for changes in the 20 years since the last reauthorization. EPA Region 1 and OGC have provided technical support to Chairman Leahy's staff on the proposed reauthorization and are available and willing to respond to any additional requests for assistance.

Question. I am currently working on legislation to again reauthorize the Lake Champlain Basin Program. What resources, both fiscal and technical, is the EPA prepared to bring to the table to ensure the future protection and preservation of Lake Champlain?

Answer. The Bipartisan Infrastructure Law (BIL) provides \$40 million to address climate change mitigation and adaptation, phosphorus loadings, invasive species, and toxic substances that threaten Lake Champlain's water quality and ecosystem health. EPA has historically provided technical support to the Lake Champlain Steering Committee and its partners through requests for assistance, funding of the New England Water Pollution Control Commission (NEIWPCC), the Lake Champlain Basin Program (LCBP), and the states of New York and Vermont, and provides technical insight and guidance as members of various LCBP subcommittees, the Executive Committee, the Steering Committee, and the Lake Champlain Federal partnership. As the program has grown, EPA is committed to increasing its support of the program through the addition of technical and support staff in EPA Regions 1 and 2. EPA also coordinates on aquatic invasive species with the Great Lakes National Program Office through the Vessel Incidental Discharge Act (VIDA) and provides technical support as necessary. EPA is committed to continuing to support the Lake Champlain program and would welcome the opportunity to work with you on future protection and preservation.

 QUESTIONS SUBMITTED BY SENATOR CHRIS VAN HOLLEN

CHESAPEAKE BAY

Question. One of the most important roles for the EPA Administrator and EPA in the restoration of the Chesapeake Bay is to demonstrate leadership and a commitment to a restored Bay. We are only a short 3 years away from our 2025 commitments under the Chesapeake Bay Agreement to meet our mutual goal of clean water. The Chesapeake Bay agreement identifies the pollution reductions necessary to meet water quality standards in the Bay and EPA's role in achieving those reductions. Given that 86 percent of the remaining pollutant load reductions must come from agriculture, it is imperative that the EPA work with USDA to ensure sufficient financial and technical assistance are provided to Bay region farmers so that we can get the job done.

Ensuring that we are on the right pathway to meet our rapidly approaching 2025 clean-up deadline is critical; I appreciate that the EPA has used a "most effective basins" approach to get the most bang for the buck in critical areas of the watershed. How does the EPA plan to continue that approach, and how can EPA work with USDA to direct agricultural conservation funds to where they will be most helpful in the Bay in order to get the maximum load reduction possible?

Answer. Nutrient pollution is a serious challenge affecting water quality across the country. Making progress on reducing excess nutrients and improving water quality will require all the tools available, including regulatory, non-regulatory and market-based programs to promote collaboration among urban and agricultural sectors. EPA uses a host of tools to support our partners, including states, tribes, and farmers, to reduce excess nutrients in watersheds using regulatory, non-regulatory,

market-based, and other collaborative approaches. EPA is committed to working with USDA among others.

EPA will continue to focus funding in the “most effective basins” (MEB) of the watershed to reach the goals of a restored Bay. At the same time, EPA will work with our partner agencies to accelerate the implementation of the most cost-effective best management practices in reducing nutrient and sediment pollution within the “most effective basins.” This year over \$22 million is being targeted through MEB funding, \$15 million of which comes from additional funding provided through the Bipartisan Infrastructure Law.

EPA, USGS, and the University of Maryland developed the “Priority Agricultural Watersheds” mapping tool to inform where to target Federal funding to agricultural conservation practices to reduce the greatest nitrogen and phosphorus loads to the tidal Chesapeake Bay. Since 2010, this regional screening tool has been used by EPA and USDA in their funding ranking criteria to target EPA Chesapeake Bay grants and USDA Farm Bill program funding for the greatest agricultural load reductions to the tidal Chesapeake Bay. In July 2021, EPA and USGS updated and enhanced this mapping tool with the most recent USGS SPARROW model and State agriculture-impaired streams data. More recently, EPA has updated its Most Effective Basins map, which will provide complementary information for the Priority Agricultural Watersheds. EPA and USDA’s Natural Resources Conservation Service continue to coordinate Federal funding to support implementation of priority agricultural practices in priority watersheds to achieve the greatest nutrient reductions to the Chesapeake Bay. Additionally, EPA, NRCS, and USGS developed recommendations to enhance monitoring to document water-quality improvements to conservation practices. In 2021, EPA, NRCS, and USGS published reports summarizing their coordination efforts and recommendations:

- Report NRCS EPA Ag Conservation Funding Team (https://www.chesapeakebay.net/channel_files/41834/report_nrsc_epa_ag_conservation_fundingteam.pdf) and
- Report NRCS EPA USGS Federal WQ Monitoring Team (https://www.chesapeakebay.net/channel_files/41834/report_nrsc_epa_usgs_federal_wq_monitoring_team_122220.pdf).

An example of how EPA and NRCS are working together to make it easier for Chesapeake Bay agricultural partners to access Federal funding for their conservation work is the Decision Memo they signed on June 21, 2021. This memo allows agricultural partners to use Chesapeake Bay grants as “match” (partner contribution) for the NRCS Regional Conservation Partnership Program (RCPP) projects. RCPP projects can be as high as \$10 million and require an equal amount of match from applicants. Allowing applicants to use EPA’s Chesapeake Bay grants as match has been a game-changer for applicants and made them more competitive for these national funds.

Question. The Bipartisan Infrastructure Law provided \$238 million for the Chesapeake Bay Program through 2026 on top of annual appropriations, this will supercharge our efforts to clean up the Bay. Earlier this month, EPA announced the allocation of \$40 million in first-year funds with \$25 million administered through the NFWF Chesapeake Stewardship Fund, and \$15 million for distributed to the watershed states and D.C. for Most Effective Basins. Is it the Agency intent allocate funding at the same ratio in fiscal year 23?

Answer. EPA is grateful to Congress for including the Chesapeake Bay Program in the Bipartisan Infrastructure Law (BIL). The Agency is committed to timely investment of all infrastructure funds, knowing this will allow the program to accelerate actions to restore and protect the Chesapeake Bay and its watershed. The Chesapeake Bay Program will continue to support the Most Effective Basins grants to jurisdictions and is gathering input this summer to ensure future allocations are aligned with the highest priority needs. The Bay Program will continue supporting the competitively awarded Small Watershed Grants (SWG) and Innovative Nutrient and Sediment Reduction Grants (INSR) which are up for competition again this year. A request for proposals is planned for later in 2022.

CLEAN AIR

Question. For decades, the State of Maryland has worked diligently to address pollution to meet air quality standards and to protect the health of our constituents. In Baltimore, the rate of asthma-related hospitalizations is among the highest in the country—three times higher than the U.S. average. These pollutants lead to increased pulmonary and cardiovascular-related illnesses and disproportionately impact communities of color. Ensuring these communities receive the resources they

need is critical and I thank you for the work the EPA has done to expand the efforts of air pollution control agencies to reduce greenhouse gases, yet more is needed to be done. On August 11, 2021, the Center for Biological Diversity filed suit against EPA Administrator Michael Regan in the District Court for the Northern District of California Oakland Division. Plaintiffs allege that EPA has failed to undertake certain non-discretionary duties under the Clean Air Act in Detroit, Anne Arundel County, and Baltimore County and fails to meet National Ambient Air Quality Standards for sulfur dioxide levels.

What efforts has the EPA made to address these urgent issues and support states like Maryland in meeting our clean air standards? How will EPA support the Office of Air and Radiation ability to regulate and reduce pollution from the power generation and transportation sectors?

Answer. Under the Clean Air Act's "good neighbor" provision, EPA provides a backstop to state actions by promulgating Federal Implementation Plans (FIPs) when a state fails to submit, or EPA disapproves, a good neighbor SIP. EPA has promulgated several national-scale rulemakings to fulfill its FIP obligations to address interstate pollution for ozone and fine particulate matter NAAQS, including the Clean Air Interstate Rule (CAIR); the Cross-State Air Pollution Rule (CSAPR); the CSAPR Update; and most recently, the Revised CSAPR Update. Emissions reductions from electric generating units (EGUs) were achieved through these rules via regional allowance trading programs. Before these actions, EPA had regulated certain non- power plant sources (along with power plants) in the 1998 "NO_x SIP Call." EPA's recently proposed transport rule builds upon these prior rulemakings and extends the proposed emissions reductions to industrial sources beyond the power sector and to several states not included in prior national-scale actions.

Regarding areas failing to meet the National Ambient Air Quality Standards for sulfur dioxide (SO₂), EPA, on January 28, 2022, issued a finding that the Detroit, MI, nonattainment area failed to attain the SO₂ standard by the attainment date. EPA is working to finalize a Federal implementation plan for this area by the consent decree deadline of September 30, 2022. Regarding the Anne Arundel/Baltimore County nonattainment area, EPA has a consent decree deadline of October 31, 2022, to take final action on the state's SO₂ attainment plan for this area and is working with the state to meet this deadline.

EPA is also moving expeditiously to reconsider the 2020 decisions to retain both the ozone and the particulate matter (PM) National Ambient Air Quality Standards (NAAQS). This approach adheres to rigorous standards of scientific integrity and provides ample opportunities for public input and engagement. These reconsideration decisions reflect EPA's commitment to a rigorous NAAQS review process, with a focus on protecting scientific integrity. An important part of that is to ensure the Clean Air Scientific Advisory Committee (CASAC) is fully equipped to provide me the advice needed to make the best decision possible. EPA moved to reinstate pollutant specific CASAC panels to assist the CASAC in ongoing reviews, including in these two reconsiderations.

Power plants remain the largest stationary sources of harmful pollutants like nitrogen oxide and sulfur dioxide and are the nation's second largest source of greenhouse gas pollution. EPA is committed to using the full scope of its authorities, including its Clean Air Act authority, to regulate greenhouse gas emissions from power plants, to protect communities, and to reduce the pollution that is driving climate change. In March, EPA outlined its approach to working with the power sector to continue to deliver affordable, reliable power while reducing pollution to protect public health. EPA is working to develop a set of clean air, clean water, and waste disposal standards. The approach includes engaging industry and working in a transparent manner, protecting public health and overburdened communities, and pursuing an integrated approach that provides a framework for investment decisions.

EPA is moving forward on critical actions to address pollution from the power sector. Building on a robust foundation of public engagement, we plan to finalize the Mercury and Air Toxics Standards Appropriate and Necessary Finding this year and propose a review of the MATS Risk and Technology Review in early 2023. We will continue to conduct outreach in 2022 on greenhouse gas rules for new and existing power plants and propose Clean Air Act section 111 rules in early 2023. These steps are an important part of the Administration's commitment to advance standards to ensure that all Americans are protected from the power plant pollution that harms public health and our economy. They also demonstrate our commitment to achieving a cleaner power sector, and to doing so in a way that provides regulatory certainty and a long-term planning horizon for companies, state regulators and investors; that maintains reliable and affordable electricity for families and businesses; and that creates jobs and economic opportunities. It is critical to the success of these efforts

that EPA receive the fiscal year 2023 President's Budget request. For example, the President's Budget requests an increase to support the regulation of stationary sources of air pollution through developing and implementing emissions standards, regulations, and guidelines. The fiscal year 2023 President's Budget also includes a request for additional resources for NAAQS review work and related implementation activities, such as development of guidance, review of SIPs and permits, and air monitoring and analyses.

PFAS

Question. PFAS contamination in our nation's waterways pose enormous health risks to communities across the country, and many private drinking water wells currently don't have any standards. How does EPA plan to ensure that communities on private wells aren't being harmed by PFAS? Will there be support for well remediation?

Answer. In October 2021, EPA Administrator Michael Regan released the PFAS Strategic Roadmap—EPA's whole-of-agency approach to tackling PFAS. The Roadmap sets timelines by which EPA plans to take specific actions and commits to bolder new policies to safeguard public health, protect the environment, and hold polluters accountable. The actions described in the PFAS Roadmap each represent important and meaningful steps to safeguard communities from PFAS contamination. Cumulatively, these actions will build upon one another and lead to more enduring and protective solutions.

EPA recognizes that PFAS contamination has impacted communities across the country, including communities and households that rely on home drinking water wells. The Agency is taking action to use the best-available science to tackle PFAS pollution, protect public health, and provide critical information quickly and transparently, while also providing infrastructure funding to help communities—especially disadvantaged communities—deliver safe water. In addition to direct actions to protect drinking water under the Safe Drinking Water Act (SDWA), EPA is bringing deeper focus to preventing PFAS from entering the environment in the first place (through actions under the Toxic Substances Control Act and the Clean Water Act) and to broadening and accelerate the cleanup of PFAS contamination to protect human health and ecological systems.

The SDWA's regulatory and financing programs are generally designed to assist public water systems, which the law defines as a water system that has at least 15 service connections or that regularly serves at least 25 individuals. The SDWA does provide authority to use funds from key financing programs (including the SRFs and the new BIL Emerging Contaminants grant program) to connect households on private wells to public water systems. Funds from these programs may be used to connect households currently on private wells to create a new public water system as defined in the SDWA, and to install appropriate treatment solutions to reduce PFAS in the new public water system. The SDWA authorities for the SRFs and for the new BIL Emerging Contaminant Program do not allow for states to fund projects for private well remediation.

EPA includes information about steps that people who get their water from a home drinking water well can take to reduce exposure to PFAS in drinking water on the agency's website at Meaningful and Achievable Steps You Can Take to Reduce Your Risk (<https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk>). EPA also maintains a website at Private Drinking Water Wells (<https://www.epa.gov/privatewells>) that educates well owners more broadly on topics such as the importance of testing home drinking water wells and shares information on protecting health, including links to other Federal and non-profit websites that host additional educational materials and resources to help these well owners. EPA highlighted these resources for the public when releasing health advisories for four PFAS on June 15, 2022.

EPA's Office of Water has committed to setting enforceable limits in drinking water for PFOA and PFOS, with a proposed rule coming this fall and a final rule by the end of 2023. It has also committed to setting binding discharge standards (effluent guidelines) for different categories of industry that discharge PFAS. EPA issued a final PFBS assessment in April 2021, after addressing scientific integrity concerns with a version of the assessment released on January 19, 2021. EPA finalized a similar assessment for GenX in 2021 and is also moving ahead to assess the toxicity of additional PFAS. Finally, EPA is taking action to improve Clean Water Act permitting and to deepen our understanding of PFAS in fish tissue and working closely with USDA, the risks of PFAS in biosolids.

QUESTIONS SUBMITTED BY SENATOR SHELLEY MOORE CAPITO

STAKEHOLDER MEETINGS

Question. What is your procedure for handling stakeholder meeting requests when you are unable to take the meeting? Are the meetings that you cannot attend delegated to be handled by other US Environmental Protection Agency (EPA) staff?

Answer. Engagement and transparency are important values to me. That said, when scheduling conflicts or other limits prevent my ability to accept meeting requests, EPA usually offers a surrogate who has relevant expertise.

FULL-TIME EQUIVALENTS STAFFING

Question. How many full-time equivalents (FTEs) are currently employed by EPA? What is the average number of EPA FTEs that reported for work in person in the EPA headquarters buildings daily from April 1, 2022 to May 31, 2022? What is the average number of EPA FTEs that reported for work in person in each EPA regional office daily from April 1, 2022 to May 31, 2022? Please break down by regional office. What is the average number of EPA FTEs that reported for work in person at any other EPA facility daily from April 1, 2022 to May 31, 2022? Please break down by facility.

Answer. As of June 1, 2022, EPA has 14,450 onboard employees. EPA currently projects utilizing 14,313.8 full time equivalents (FTE) through the end of fiscal year 2022 across annual appropriations, user fee, and supplemental appropriation accounts, including the Bipartisan Infrastructure Law.

EPA recently expanded existing workplace flexibilities, such as telework and flexible schedules, so the EPA workforce will operate in a hybrid manner. EPA also provides an option for full-time remote work only if all duties are portable. These flexibilities are implemented according to policy and adherence to established eligibility criteria and provide for better work-life balance and prioritize the well-being of our workforce.

EPA completed its phased re-entry to the workplace in late April, with all personnel who report to an EPA location returning per their work schedule. EPA anticipates that a hybrid workforce may lead to reduced facility lease and utility costs in outyears as EPA works to right-size our footprint. The fiscal year 2023 President's Budget request resources to support this rightsizing and enable EPA to expand the use of collaboration technology to support a hybrid work environment.

SUBCOMMITTEE RECESS

Senator MERKLEY. Thank you very much, Administrator Regan, I think about the huge set of issues that you are responsible for I know you are diligently trying to make a difference through your leadership, and your rebuilding of the Agency. We support you in that. This matters a great deal for all of us. So thank you.

No further comments. This hearing is adjourned.

[Whereupon, at 11:45 a.m., Wednesday, May 18, the hearing was adjourned, and the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]